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International Human Rights Protections Find Support in Hobbes' *Leviathan*

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Abstract: In her paper “Sovereignty and the International Protection of Human rights”, Cristina Lafont argues that “The obligation of respecting human rights in the sense of not contributing to their violation seems to be a universal obligation and thus one that binds states just as much as non-state actors.” In this paper, I argue that one can find support for this claim in Thomas Hobbes’ *Leviathan*. This requires a different reading of *Leviathan* than the one that is typically performed by realist thinkers, such as, for instance, Morgenthau and Mearsheimer, who read Hobbes as someone who has no regard for human rights. Contrary to the realists, I suggest a reading of *Leviathan* that shows that there is in fact a normative underpinning of Hobbes’ view of sovereignty, to the extent that Hobbes can be taken to be one of the forerunners of international law. I do this by showing how Hobbes’ reasons for establishing sovereign power, and not his conclusions on how to organize sovereign power, may give support to Lafont’s claim that an obligation to respect human rights is not confined to the sovereign state, but also to extra-state institutions.

Keywords: Hobbes; natural law; international theory; international law; human rights; sovereignty; responsibility; global economic order; Lafont



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1. Introduction

The sovereignty of the state is typically said to consist of two dimensions. The internal dimension means that the state has supreme authority over its own territory and its own population, and the external dimension means that the state is independent from outside authorities [1]. Henceforth, I will refer to this view of the sovereign state as the traditional view of sovereignty.

Although there are international human rights charters, it is the sovereign state that is the bearer of its citizens’ human rights. The extent to which states fulfill their citizens’ human rights has typically been understood as a part of the internal dimension of the sovereign state. It is the state that has the legal obligation to respect human rights of its citizens, and omissions to do so is the responsibility of the state. Lafont argues that the traditional view of sovereignty is limited regarding the protection of human rights. This is because “the current international order no longer fits the Westphalian conditions that these norms [traditional sovereignty] presupposes” [2] (p. 432). She suggests to expand the Responsibility-to-Protect (R2P) doctrine, endorsed by the UN General Assembly in 2005 [3] beyond humanitarian interventions and gross violations of human rights [2] (p. 427). Conceptualizing sovereignty as sovereignty-as-responsibility is important, she argues, because it highlights that an obligation to respect human rights is not confined to the state, but also to extra-state institutions. This is important because it establishes a better and more efficient protection of human rights than what is possible if we insist on a traditional view of sovereignty [2].

The fact that we no longer live in a Westphalian order where every state is autonomous is one important reason for why we need to reconceptualize sovereignty. Our reality is that of an economic global order. This has consequences for how states interact, and the kind of agency they have. States are no longer autonomous the way they used to be,

but they must relate to extra-state institutions, and other actors on the global scene, in a much more complex way than before. This makes it necessary to think of sovereignty as sovereignty-as-responsibility, as suggested by Lafont.

Thomas Hobbes, in *Leviathan*, argues that the sovereign must have unconditional and unlimited power [4]. Based on this, one gets the impression that Hobbes' view of sovereignty would support the traditional view of sovereignty. This, however, is only at face value. Hobbes' political theory should not exclusively be understood based on his conclusions on how to organize sovereign power; rather, it should be understood also with a view to the reasoning for why we need sovereign power in a civil society in the first place. When we do this, we see that there are elements in his political theory, as presented in *Leviathan*, that point toward conceptualizing sovereignty the way Lafont suggests.

For Hobbes, however, there is no place for human rights the way we have come to know them today, neither domestically nor internationally. However, as suggested by Charles Covell, Hobbes should be taken as one of the forerunners for international law, including international human rights law [5]. This is underdeveloped in Hobbes' theory, but, if my argument is plausible, there is no doubt that there are normative elements in Hobbes' political theory that point toward the possibility of international law.

Bridging Hobbes' scholarship with theories of international relations and political science is in and of itself important. In political science Hobbes is often portrayed as a realist and this is based, among other things, on the (misguided) view that the state of nature among states is characterized as the same as the state of nature among individuals, namely as a war of all against all. Although there are elements of realism in *Leviathan*, the richness of Hobbes' political theory makes it implausible to categorize him as a realist. Understanding the role of the first law of nature, *to seek peace and follow it* [4] (p. 92), is pivotal for understanding the richness of Hobbes' theory, and why it is plausible to argue that there are normative elements in his theory, in particular regarding international relations. Interestingly, this also squares well with Lafont's argument about sovereignty-as-responsibility. What I call the normative grounding of Hobbes' sovereignty serves well as the normative grounding for why we should reconceptualize the notion of sovereignty.

