

HOBBS AND THE STATE OF NATURE: WHERE ARE THE WOMEN?

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“... and the life of man, solitary, poor, nasty, brutish, and short.”
(Leviathan, Chapter 13)

Hobbes' characterization of life in the state of nature is remarkably vivid. Yet, for all of its vividness, the description that Hobbes provides is ambiguous. Hobbes uses the term 'men' when referring to the participants in the state of nature, a term that we are often urged to read in a “universal” sense as encompassing both men and women. But how does Hobbes intend the term? Should we take the participants in the state of nature to be both men and women, or does Hobbes intend his remarks about competition and self-interest to apply only to males? I shall argue that how we are to answer this question depends in great part on whether individuals or families are taken to be contracting into civil society. Hobbes the “rugged individualist” sometimes turns before our very eyes into Hobbes the “family man”: when he stresses the individual, Hobbes offers an account of the state of nature which is remarkable for its gender neutrality, but when he stresses the family, Hobbes tends to see males rather than females as the active participants in the construction of civil society.

Given the historical context in which he was writing, it would not be surprising if Hobbes were to take males, rather than all of humankind, to be the subject of his treatise.¹ Consider Hobbes' comments in Chapter 13 of Leviathan on the effects of competition among the participants in the state of nature: “The first use violence, to make themselves masters of other men's persons, wives, children, and cattle.”(99) Here the competition is pitched as between males for possession of various goods—with women being regarded as among the contested goods. Women are placed with children outside the sphere of the autonomous self-interested parties who will—by force of reason—opt out of the state of nature and into civil society.

Since Hobbes does liken women to children, we might try to articulate “women's place” in the state of nature on analogy with “children's place” in the state of nature. Hobbes mentions

children when discussing sovereign power: "The attaining to this sovereign power, is by two ways. One, 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."(133) For Hobbes, children hold allegiance to the father out of fear. I believe it would be fair to say that, for Hobbes, there is a one-way tacit contract between children and father because of the child's dependency on the father's protection for survival. The child can be said to consent to the father's rule because it is so obviously in the child's best interest to do so.

The father, then, speaks for—or represents—the children to whom he acts as natural sovereign when entering civil society. The child's silence is precisely taken as consent. If we are to regard women as analogous to children in the Hobbesian scheme of things, then we would have Hobbes emphasizing women's dependency on men in the state of nature. In a heterosexual pairing the man would serve as sovereign to the woman, and the woman would be said to give over her "voice" to the man, so that he would represent her, as well as her children, when contracting into civil society. As with the child, the woman's silence would signify consent.

There are some chilling consequences of this portrait of women's place. If women have in effect already contracted away their voice, then their consent is irrelevant to the formation of civil society. A woman's enforced submission to her mate silences her—and not just with respect to the entrance into civil society. The woman's dependency on her mate will place her under his will in all matters that he so chooses; obviously this can include sexual access to his wife. A woman has ceded her ability to say "no", though—and this is crucial—she has consented to do so.²

Did Hobbes hold the view now being played out? We do know that Locke believed only men to have a voice in the state of nature; Locke explicitly cites men as the representatives of families of which they were a part. But Lockean men and women are not quite the isolated, competitive individuals posited by Hobbes: Locke envisions a much more peaceable state of nature than does Hobbes, a state of nature in which women and men are bound together by affectional and biological ties. Carole Pateman and Teresa Brennan argue that Hobbes' depiction of the state of nature as a realm of constant competition and strife

does not provide a context in which the family as a social unit can survive. Otherwise put, Hobbes' extreme individualism would have him de-emphasize "natural" affectional ties and thereby de-emphasize the family as the basic unit of analysis.

