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Abstract

Hobbes in *Leviathan*, chapter xv, 4, makes the startling claim: “The fool hath said in his heart, ‘there is no such thing as justice,’” paraphrasing Psalm 52:1: “The fool hath said in his heart there is no God.” These are charges of which Hobbes himself could stand accused. His parable of the fool is about the exchange of obedience for protection, the backslider, regime change, and the tyrant; but given that Hobbes was himself likely an oath-breaker, it is also self-reflexive and self-justificatory. For, Hobbes’s fool is not a windbag (*foliis*), or one of the dumb mob, led astray by priests (*stultus*). He is, in the terminology of Psalm 52, an *insipiens*, a madman or raving lunatic, whose rebellion against God the King is his own destruction and that of his people. A long iconographic tradition portraying the fool as *insipiens*, Antichrist, heretical impostor and tyrant king, was at Hobbes’s disposal.

Keywords

Hobbes’s fool, *insipiens*, Psalm 52

The fool hath said in his heart: “there is no such thing as justice;” and sometimes also with his tongue, seriously alleging that “every man’s conservation and contentment being committed to his own care, there could be no reason why every man might not do what he thought conduced thereunto, and therefore

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also to make or not make, keep or not keep, covenants was not against reason, when it conduced to one's benefit."

(L. xv, 4, 72/90)¹

Hobbes, in his most definitive treatment of justice in *Leviathan*, chapter xv, startles us with a claim about justice that paraphrases Psalm 52:1: "The fool hath said in his heart there is no God." The claim has caused much commentary, particularly as Hobbes could be thought to define justice as what conduces to one's benefit and injustice as its opposite, and thus to play the Fool himself. Perhaps he is dissembling? Hobbes is a sceptic of the Epicurean variety, and on this construal his play on the Psalm is ironic: "the fool says in his heart 'there is no God,'" but so does the wise man, and also for justice. The difference is that the wise man, the Epicurean sage (*sophos, sapiens*) knows what the fool (*stultus*) does not know, which is that order requires covenants, and covenants define justice. Hobbes's work is full of the fool, or *stultus*, and whenever he is mentioned we can assume that he is viewed from the position of the wise man, or the Epicurean sage, as Hobbes thinks of himself.²

Of course one could say that this Epicurean wise man is a kind of free rider—he is a non-believer who benefits from the belief of others. And it is from the standpoint of rational choice that most recent treatments of Hobbes's fool have come.³ Hobbes is seen to play the Fool and this is considered to be a weakness of his ethical position, and particularly his position on justice.⁴ Not least among Hobbes's follies in the eyes of his contemporaries was his dynastic inconstancy, supporter first of the Stuarts, then Cromwell, and finally the restored Stuarts. The windcock, they called him; Hobbes's *de facto*ism, as it is adjudged today.⁵ It was this charge, I believe, that *Leviathan*—and particularly the "Review and Conclusion"—written undoubtedly in anticipation of his return to Cromwellian England, was intended to preempt. For, Hobbes was no fool, opinions to the contrary, and *Leviathan* xv was designed to prove it. Free riding, although opportunistic, does not make one a fool; rather the opposite, it makes fools of those who keep the contract. Hobbes has far deadlier consequences in mind when he excoriates the folly of the fool, and he brings the weight of Scripture to bear in his defence. His arguments do not change much over his entire corpus, but in *Leviathan* they are supported differently. Biblical citation is often an important clue to the interpretation of difficult passages, and the fool is a case in point.

Although ubiquitous in Scripture, the fool is a figure on which the Bible had of course no monopoly. The "Wise Fool," an oxymoron that juxtaposed the *sapientia* of the fool against the *scientia* of the learned, was a topos in