The aim of this paper is ambitious. It seeks to accomplish at least three things. First, to suggest an interpretation of *Leviathan* that focuses on the reasons for why we need sovereign power and not the conclusions on how to organize sovereign power. This serves as the background for the second point, namely that Hobbes should not be categorized as a realist thinker. Third, based on the first and second aims, by taking a cue from both Hobbes and Lafont, the paper aims to show that respect for human rights should be treated as an obligation also for extra-state institutions. An obligation to respect human rights should not be treated as something that is limited, or confined, by an outdated view of the sovereign state. Inherent in both Hobbes and Lafont's arguments is the view that the ways in which we organize sovereign power must be in accordance with the reasons for why we need sovereign power.

The paper is not a contribution to Hobbes' scholarship per se. I base my argument on suggestions on how to interpret *Leviathan*, but I do not go into a detailed discussion of these arguments and their critiques. Such a discussion would not fundamentally alter my claim that Hobbes' political theory, presented in *Leviathan*, is too rich and complicated to be categorized as belonging to the realist tradition. Perhaps the claim that Hobbes should be read as a forerunner for international law needs more justification; it is, nevertheless, a claim that warrants attention as it enriches the current debates on how to organize our global society so as to minimize the risk for human rights violations.

In Section 2, I give a brief overview of realism, as it is portrayed by theorists of international relations. Realism is a long and rich tradition, and I will not go into detail about its different manifestations and the internal discussions within the tradition. There are, however, some elements of realism that most realists would agree to, and this is what interests me here. Although Hobbes is often thought to be in agreement with these elements, I hope to show that this is not the case.

Section 3 is devoted to Hobbes' *Leviathan*, and it has two main parts. First, I argue that an interpretation of the state of nature and the transition into the civil state should be informed not only by what Hobbes says about the passions, but also by the role of factors that nurtures the passions, and the fact that Hobbes was writing *Leviathan* for people interested in politics. One problem that has been discussed thoroughly by modern interpreters is whether it is possible for natural man to leave the state of nature and establish the civil state. Hobbes was not so interested in this problem. According to Arash Abizadeh, Hobbes is more interested in figuring out how to organize politics so that the commonwealth is stable and does not collapse [6]. In his view, Hobbes' view of the psychological makeup of humans is important, but it is a mistake to reduce the human mind to a simple scheme where the passions are the only important things: Culture and ideology also play a role. Ursula Renz suggests that *Leviathan* does not challenge Hobbes' overall philosophical system, but because it is written with a different aim and a different audience than, for instance, *Elementa*, the interpretation of it should take this into account. *Leviathan* is educational in spirit, not analytical, and it is aimed at the reader who is interested in politics [7]. It is educational in the sense that it teaches the reader about themselves, and this knowledge is important for why one needs political authority, and the best ways to organize it.

In the second part of Section 2, I consider the role of the natural laws. These are different in kind from positive laws, but they are also different from the natural laws in traditional natural law theories. A proper understanding of the role that the natural laws play in Hobbes' political theory requires that one understands what he means by reason, law, precept, and obligation. Here, I draw on David Undersrud's [8] interpretation of the relationship between the natural laws and the civil law, focusing on reason, law, precept, and obligation.

In Section 4, I look at Hobbes' view of international relations. I show that there is an ontological difference between the state of nature among individuals and the state of nature among states. This is the crucial point that makes it plausible to claim that Hobbes paves the way for international law. Hobbes' perspective is fundamentally different from the realist perspective, as Hobbes is concerned with how to organize politics so that we avoid war, not with expansion of territory and power, nor with security without regard for peace.

In Section 5, I elaborate in some detail on what Lafont means by sovereignty-as-responsibility, and how her arguments square well with Hobbes' views on why we need political sovereignty.

2. Realism in International Relations

Realism is one of the two main theories in international relations, the other being liberalism.¹ These two theories are both state-centered, meaning that they put crucial significance on the traditional view of the sovereign state. The main difference between the two is their different perspectives on how to reach stability in the relations between the states, and the role international law and norms play in this regard.

It is commonplace to read Hobbes' *Leviathan* as an argument providing the main tenets of realism [1] (p. 47), [9] (p. 56), [10] (p. 187). Realism is manifold and has its internal disagreements, appearing in many forms and spanning millennia from Thucydides to Machiavelli to Kenneth Waltz and John Mearsheimer [11–13]. Yet, there are some tenets that, in some way or another, are common to most theories of realism, to wit, that international relations are inherently anarchic; that the agents on the international scene are states possessing unconditional sovereignty, pursuing their self-interest, which is to strengthen its own power; and, as pointed out by Morgenthau, universal principles cannot be applied to the actions of states [11–14]. The realist does not deny that there are international organizations, financial arrangements, laws, and norms that play a role in international relations. However, unlike the liberal, they argue that such institutions do not fundamentally alter the behavior of states, and, therefore, anarchy on the international

scene is not moderated [15]. According to the realist, we need to accept this, and political leaders need to behave accordingly, otherwise the stability between states will be at risk.