According to Pateman and Brennan, if Hobbes were to be consistent in his arguments and especially his emphasis on individualism, he would simply include women as equal participants in the state of nature. Women, every bit as much as men, should be seen as self-interested and as capable of instrumental rationality. And women, like men, can contribute to the mayhem Hobbes foresees in the state of nature; even though many men might be stronger than her, a woman could find ways to threaten the lives of others in an effort to preserve her own interests. Recall the remarks with which Hobbes begins Chapter 13, when he says, "the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to the strength of 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 with himself."(98) In Chapter 20 Hobbes applies similar reasoning when discussing the difference between man and woman: "For there is not always that difference of strength, or prudence between the man and the woman, as that the right can be determined without war...."(152)

Given the reading of Hobbes advocated by Pateman and Brennan, women, like men, will choose into civil society—alienating all but the right to life to the sovereign—as the only genuine way to create a social context in which individuals can pursue their private goals. Following this line to its logical conclusion, Hobbes should also argue that his concept of the sovereign not be viewed as gender-specific: women as well as men could play the role of the sovereign. (Of course, even though a woman could in principle be chosen as sovereign this would not in fact occur if the individuals contracting into civil society did not believe that a woman would be able to wield the requisite power or inspire sufficient fear in the populace.)³

Though Hobbes nowhere explicitly notes that a woman could serve as sovereign within civil society, he does acknowledge that women can have sovereignty over children both in the state of nature and in civil society as well:

Dominion is acquired two ways; by generation, and by conquest. The right of dominion by generation, is that, which the parent hath over his children.... If there be no contract, the dominion is in the mother. For in the condition of mere nature, where there are no matrimonial laws, it cannot be known who is the father, unless it be declared by the mother; and therefore the right of dominion over the child dependeth on her will, and is consequently hers. Again, 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. . . . (152-153)

Here Hobbes points to the natural dependence of the child on the mother for its survival; thus, there is a one-way tacit contract between child and mother given which the child consents to the mother's rule precisely because it is in the child's best interest to do so. (As Pateman puts it, "overwhelming power is sufficient argument, so that in the state of nature the infant's 'consent' to its mother's rule can be assumed."(151)) Hobbes is clear that the contract holds only if the mother undertakes to care for the child; if the mother does not care for the child (if, for example, she goes so far as to "expose it"), the dominion will be enjoyed by whoever does provide basic care for the child. The contract that binds parent and child is not strictly along biological lines: giving birth to a child does not guarantee dominion over the child.

But shouldn't we expect, then, that it would be the mother who would speak for the child when entering civil society? Oddly, Hobbes insists in passage after passage that it is typically fathers who contract into civil society and typically fathers who have dominion over children even within the state of nature. When explaining why in civil society guardianship most often belongs to the father, Hobbes writes:

In commonwealths, this controversy is decided by the civil law; and for the most part, but not always, the sentence is in favor of the father; because for the most part commonwealths have been erected by the fathers, not by the mothers of families.(152)

And in Chapter 30, when discussing the duties of children to their parents, Hobbes says:

To which end they [children] are taught, that originally the father of every man was also his sovereign lord, with power over him of life and death; and that the fathers of families, when by instituting a commonwealth they resigned that absolute power, yet it was never intended, they should lose the honour due them. . . . (251)

What is it that carries Hobbes from the idea that women will often be "natural sovereigns" over children in the state of nature to the almost exclusive paternal dominion he envisions at the moment when families enter civil society?

A closer look at Hobbes' account of the family suggests an answer to this question. Hobbes maintains that, although both the biological mother and the biological father have a prima facie claim to dominion over the child in the state of nature, both cannot be natural sovereigns. If both were to have dominion over the child, then the child would be "equally subject to both...which is impossible"(152); that is, within the heterosexual pairing there can be one and only one sovereign (over the children). (Presumably Hobbes sees the child under the sovereignty of both of its parents as in a position analogous to an individual who would contract into two separate civil societies and hence who would be under the dominion of two distinct sovereigns.)