Christian and pre-Christian, Hellenic and Jewish, humanist traditions. If Socrates was the archetypal wise fool who knew that he did not know, so was Christ, of whom St. Paul declared, “the foolishness of God is wiser than men” (I Cor. 1:25), and of unbelievers that “professing themselves to be wise, they became fools” (Romans 1:22). This tradition, which passed through mystics like Thomas à Kempis and scholastics like Nicholas of Cusa, found expression as the primordial wisdom of folly in the fools and buffoons of medieval Mystery plays, and later on the stage with Heywood, Marston, Middleton, Dekker, Shakespeare and Ben Jonson,⁶ Hobbes’s contemporaries, and the latter his acquaintance. Humane fools belonging to the comic repertoire had their counterpart in the tragic fools of the eschatological tradition. The more sombre verse of Ecclesiastes 1:15, that fools, now understood as sinners, are infinite in number (*stultorum numerus infinitus est*) was the text for the *Narrenschiff* (1494) or “Ship of Fools.” It was a more pessimistic take on the *stultus*, whose most optimistic manifestation, as *Stultitia*, was celebrated in Erasmus’s *Moriae encomium* of 1509-1511, *In Praise of Folly*. Attacked by Luther for propagating Pelagianism, Erasmus is unashamedly Epicurean, to the point where in the chapter of his *Colloquia familiaria* (1516) that treats “Epicureus,” we find him claiming, “‘if we take care to understand the words properly,’ the true Christian is an Epicurean.” Erasmus’s *Stultitia*, as a triumph of *φύσις* (nature) over *νόμος* (law), is indeed one of the earliest celebrations of the postmedieval revival of Epicurus. She is also Erasmus’s opportunity to lampoon the Greekification of the Latin “foolosophers,” as *Stultitia* names them, or Greeklings, as he elsewhere mocks them. But *Stultitia* is dedicated not only to self-love (*φιλοψυχία*), she has a deeply serious side consonant with the Roman Epicurean Lucretius’s diagnosis of increasing knowledge, social and economic development as the causes of civil disorder and war (*De rer. nat.* 5) and so may be read as enjoining the lament of Ecclesiastes I:18, “He that increaseth knowledge increaseth sorrow.”

Which of these various possibilities could Hobbes have had in mind when he invoked the psalmist’s fool? Kinch Hoekstra in an important article, “Hobbes and the Foole,” addressing recent discussion by David Gauthier, Jean Hampton and the Taylor-Warrender thesis,⁷ has singled out a different one, arguing that Hobbes’s point was to distinguish between the “Silent Foole,” who “hath said in his heart” there is no such thing as justice, and the “Explicit Foole,” who asserts it with his tongue.⁸ Hoekstra’s is an intelligently argued and well researched piece, and such an interpretation fits important aspects of Hobbes’s *in foro interno/in foro externo* distinction, introduced in the same chapter of *Leviathan* (L. xv, 36, 79/99), and designed to demarcate our secret thoughts, which are the efflux of sensations beyond our control and

therefore non-culpable, from our words, for which we are accountable, since with our tongues we must conform to the dictates of the “external court.”⁹ The distinction is believed by some to betray an incipient liberalism in Hobbes and permissiveness about private belief.¹⁰ But I think not.¹¹ Liberalism is in short supply in Hobbes, witness the draconian implications of the *in foro interno/in foro externo* distinction when the misuse of words comes before the external court: “for seeing nature hath armed living creatures, some with horns, and some with hands, to grieve an enemy, it is but an abuse of speech, to grieve him with the tongue, unless it be one whom we are obliged to govern; and then it is not to grieve, but to correct and amend” (*L. iv, 4, 14/17*). Fighting words are in the power of the sovereign and his power only. “The secret thoughts of a man run over all things, holy, profane, clean, obscene, grave and light, without shame or blame; which verbal discourse cannot do farther than the judgment shall approve of the time, place and persons” (*L. viii, 10, 34/39-40*). And that judgment is in the power of the sovereign, who applies a double standard, one for the governor, another for the governed.