There is no doubt that there are elements of the above description of realism in Hobbes' *Leviathan*. For instance, where the state of nature among individuals transitions into a civil state, this is not the case for the state of nature among states, and there is no motivation to do so. Thus, anarchy is characteristic for international relations, also according to Hobbes. However, Hobbes' anarchy should not be considered the same as that portrayed by most realists. As will be clear as the paper proceeds, there is an ontological difference between Hobbes' state of nature among individuals and his state of nature among states. In the latter, civil states have been established, and the sovereigns are, although in an intricate way, bound in *foro interno* by the natural laws.²

3. Hobbes' *Leviathan*

3.1. *The State of Nature among Individuals*

In th *Leviathan*, Hobbes famously presents his thought experiment about what life would be like had there not been a civil state regulating individual behavior; it would be a war of all against all, characterized as a "continual feare, and danger of violent death; And life of man, solitary, poore, nasty, brutish and short" [4] (p. 89). Because there are no laws there is no justice or injustice. With the introduction of the civil state, comes the introduction of justice and injustice. Life in the state of nature is detrimental to the well-being of the individual. As such, it is intolerable and the only way to end it is to establish laws, or sovereign power, and this is what the individuals in the state of nature decide to do.

Scholars do not agree on how to interpret the transition from the state of nature to the civil state. Most scholars read *Leviathan* with the assumption that one of Hobbes' goals is to improve his philosophical anthropology, i.e., an investigation of human nature, as is the case with the *Elementa* [16]. Thus, scholars try to understand what *Leviathan* tells us about the human mind.

Jean Hampton uses rational-choice theory to point out that Hobbes fails in giving a plausible argument for the transition from the state of nature to the civil state [17]. There is no trust among the individuals in the state of nature, therefore, any form of cooperation would be impossible. On the other hand, Alan Ryan argues that natural man is not a utility-maximizer, as suggested by rational-choice theory, but rather a disaster-avoider [18], i.e., someone who does whatever needed in order to avoid disaster. This, then, serves as part of the explanation for how the civil state comes into being; natural man does whatever it takes to avoid disaster, and in the state of nature they realize that establishing positive laws is the only way to avoid disaster. Knud Haakonssen points out that natural man is mainly interested in living a good life, but because there is no trust in the state of nature, it is impossible to do this [19] (pp. 31–36). In this regard, Hobbes talks about diffidence, glory, and competition as the main causes for quarrel [2] (p. 88). Diffidence is what makes natural man constantly strive for security in their own life, and is, thus, an obstacle to living a good life, whatever that might be. This interpretation suggests that man is not by nature power-seeking and self-centered, as suggested by for instance Morgenthau [12].

The discussion on the transition from the state of nature to civil state is, however, not something that Hobbes was particularly interested in. According to Arash Abizadeh Hobbes was more concerned "with the commonwealth's subversion and dissolution" [6] (p. 312). Understanding the passions, and the role they play in human agency is important, but it is a mistake, Abizadeh argues, to think of Hobbes as a "... psychological reductionist according to whom there exists a passion that *always* trumps the others." [6]. What is more, Abizadeh holds that "Nor did Hobbes think that the relative strength of each passion is invariantly determined by humans' natural condition" [6] (p. 310). In addition to the passions, a number of other factors, such as ideology and socialization, are crucial for understanding the causes of war: "Hobbes believed that the ideological basis of war in his century could be traced to a culture that spawned endless disputes over rationally irresolvable and often obscure trivial matters, inflamed the passion for glory, and cultivated

fear for the wrong objects" [6] (pp. 312–313). If this is right, we can learn from Hobbes' theory that to avoid war today we need to understand our own cultures and ideologies and the ways in which they "inflare" our passions. This means, or so I suggest, that understanding the current reasons for why we need regulating laws is crucial if we are to succeed in establishing laws and norms that actually answer to the challenges we face, such as for instance violations of human rights.

Abizadeh's argument is interesting because it sheds light on the richness and complexities of Hobbes' *Leviathan*. This squares well with Ursula Renz' point that *Leviathan* is not analytical in spirit, but educational: "The goal is not to examine the human mind, but to teach the reader about the properties of her own mind" [7] (p. 5). She points out that the introduction to *Leviathan* is important with regard to understanding the message of the book: *Nosce teipsum, Know thyself* was meant to "teach us, that for the similitude of the thoughts, and Passions of one man, to the thoughts, and Passions of another, whosoever looketh into himself, and considereth what he doth, when he does *think, opinie, reason, hope, feare, &c.* and upon what grounds; he shall thereby read and know, what are the thoughts, and Passions of all other men, upon the like occasions" [4] (p. 10).