And why does Hobbes think that the single sovereign within the family—the head of the household, as it were—will in most cases be the male?⁴ According to Hobbes, if one parent has dominion over another, then the dominant parent will have dominion over the children as well. ("If the mother be the father's subject, the child is in the father's power; and if the father be the mother's subject...the child is subject to the mother."(153)) Here one can speculate that even though, for Hobbes, males don't always physically overpower the females with whom they are associated, they very often will do so, gaining sovereignty of a natural sort over the females as well as over the children within the family and so coming to speak for both. Consider how Hobbesian the following passage sounds:

By anatomical fiat—the inescapable construction of their genital organs—the human male was a natural predator and the human female served as his natural prey... But among those creatures who were her predators, some might serve as her chosen protectors. Perhaps it was thus that the risky bargain was struck. Female fear of an open season of rape, and not a natural inclination toward monogamy, motherhood or love, was probably the single causative factor in the original subjugation of woman by man, the most important key to her historic dependence, her domestication by protective mating.

The author is not Hobbes but the contemporary feminist Susan Brownmiller. That Hobbes would endorse the specific features of Brownmiller's account is, at best, conjectural. But his frequent reference to the dominion of male over female partners in the state of nature—exemplified by the reference to wives as the possessions of their husbands cited earlier—makes clear his assumption that in general women depend for the preservation of their lives and well-being on their male partners.⁵

Hobbes' commitment to individualism, then, does not run as deep as Pateman and Brennan would have us believe. It does lead him to avoid speaking of women as a class and to acknowledge that some women—namely those who are not under the natural dominion of their male partners—will be in a position to speak for themselves when entering civil society. But the commitment to individualism gives way to his understanding of the family as a functioning unit that precedes the construction of civil society and his apparent belief in the systematic (albeit not universal) domination of women by men within the family.⁶ Hobbes' view of the state of nature is indeed bleak, but no feature of it is more bleak than the depiction of women and children as household dependents, voiceless hostages to fear and coercion.⁷

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NOTES

¹See on this point Di Stefano, p. 635, n. 10.

²This is a view that has echoes within our own legal system: in many states there are no laws proscribing marital rape. For a discussion of the way in which "consent theory" traditionally has conflated submission with consent, particularly

in the case of women's relationship to men, see Carole Pateman.

It is important to note that just as the father's absolute power over his children in the state of nature can be circumscribed by the sovereign in civil society so too could the power of the husband over the wife. ("... the fathers of families, when by instituting a commonwealth... resigned that absolute power (over their children" (Ch. 30, 251); "It is true, that in a commonwealth once instituted, or acquired, promises proceeding from fear of death or violence, are no covenants, nor obliging, when the thing promised is contrary to the laws; but the reason is not, because it was made upon fear, but because he that promiseth, hath no right to the thing promised." (Ch. 20, 151, my emphasis))

³See on this point Pateman, p. 165, n. 8, and Di Stefano, p. 635, n. 8.

⁴One way of expressing Hobbes' view is to say that heads of households contract into civil society; though conceptually gender-neutral, in fact the position of head of household will, for Hobbes, most often be held by the father.

See Susan Moller Okin for a discussion of a similar theme in Rawlsian contract theory.

⁵See also Chapter 17, p. 129, and Chapter 30, p. 252, for descriptions of the family which clearly assume the wife to be under the dominion of, and a possession of, the husband.

⁶For further discussion of the extent to which Hobbes sees the family as existing prior to civil society, see Elshtain.

⁷It is worth emphasizing that not all females will be voiceless at the time of entry into civil society. Those who have not submitted to the sovereignty of a male partner (or those, who by extraordinary strength or guile, hold dominion over the male) will speak for themselves. Moreover, not all males will speak for themselves when constructing the commonwealth: not only male children but servants who have submitted to the conqueror or master will be represented by the master upon entrance to civil society.

"The master of the servant, is master also of all he hath:

and may exact the use thereof; that is to say, of his goods, of his labour, of his servants, and of his children, as often as he shall think fit. For he holdeth his life of his master, by the covenant of obedience; that is, of owning, and authorizing whatsoever the master shall do. And in case the master, if he refuse, kill him, or cast him into bonds, or otherwise punish him for his disobedience, he is himself the author of the same; and cannot accuse him of injury." (Ch. 20, 154).