Hoekstra notes that the English “fool” comes from the Latin *foliis*, meaning “a bellows or windbag,” the loud mouth who, not content to think seditious thoughts, dares to utter them.¹² A “windbag” fits with Hobbes’s depiction of Pericles in *De cive* v.5, who thundered his way up and down Greece, proof that “the tongue of man is a trumpet of warre, and sedition.”¹³ It similarly fits with Hobbes’s distaste for democracy and the *ecclesia* as “a talking shop,” a view shared by some Greeks, including Thucydides; as it fits with Hobbes’s endorsement of Sallust’s judgment of Catiline, *De coniuratione Catilinae* 5.4: “*satis eloquentia, sapientiae parum*,” which Hobbes quotes in *The Elements* xxvii, 13, and again paraphrases in *De cive* xii, 12, declaring that “there can be no author of rebellion, that is not an eloquent and powerful speaker, and withal . . . a man of little wisdom.”¹⁴ Hoekstra is right that the fool’s error is no mere sin of omission—his failure to acknowledge justice—it is rather a sin of commission: “the Foole’s doctrine is presented as something that the Foole seriously alleges.”¹⁵ He is, moreover, more than merely an “Explicit Foole,” and rather “the Flagrant Foole [who] flouts justice so blatantly that his actions themselves speak loudly, serving as a declaration that he believes that one can reasonably act unjustly.”¹⁶ The folly of “the Flagrant Foole” is exacerbated by visibility and particularly when the infraction is committed by those in positions of power, inciting others to break contracts and thus “eroding respect for contract and laws.”¹⁷

The peculiar folly of this type of fool, that would not be true in the case of the “Silent Fool,” Hoekstra notes, is “that he contradicts himself . . . persu[ing] his own destruction in the name of his own advantage.”¹⁸ It was the “loud Fool”

to whom Hobbes's acquaintance and Secretary of the Virginia Company, George Sandys, referred when he expostulated in his *Ovids Metamorphosis Englished*, "O Foole, that thus thy own vndoing seeks."¹⁹ Hobbes's fool is profoundly and damningly self-destructive, not only in thus seeking his own undoing, but because by refusing the implications of the Christian doctrine that the truths of our hearts are known only to God—which would be his protection were he silent—he brings about his own ruin. Hobbes viewed his contemporaries who rebelled against royal absolutism, and particularly those of the more pious type, as guilty of this very folly. For they, like the liberals, construed the "internal court" as a zone of freedom, which Hobbes most certainly did not. For him the "internal court," like Freud's *id* later, was simply the unconscious, which responds to sensual stimuli, but is beyond the reach both of the *ego* and the "external court."

And yet I do not believe that differentiating the "Explicit Foole" from the "Silent Foole," as a corollary of the *in foro interno* and *in foro externo* distinction, was what Hobbes intended when he cited the fool of Psalm 52, as we see if we parse verse 1 carefully. For, it is the one "who says in his heart" there is no God whom Hobbes singles out, and only secondarily and sometimes, the one who says it "also with his tongue." The crime of the fool lies much deeper than verbosity or even flagrant transgression. The fool of *Leviathan*, who, questioning whether there is a God also questions whether there is such a thing as justice, is not a *follis*, as he is not the Epicurean *stultus* either. He is not the priest or pope as wizard and sorcerer, or even the dumb mob who, believing that "good" and "bad," "just" and "unjust" are merely words to express preferences, are led astray by priests. These are all *stulti*. But the fool of *Leviathan* is *insipiens*, unwise, insane, out of his mind, a term Hobbes does not elsewhere use—as he does not use *follis*, either—as the Latin *Leviathan* clearly establishes, but which Hoekstra fails to note. *Insipiens*, a word chosen carefully by Jerome to translate the Hebrew "nabal," of Psalm 52, has a much darker meaning.²⁰ It is the very particularity of the *insipiens*, and Hobbes's treatment of this fool, who was misnamed to his own day, that delivers the punch.

The Iconography of the *Insipiens* and the Tyrant-King

When Hobbes runs out of arguments he turns to threats, and the point of his invocation of the biblical beasts, *Leviathan* and *Behemoth*, is to threaten hellfire and brimstone for non-compliance. Hobbes had an uncanny knack for creating word-pictures where words alone do not suffice, and when necessary he invoked traditions of fear-inducing iconography, echoed in the

frontispieces to his works, as Quentin Skinner has so well demonstrated.²¹ Frontispieces, like manuscript illuminations and the Emblem books to which they gave rise, were not merely artistic embellishments, they were also a type of writing that could present to the illiterate a text that could not be presented in words. The fool as *insipiens* belonged to just such an iconographic tradition, which translated visually Psalm 52's idiom of dread and trembling, the visual elements paralleling in a striking way Hobbes's treatment of the *insipiens* in *Leviathan* xv. They also include the spectre of the tyrant-king. Sometimes they flip the fool, and he *is* the tyrant prince.