The audience of *Leviathan*, Renz points out, are individuals who are interested in politics. This has consequences for how *Leviathan* should be understood, as it makes clear that the purpose of the treatise is to convince the reader of the main message, namely that man is an agent who deliberately creates the state. That man is the creator of the state does not contradict Hobbes' overall naturalistic and mechanistic philosophy, as for Hobbes man is both the matter and the creator of the state: "It thus seems crucial for Hobbes' educational project that the reader see how man, notwithstanding his behavior being *caused by* mere matter and motion, can be understood as a *cause* in his own right, that is, as the more active and practically efficacious manner that seems implied in the notion of man as the *artificier* of the state" [7] (pp. 8–9). This is a nice reminder for anyone who is interested in understanding Hobbes' political theory, as it provides a framework for the interpretation that pinpoints Hobbes' motivation, namely to show that human beings play an important role, through their choice, in how to organize sovereignty so as to avoid war. This point is often overlooked by realist thinkers as they seem to have a perspective that the power politics is somewhat not something that can be changed by human beings.

There is of course a lot more to be said about Renz' argument. The extent to which her interpretation of Hobbes' epistemology makes sense, and the extent to which it fits within Hobbes' philosophical theories in general are topics that need a separate discussion. Despite this, there is something to be said for Renz' insistence that *Leviathan* should be read on its own terms, with a view to what we can plausibly believe was Hobbes' intention. This intention, I believe, must be understood in light of who Hobbes was writing for, i.e., people interested in politics, and with the aim of underlining that man is an agent who deliberately makes the state. An educational reading of *Leviathan* is, thus, fruitful because it teaches the reader about themselves, and by extension of others. This is helpful with regard to finding the best conclusions on how to organize political power.

There is no doubt that reading *Leviathan* in accordance with Abizadeh and Renz provides interesting insights into Hobbes' political theory. What we learn from this is to pay attention to the context in which Hobbes was writing, and the role this plays in interpreting *Leviathan*. As Abizadeh pinpoints, culture and ideology nurture the passions. This means that human action and decision are not just a result of the passions, or rationality for that sake, but the ways in which the passions inform human behavior are dependent upon the context. Together with Renz' point that, despite Hobbes' mechanistic and naturalistic philosophy, the state is the result of human deliberation, it follows that one important message to learn from *Leviathan* is that the conclusion of how to organize civil life should be a result of the reasons for why we need civil life. More needs to be said about these reasons, however, and this can be done by examining the role of the natural laws.

3.2. Natural Laws

Hobbes' view of the natural laws is of crucial importance for his political theory. Scholars agree that the natural laws play an important role in the sense that they inspire individuals to submit to political authority, but they do not agree on whether they are rules of reason or divine commands or something else [19] (p. 32). Hobbes' legal theory has traces from both the natural law tradition and the positivist tradition, and he cannot be categorized easily in this landscape. Positive laws, for Hobbes, are legitimate insofar as they are made by the sovereign; as such, he belongs to the tradition of legal positivism. The claim expressed by, among others, St. Augustine that "an unjust law is not a law at all" [20] makes no sense for Hobbes. For him, the content of positive law is not drawn from the natural laws, as is the case for natural law thinkers like St. Augustine and Thomas Aquinas. For Hobbes, justice is first introduced in the civil state and is defined as keeping the covenant: "And the definition of INJUSTICE, is no other than *the not Performance of Covenant*. And whatsoever is not Unjust, is *Just*" [4] (p. 100). Yet, to the question about *why* we need sovereign power, Hobbes appeals to the natural laws. The sovereign power comes into being because the individuals in the state of nature realize that they need political power to be safe and therefore they establish sovereign power. This is not to suggest, however, that Hobbes is in agreement with, e.g., H.L.A. Hart, who, without talking about natural laws, points out that there are natural reasons, so to speak, for why we need a legal system [21]. For Hobbes, there is a peculiar relationship between civil law and natural law. It is important to get a grasp on this as it has an important role in Hobbes' view of international relations. A thorough interpretation of this relationship is a study in and of itself. In this paper, therefore, I will look mainly at David Undersrud's interpretation [8] as it provides an argument for the ways in which Hobbes may be understood as a natural law theorist in his own right. Undersrud argues that "the sole role of the laws of nature is to provide the foundation of validity of the civil jurisprudence *per se*" [8] (p. 716) and this external foundation of the civil jurisdiction "is based on an *in foro externo* obligation of obedience to civil law" [8] (p. 716). In doing this, Undersrud argues against the view that Hobbes' laws of nature should be understood as divine commands, as argued for by Martinich. What is more, he refutes the idea that civil laws and natural laws exist side by side, as argued for by Warrender. What allows him to do this, is a careful analysis of what Hobbes means by reason; natural and civil law; and obligation.

3.3. Reason

Hobbes uses the concept of *reason* in a very different way than traditional natural law thinkers. The role of reason is not to find the truth, so to speak, but reason is "a calculation through which we draw consequences from names on which we have agreed in order to denote and express our thought [. . .] Reason is not the faculty through which we learn the evident truth of principles, but rather a method of thinking" [8] (p. 709).

This sets Hobbes apart from traditional natural law thinkers. St. Augustine and Aquinas, for instance, both believe that reason is the tool we need to distinguish good from evil, and right from wrong. Instead, for Hobbes, reason "indicates what is good or bad in relation to a given end" [8] (p. 710). What the end is, is expressed in the "first and Fundamentall Law of Nature; which is, to seek Peace and Follow it" [4] (p. 92). The reason why seeking peace is not a self-evident truth is, according to Undersrud, because, for Hobbes, the end could have been different had he had a different view of human nature. Hobbes believes that self-preservation is a driving force for human beings. War is counterproductive for preserving one's life, therefore, peace is the end from which the fundamental law of nature, and all the others, is derived. Reason, then, is first and foremost a tool that humans use to make derivations and understand what is practically smart to do in a given situation.

3.4. Laws of Nature, Civil Laws, and Obligation

A law of nature is, according to Hobbes, “. . . a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved” [4] (p. 91). Here, one might get the impression that a law of nature is a law in the same way as a civil law is a law, namely, something that one must abide by if one wants to avoid punishment. This, however, is not the case. As Undersrud points out, the reason for this is to be found a little later in *Leviathan*: “These dictates of Reason, men use to call by the name of Lawes, but improperly: for they are but Conclusions, or Theoremes concerning what conduceth to the conservation and defence of themselves; whereas Law, properly is the word of him, that by right hath command over others” [4] (p. 111). This means that natural laws and civil laws are different kinds of laws, the former are conclusions whereas the latter are commands. This means, among other things, that the laws of nature do not have the same kind of legal force as the civil laws. However, it is due to the natural laws that we have civil laws, as the latter is the means to establish peace, as expressed in the first law of nature. As such, the laws of nature validate the civil laws without providing any specific content for them. This point is the reason for why Hobbes is a natural law theorist and not a legal positivist. What is more, for Hobbes, the ultimate reason for why civil laws bind in foro externo is to be found in the third law of nature (which is derived from the first): “That men performe their Covenants made: without which Covenants are in vain, and but Empty words; and the Right of all men to all things remaining, we are still in the condition of Warre” [4] (p. 100). This, as well, underlines that Hobbes is a natural law theorist and not a legal positivist. The third law of nature is the reason why individuals are bound by the civil law. And the civil law exists, as mentioned, because it is the means to the given end, namely peace. As such, natural law is what validates the legal and political system in Hobbes’ theory.

There is an in foro externo obligation to abide by the civil law, and this is provided by the natural laws, but there is no in foro externo obligation to the natural laws. There is, however, an in foro interno obligation toward the natural laws [4] (p. 110). Although there is no punishment involved in breaking the natural laws, it would, nevertheless, be irrational as it would be contrary to peace, and, thus, contrary to self-preservation. One might argue that this is not interesting as the natural laws have no practical consequences for political life. However, this does not mean that they play no role. As we have already seen, Undersrud argues that the natural laws are the foundation for civil laws, without giving content to the civil laws.³ Although the civil laws are introduced locally and not globally, so to speak, it does not follow that their introduction is of no importance regarding international relations, and it is to this we now turn.

4. Hobbes and International Relations

A principal concern of this study is the role the natural laws play regarding international relations. Civil laws are obligatory within the jurisdiction of the sovereign state. Concerning the relations between the states, however, there are no civil, or positive laws. It is tempting, therefore, to think of international relations as a state of nature where there is a war of all against all, as is the case in the state of nature among individuals. By the end of chapter 13 Hobbes says:

But though there had never been any time, wherein particular men were in a condition of warre one agains another; yet in all times, Kings, and Persons of Sovereign authority, because of their Independency are in continuall jealousies, and in the state and posture of Galdiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continuall Spyes upon their neighbours, which is a posture of War. [4] (p. 90)

This quote has been taken up by theorists of international relations as textual evidence for categorizing Hobbes as a realist thinker [1,10]. Such an interpretation is not plausible.