The iconography of the *insipiens* is to be found in its richest form in medieval French and English Psalters of the thirteenth century, where liturgical divisions were marked with picture cycles incorporated into the historiated initials of relevant texts. Psalm 52 was frequently used in the liturgy and the "D" of the opening verse, "Dixit insipiens," was accordingly elaborately illuminated. Ahuva Belkin, taking the historiated initials of four manuscripts of the same provenance in north-eastern France, which he refers to as the "*alius* group" because they are so singular, as well as related British and Continental manuscripts, claims that the illustrations to Psalm 52 are unique in having undergone a complex process of development.²² The fool is represented in all the possible guises of madman and festival fool to which "the inaccurate translation of *insipiens* as 'fool' or 'fou'" gave rise: "demented lunatic, the maniac and half-wit." Significantly, owing to his God-denying claim ("Deus non est"), the *insipiens* also took the form of heretic and Antichrist; and, by associational reasoning that "Antichrist was the type of the heretical tyrant," the tyrant king. In the illustrations that belong to this group, "all produced within a small zone of influence as regards the workshop and tradition," the princely figure is shown with the devil somewhere in the picture and, where the devil is not present "the figure's tousled hair hints at his condition: he is possessed by the devil." He is a figure for the Antichrist, Belkin (68) insists.²³ Sometimes the kingly figure sits cross-legged, like Pharaoh,²⁴ sometimes on a throne, sometimes in royal regalia and sometimes not; and sometimes he has his hand resting on his chest in the "God-denying *insipiens*" position, sometimes not. But as Belkin (69) points out, he is always clearly royal, and in all cases, "not a single attribute can be found that portrays the fool," *follicis* or *stultus*; he is always an *insipiens*.

Belkin (71) makes an excellent case for the fit between the God-denying *insipiens* of Psalm 52 and the Antichrist who is first and foremost a Lucifer-like figure and rebel king. This association has a long history in Christianity beginning with St. Augustine, so that "in the Christian catechism, as well as in folk tales and mystery plays, Antichrist is represented as the heretic tyrant."

In fact Augustine tended to treat the Antichrist in two ways, first in his “Joannine Epistles” as the God-denying *insipiens* depicted in Psalm 52, representing all infidel sects, pagans and particularly Jews; and second, in his *City of God*, as a wicked despot possessed by the Devil and schooled by him. The latter was an interpretation elaborated by Jerome in his Commentary on the Book of Daniel, and by Firmicus Maternus in his *Liber de Erroribus*, who “went so far as to suggest that the Devil is no other than Antichrist.” The “concept of a tyrannical Antichrist as a symbol of the pseudo-Christ” was to prove perhaps the stronger of the two interpretations. It is to be found in the widely circulated Utrecht Psalter which found its way to England around AD 1000, where it became the model for three English Psalters: the British Library Ms. Harley 603, Paris Bibliothèque Nationale Ms lat.8846, and Cambridge Trinity College Ms. R.17.1. Each illustrates Psalm 52 with “an infamous tyrant sitting on a throne inside the temple and exhibiting iron-rod authority,” but without a crown because he is Antichrist and a rebel king.²⁵

We do not need to assume that Hobbes was aware of this iconographic tradition to make the case for a convergence of opinion on the interpretation of the fool of Psalm 52 as *insipiens*, but it is noteworthy that this interpretation should be so persistent in the vernacular tradition. Three further English manuscripts provide particularly important variants of the type. The first, the Evesham Psalter, a gift to the Abbey of Evesham by Abbot Henry of Worcester around 1250, portrays in the historiated initial D of Psalm 52 a young crowned prince with a bladder (*follis*) in his bent right hand and a chalice in his raised left hand. (It is the only single reference to the *follis*, textual or visual, that I can find in all this material.) A half body of Christ with a book in his left hand and a flame in his right is depicted in the upper zone. The young prince challenging Christ the Redeemer is in fact identified as a figure of the Antichrist. The second manuscript (British Library Add. 16975 fol. 63, fig. 6), probably the work of a late thirteenth century English artist working in France, is a further variant. This time, Belkin (70) notes, the throned figure in kingly regalia holds a scroll in his uplifted right hand; and so does the figure of Christ in the upper zone, while “his right hand is pouring down flames on the [prince’s] head.” The Evereux sketches, which demonstrate an affinity with Add. 16975, add the text of Psalm 52:4 “NON EST DEUS,” while showing the princely figure with his hand right hand holding a scroll and his left resting on his chest in the “God-denying *insipiens*” position (70, 74). In the third English manuscript (British Library Bible, Add. 15253), and the most striking portrayal of the *insipiens* as Antichrist, we have an almost Leviathan-like figure. The princely figure is crowned, but with a “grotesquely distorted” face, “an enormous, bloated nose and a wide disfigured mouth slightly open to reveal