First, the above quote should not be isolated from the sentence that follows immediately after it: “But because they uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men” [4] (p. 90). This is crucial, as it clearly suggests that there is an ontological difference between the state of nature among individuals and the state of nature among states. The fundamental difference is that in the latter there exists a civil law which is established because it is the practical solution to end war and make it possible for the individuals to live in peace not constantly worrying for their own security. Thus, the anarchy that exists between the states is different than the anarchy that exists between the individuals in the state of nature; in the former, the states have a task, which is to promote peace and security among individuals, and this must be taken into account in their dealings with other states. This view is strengthened by something that Hobbes says in Chapter 31:

Concerning the offices of the Sovereign to another, which are comprehended in the Law of Nations, I need not say any thing in this place; because the Law of Nations, and the Law of Nature, is the same thing. And every Sovereign hath the same Right, in procuring the safety of his People, that any particular man can have, in procuring his own safety. And the same Law, that dictateth to men that have no Civil Government, what they ought to do, and what to avoid in regard of one another, dictateth the same to Common-wealths, that is, to the Conscience of Sovereign Princes, and Sovereign Assemblies; there being no Court of Naturall Justice, but in the Conscience only [. . .]. [4] (p. 244)

Keeping in mind that the natural laws, according to Hobbes, bind in foro interno, it follows from the above quote that the sovereign authority are bound by the natural laws in this way. As mentioned earlier, an in foro obligation is of importance in the sense that breaking the natural laws would be irrational. This must be understood based on the claim that reason for Hobbes is not substantial, but rather a tool individuals (sovereigns included) use in order to derive conclusions from premises. Regarding the state of nature among individuals the conclusion is to establish civil law. Regarding international relations, the conclusion is not to establish an extra-state sovereign power, but rather for the existing sovereigns to behave in accordance with the natural laws, and the fundamental law of nature, which holds that one should seek peace.

If the natural laws can rightly be said to be the foundation for civil laws, as Undersrud argues, it makes sense to hold that such a foundation is a guide for the ways in which the sovereign powers should behave internationally, although the foundation does not materialize in positive laws. An extra-state civil jurisdiction is not necessary for two reasons: (i) it would be irrational for the sovereign states to break the laws of nature, and (ii) there already exists civil laws (sovereign powers) that are established as a logical consequence for the need for peace and security. If this interpretation is plausible, one could perhaps say that Hobbes is rather naïve. An in foro interno obligation to natural laws might be too weak to have any real power for how states behave. Even so, there is no doubt that Hobbes believed that his theory would promote peace and security. He makes it clear that the state of nature among states is not the same as the state of nature among individuals, and it would be irrational for sovereign powers to behave contrary to the security of their subjects. Based on this, it makes sense to argue that there are elements in his theory that help pave the way for international law as we know it today. This, as I have already mentioned, has been systematically ignored by thinkers who categorize Hobbes as a realist. Another interesting consequence of my interpretation is that for Hobbes, it is not expansion of power that is the motivating force for how sovereign powers behave, but rather peace and security. This also sets Hobbes apart from a realist reading that, at least according to Morgenthau, states are first and foremost motivated by expansion of their power.

This is not to say that Hobbes argues for international law the way we know it today. However, there is no doubt that due to this, Hobbes is closer to being the forerunner of international law than being portrayed as a realist in his views on international relations. As such, Hobbes provides a normative content to international relations, although it is not fully developed.

One important critique against my view is that Hobbes argues that the sovereign power must be unlimited and unconditional, and that the sovereign has the right to punish arbitrarily [4] (chap. 19). This point, one might argue, means that there is no room for extra-state interference with the sovereign state. As such, the realist element of Hobbes' theory is strengthened, and it is rather doubtful that the claim that Hobbes paves the way for international law is plausible. This will also apply to the claim in this paper, namely my argument that Hobbes' theory can be taken to be the normative grounding for Lafont's suggestion of reconceptualizing sovereignty and talk about sovereignty-as-responsibility instead of the sovereign state in the traditional way. One reason for why sovereignty needs to be unconditional and unlimited, according to Hobbes, is that it will prevent any form of confusion on behalf of the citizens concerning to whom, or what, they owe obligation [4] (chap. 30). If, on the other hand, there were more than one sovereign, there could easily be confusion on behalf of the citizens as to who they owe obligation, and this could again lead to strife. This, I believe, is an important point. I would like to suggest, however, that Hobbes' conclusion on how to organize the sovereign power is not a conclusion we have to agree with. We can learn from Hobbes' reasons for why he believes sovereign power should be organized the way he describes, but instead consider a different conclusion on how to actually do it. The context of today is rather different than the context in which Hobbes was writing. My point is that for Hobbes, sovereign power is necessary if one wants to diminish the possibility of war. The reasons for why sovereign power, according to Hobbes, must be unlimited and unconditional is because it will avoid confusion among the subjects. However, given our context, which is a globalized world with a different kind of threat to the stability of the state than what Hobbes experienced, we can infer that sovereignty can be organized differently as long as there is no doubt about who holds what power and what the consequences are for breaking the rules.