a set of protruding teeth.”²⁶ His royal paraphernalia recall depictions of Hercules and the Gallic Hercules.²⁷ “In his left hand he holds a truncheon, its end shaped like the jaw of a beast, while the right hand rests on his chest as per the text: ‘in corde suo . . .’ while “[h]e is flanked by two bulky devils in profile, their arms extended toward the seated figure” (Belkin 68).

What is most noteworthy about representations of the *insipiens* of Psalm 52 in medieval Psalters is the way they inflate the apocalyptic of the psalm itself: devils, deformations, tyrants and monsters, a fire-hurling and even fire-spitting Christ and Satanic Antichrist, all of which the covenant-breaking Israelites are deemed to have drawn down upon their own heads. And so the God-denying *insipiens* became a figure for all rebel kings and impostors including the arch rebel, the Satanic Antichrist—in Hobbes often a figure for the pope, the anti-Leviathan.²⁸ As Belkin argues (73), an extraordinary convergence of “detailed descriptive traditions which included pictorial precedents as well as written sources: the writings of church elders, theological expositions, myth and folklore,” supports the interpretation of the *insipiens* of Psalm 52 as a false Messiah, consort of devils, Antichrist, rebel impostor, and tyrant king. It is this apocalyptic on which Hobbes, with his musical Biblical ear, picks up in his own interpretation of Psalm 52. The spectre of the *insipiens* also raises unanswered questions. Just who is this character and at what point does the rebel imposter command, or fail to command, allegiance?

Hobbes’s Fool and the Exegetical Tradition

We do not have to assume that Hobbes was aware of this iconographic tradition, although its pervasiveness is striking. His invocation of the Book of Job in *Leviathan*, with all the terror that the Biblical monsters command, is indication enough that he is well attuned to the exegetical tradition of apocalyptic and, for the interpretation of the fool of Psalm 52 I suggest, this would be sufficient. The Vulgate translation of Psalm 52:1: “dixit insipiens in corde suo non est Deus,” was made by Jerome, and *insipiens* translated the dark Hebrew term *nabal*, connoting “moral, not intellectual deficiency . . . a person lacking in sense of honor and decency.”²⁹ The Psalmster’s fool, no “fou,” was taken to be a figure of such seriousness that Anselm made him the vehicle for his exposition of the ontological argument for God’s existence, while later he is central to Francisco Suárez’s *Metaphysical Disputations* 2.4. *Insiptiens* can be a synonym for *stultus*, a fool in any of the numerous possible meanings of the term, but more precisely means “unwise, lacking in understanding,” or even as the dramatists used it, “out of his senses,” “insane,” so, *Bacch.* 4.3.14: “hic homo sanus non est.”³⁰

The “insanity” of the fool as someone “out of his mind,” rather than “simple-minded,” accords well with the general thrust of Psalm 52, which records God’s despair at the depravity of his people. “They are corrupted and become abominable in iniquities,” verse 2 records.³¹ And to the last man, we learn from verses 3 and 4: “God looked down from heaven on the children of men: to see if there were any that did understand, or did seek God.” The picture was bleak indeed: “all have gone aside, they are become unprofitable together, there is none that doth good, no not one.” This observation provokes divine wrath: “Shall not all the workers of iniquity know, who eat up my people as they eat up bread?” God expostulates in verse 5. By offending thus against God the foolish are thrown into disarray: “there have they trembled for fear, where there was no fear,” verse 6 accuses, because “they have not called upon God,” and for this they have been punished. “For God hath scattered the bones of them that please men: they have been confounded, because God hath despised them.” God’s people, the Israelites, are in a veritable Hobbesian state of nature, one might say. “Who will give out of Zion the salvation of Israel?” God cries in verse 7, declaring, redemption will come only “when God shall bring back the captivity of his people;” then “Jacob shall rejoice, and Israel shall be glad.”

It is not just the folly, but the mindlessness of rebellion that offends against God and reason, which is the burden of *Leviathan* xv, and which warrants the invocation of the *insipiens*. Hobbes drives home the argument in various ways. He presents not only the Biblical illustration from Psalm 52 but also the example of Jupiter’s rebellion against Saturn, condoned by the heathens who mistakenly believed “the same Jupiter to be the avenger of injustice,” thus ending the “golden age” and ushering in the long cycle of violence that characterized the “iron age” famous from Ovid’s *Metamorphoses*, which Hobbes uses as a figure for the state of nature and civil war in the *Historia Ecclesiastica*.³² His introduction of the Jupiter-Saturn regicide is no mere literary flourish but, as Hoekstra shows, defers to the preface to *De cive* in which he characterized the age of Saturn as a time of “*peace, and a golden age, which ended not before that Saturn being expelled, it was taught lawfull to take up arms against Kings.*”³³ Hobbes speaks to the regicides through Ovid, whose *Metamorphoses* was widely read as a set of imperial foundation myths—hence Sandys’s impetus to translate the work en route to Virginia!³⁴ Ovid’s lesson was that the ancients of the golden age “*kept their Empire entire, not by arguments, but by punishing the wicked, and protecting the good; likewise Subjects did not measure what was just by the sayings and judgments of private men, but by Lawes of the Realme: nor were they kept in peace by disputations, but by power and authority.*” And then comes the

punch-line: “therefore they little used as in our dayes, to joyne themselves with ambitious, and hellish spirits, to the ruine of their State.” Hobbes notes, “the simplicity of those times was not yet capable of so learned a piece of folly.”

In all the discussions of Hobbes’s loyalty to the Stuarts, or lack thereof, and his opportunistic support of Cromwell,³⁵ this passage, which speaks from the heart, has been overlooked. Here Hobbes mourns the pre-regicide period as a golden age of innocence that cannot be recovered—and truly an age of innocence, in which cultural simplicity and respect for kings did not permit men, as in Hobbes’s own day, “to joyne themselves with ambitious, and hellish spirits, to the ruine of their State”—a conspiracy to which Hobbes, despite having compounded for Cromwell, was determined to distance himself as the ultimate “piece of folly.”³⁶ Indeed Hobbes’s parable of the fool might be seen as an elaborate self-confession that seeks to set the record straight, but is doomed to failure just because of his own agnosticism and dynastic inconstancy. Because of the inexorable logic of his de factoist position, Hobbes himself coming to the support of whatever sovereign was in power—as someone who believes that all states are founded in violence must—when it came to legitimations he could not be believed. This was the dilemma of his contemporary, the Hobbist Daniel Scargill, who, professing to believe only what the sovereign commanded, had no credibility at all.³⁷

Hobbes in *Leviathan* xv anticipates the confessional mode of the “Review and Conclusion” by attempting to deflect onto others the opportunism by which he himself stood accused. So, turning from the golden age to his own day, Hobbes in the English *Leviathan* xv makes direct reference that is missing in the Latin *Leviathan*,³⁸ to the way that the Common Law jurist Sir Edward Coke seemed to give sanction to the regicides, thus trying by a superior piece of casuistry to offload onto Coke, his suspected adversary in his *Dialogue between the Philosopher and Student of the Common Law*, the folly of supporting the de facto legitimacy of the conqueror, of which Hobbes himself was charged. *Cokes Commentaries on Littleton* upheld the title of a prince even if he “be attainted of treason” (*L.* xv, 4, 73/91),³⁹ seeming, like the pagans who sanctioned Jupiter’s killing of Saturn, to argue for the de facto legitimacy of a conqueror, and allowing fools to infer that

when the heir apparent of a kingdom shall kill him that is in possession, though his father, you may call it injustice, or by what other name you will, yet it can never be against reason, seeing all the voluntary actions of men tend to the benefit of themselves, and those actions are most reasonable that conduce most to their ends. (*L.* xv, 4, 72/91)