I do not mean to claim that reading Hobbes the way I have suggested is unproblematic. Perhaps Hobbes would strongly disagree with what I have just outlined. This, however, is not in and of itself a critique that refutes my argument. First, it is likely that Hobbes would disagree with the realist interpretation of his theory, and I have tried to show why my reading is more consistent with Hobbes than the realist reading. Second, I am not claiming that Hobbes would agree with my suggestion, neither do I claim that Hobbes' theory is one that wholeheartedly supports international law. My claim is rather different, namely that there are elements in his theory that pave the way for international law and international protection of human rights. Third, my overall view of how to best interpret philosophical arguments is to take into account the context in which they were put forward and try to apply the arguments in our context. This being said, my suggested reading of Hobbes is not waterproof. However, a critique of my suggestion should not be focused on Hobbes' ideas about how to organize sovereign power. Instead, it should consider whether it is fruitful to consider Hobbes' theory on the need for sovereign power in light of our contemporary context, and whether such a consideration might lead us to draw conclusions about how to organize sovereign power that are different from Hobbes' own conclusions.

5. Sovereignty-as-Responsibility: International Protection of Human Rights

Cristina Lafont discusses the plausibility of widening the notion of human rights obligations [2,22]. She argues that we do not need to get rid of a state-centric version of human rights obligations; rather, we should rethink the notion of obligation to make room for an obligation on behalf of extra-state institutions such as the IMF, the UN, or the WHO. A conceptual analysis of the term *obligation* entails a respect for the human rights of those affected by the decisions made by the extra-state institutions. This can be performed simultaneously as the representatives in the extra-state institutions have a special obligation towards their own citizens. It is a mistake, she argues, that there is a dilemma between respecting the sovereignty of the state on the one hand and promoting international protection of human rights on the other [22].

Taking a cue from the Responsibility-To-Protect doctrine [3], endorsed by the UN General Assembly in 2005, Lafont shows how sovereignty-as-responsibility has implications not only for humanitarian interventions, but also for the global economic order and the protection of economic and social rights [2]. Sovereignty-as-responsibility differs from a traditional Westphalian view of sovereignty, or the traditional view of sovereignty, meaning that the sovereign state has the ultimate right to self-determination. Supranational authority is “fairly well-established” [2] (p. 433) in the globalized world, therefore, it means that the context for political power has changed to such an extent that it is pivotal to broaden our view of what an obligation to protect human rights entails [2] (p. 442). The crux of her argument is that sovereignty-as-responsibility entails that the protection of human rights prevails over self-determination in such a way that the former is a condition for the latter. What is more, the obligation to protect human rights must be taken as a necessary part of the portfolio to extra-state institutions, such as, for instance, the IMF and the World Bank.

Lafont identifies possible criticisms to her argument that sovereignty-as-responsibility should be expanded to the economic order and not only to humanitarian interventions. The criticisms she identifies hold that a state’s right to sovereign self-determination is an important tool for weaker states to protect themselves from predatory states that might use the sovereignty-as-responsibility doctrine as something that “serves an ideological function by providing excuses for interfering actions that, far from serving universal cosmopolitan goals, simply serve the particular interests of powerful states” [2] (p. 432). Lafont acknowledges that this is a concern, but she does not agree that it is an argument against her view. The reason for this is that upholding the Westphalian sovereignty as the right to self-determination is also prone to serious abuse. What we need, she points out, is a conceptual understanding of sovereignty that ‘fits’ our current global economic order. Sovereignty-as-responsibility is, in this regard, better suited than sovereignty-as-self-determination due to the globalized structure of the economic order. Emphasizing this will, in fact, have the potential to strengthen the sovereignty of the weaker states because they can appeal to human rights norms in arguing against those international economic agreements that are in fact detrimental to the human rights of their citizens.

Lafont’s argument is not descriptive, but rather conceptual and normative. She points out that there are of course flaws in the extra-state institutions as human rights protection is not an outspoken part of the legal framework that the economic institutions apply, as for instance WTO applying international trade law and not international human rights law. However, such a description, although true, is not an argument against reconceptualizing sovereignty. What it does is to point out what needs to be taken into account—and properly dealt with—when reorganizing the mandate and the legal legitimation of the extra-state institutions.

One might argue that Lafont’s conceptual broadening of the notion of sovereignty is not helpful, and perhaps not even worthwhile, as long as it is the capitalist goal of economic gain, not the protection of human rights, that motivates the actions of both states and extra-state institutions. This would be a mistake, for at least two reasons. First, as already pointed out, Lafont shows that understanding sovereignty in a traditional way (sovereignty as self-determination) is conceptually limiting given the reality of our globalized world. Not being willing to broaden the concept might, in many cases, contribute to a doctrine where sovereignty is upheld as sacrosanct, thereby contributing to horrible atrocities and human rights violations. Second, progress cannot take place unless we dare to rethink and redefine our concepts. The concepts we use to describe the world are important as they often clarify possible actions, and they are often grounded on normative values. Although our normative values might not change, as, for instance, the protection of human rights, the tools we use to reach our normative goals change as they become outdated (such as sovereignty as self-determination) and should, therefore, be replaced by tools that might work better (such as sovereignty-as-responsibility). As I have pointed out several times, a modern reading of *Leviathan* benefits first and foremost from looking at the reasons Hobbes

gives for sovereign power, and not necessarily from his conclusions about how best to organize it.

Lafont's insistence that sovereignty should be understood as sovereignty-as-responsibility squares well with reading Hobbes' *Leviathan* as a forerunner for international law. Reading *Leviathan* in an educational way makes this plausible as it reminds us that the treatise is written for an audience interested in politics, and this helps to clarify that one of the main messages is that the state, or sovereign power, is man-made, created with the view of securing peace and security. For Hobbes, this has implications for the relationships between the sovereign powers, as the natural laws bind in conscience of the rulers, meaning that they are a matter of the conscience of the ruler with no external supervision, and they are understood by Hobbes as the Law of Nations. What I have tried to show in this article, is that Hobbes' *Leviathan* can pave the way for Lafont's argument about sovereignty-as-responsibility. Lafont argues that the obligation to protect human rights places demands upon extra-state institutions to the same degree as it does upon those of the state. Conceptualizing sovereignty as sovereignty-as-responsibility makes this possible because it highlights that an obligation to protect human rights is not confined to one actor only, but to any institution that makes decisions which have consequences for human rights. Hobbes pointed out that the precept to seek peace and security is a norm in the relationship between sovereign states and this norm binds in conscience of the rulers. Lafont takes this a step further and argues that given the global economic order of today, we need to adjust our doctrine and institutions so that our decisions are not detrimental to the fulfillment of human rights, which would be a threat to peace and security of individuals. The next step would be to institutionalize human rights law into the portfolio of extra-state institutions such as the IMF and the World Bank, making the obligation to respect and protect human rights legally binding. There is also a need to expand the obligation of protecting and respecting human rights to other actors, such as for-profit companies. A reconceptualization of sovereignty, as suggested by Lafont, and a broadening of what is meant by the term *obligation* will most likely be helpful also in determining how best ensure that companies are obligated not to violate the human rights of individuals in our global world.

6. Concluding Remarks

This paper suggests that a reconceptualization of the traditional sovereign state, focusing instead on sovereign-as-responsibility is necessary as a step toward establishing laws and norms that serve the goal of protecting human rights and minimizing human rights violations. In doing this, I have argued that Hobbes' *Leviathan* provides important insights into the reasons for why we need political authority, and that the conclusions on how we organize political authority, or sovereignty, must be reflected in the reasons for why we need it. Lafont's suggestion to widen the doctrine of sovereignty-as-responsibility to something that is relevant also for extra-state financial institutions can, as I have argued, be seen as a conclusion reflecting the current need for legally binding regulations.

Conceptualizing the notion of sovereignty is, of course, not in and of itself something that will diminish human rights violations. More needs to be done in order to organize the world based on a doctrine of *sovereignty-as-responsibility*. Progress, however, most often starts with ideas and imagination. The world is not static, and how best to organize power must be done in accordance with the challenges that exist at any given time. This paper can be methodologically located within Vivien Schmidt's theory of discursive institutionalism, which contributes to the "dimension of ideas and discourse to illuminate the dynamics of change in interests, institutions and culture" [23] (p. 7).

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Notes

- ¹ It should be noted that there are competing theories and perspectives, such as the English School and Constructivism (to the extent that they are theories per se). There is no doubt, however, that realism and liberalism have for a long time been the dominating theories in international relations.
- ² I am not the first to argue that Hobbes does not belong to the realism tradition, see for instance [5] and [16].
- ³ The extent to which God plays a role in Hobbes' natural laws is, needless to say, an important part of Hobbes' theory. I have chosen not to deal with this issue here, and note only that in this regard I agree with Undersrud in his claim that "God is thus no part of Hobbes' juridical system, but merely confirms the laws of nature" [8] (p. 712).

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