“This specious reasoning is nevertheless false,” Hobbes declares (*L.* xv, 4, 72/90). The folly of the fool is not just that he does not know what it means for actions to have consequences, so bringing down hell upon his own head; but because, like those who justified the overthrow of Saturn by Jupiter, and the regicide of Charles I, he supports these gross acts of injustice, and legitimizes their consequences, *in the very name of justice*. Clarendon and others saw *Leviathan* as a legitimation of Cromwell, with all its unfortunate consequences, but this particular folly was one against which Hobbes tried to insure himself with his disclaimer in the “Review”: “Therefore I put down for one of the most effectual seeds of the death of any state that the conquerors require not only the submission of men’s actions to them for the future, but also an approbation of their actions past” (*L.* RC 8, 391/492). And why? Because all legitimations are equally tainted, as “there is scarce a commonwealth in the world whose beginnings can in conscience be justified” (*L.* RC 8, 391/492).

Where does this leave the commonwealth by acquisition, signalled by the peace treaty that marks the closure of civil conflict, whereby the vanquished submit to the terms of the victor and, by implication, legitimate his de facto succession? More de factoist than most realize. And yet, carefully read, the “Review,” by disqualifying all legitimations as tainted, at the same time insists that de factoism is just that, it does not justify the moral delinquency of backsliders who conspire against sitting sovereigns to whom they have pledged allegiance by oath. In *Leviathan* xv Hobbes had already suggested that men who support de factoism are fools. To encourage rebellion against kings in support of an imposter, be it even the heir apparent Jupiter, can never be *just* because it betrays sworn allegiances that are justice-defining. It can never be sanctioned by *reason*, even construed as self-interest, because it leads to a culture of violence and a spiral of promise-breaking. However, once made, no one can argue with a successful rebellion, as long as it is recognized for what it is, a de facto grab for power whose only justification is its own success. Positive law requires in fact that citizens obey the commands of the sitting sovereign, whatever his provenance or title, and Cromwell, the Lord Protector so aptly named, qualified.

Justice, Resistance, Regime Change, and the Fool

Clearly we are not simply quibbling about the provenance of Hobbes’s fool, or even his Latin name. The point is rather that the parable, while ambiguous, is also multipurpose, serving to illustrate Hobbes’s doctrine of justice and its

implications for contemporary events, while at the same time accommodating his theory that human frailty, owing to an opportunism that is systemic because of the push and pull of pleasure and pain, encourages utilitarian strategies for self-preservation. Turning first to contemporary events, the fool is the archetype of the regicide, who chooses his own advantage to break his oath of allegiance and threaten the state with civil war. Reasoning falsely, as he does, to conclude that backsliding on the covenant can be justified by utility, the fool represents the potential rebel and resister. He is just the sort to foment resistance to kings. It is not by being a “free rider” then that the covenanted fool is what he is, but because he puts the cart before the horse, demonstrating that he does not even know what this justice is in which he does not believe. The perfectly good *reasons to make a covenant* (or take an oath of allegiance), expressed in terms of “that reason which dictateth to every man his own good” and what “conduceth to such a benefit,” cannot be argued to *breach a covenant* (or break an oath of allegiance), once made (*L. xv, 4, 72/90*). In the state of nature, men can reason harm and benefit as they like, for there is no such thing as justice and injustice, which depend upon sovereign authority that only the social contract can enact. The fool’s delinquency, then, is in failing to see that covenanting has consequences, and this was the point of the parable in Holy Writ. The consequences are dire, as dreadful as those described in Psalm 52, verses 5-7, which tell of the dark days into which the Israelites were cast when they rebelled against God their King. It matters not whether he says it in his heart or with his tongue, the injustice is the same. Moreover, this fool is not only passive but active in his delinquency. One cannot sufficiently stress, a point which Hoekstra introduces but does not fully explore, that the magnitude of the fool’s folly derives from the gravity of his *action: it concerns the making and unmaking of kingdoms*.⁴⁰ For this reason, Hobbes threatens him with all the divine wrath Scripture can conjure up against those who rebelled against God their King, including the titles, madman, fool, impostor and even Antichrist.

Hobbes is addressing the old scholastic question of the right of resistance and those who invoked divine authority to resist the king; puritans, parliamentarians and regicides of his own day, who, while seeking their own benefit, were guilty of their own undoing. These specific acts of rebellion “for the getting of a kingdom” (*L. xv, 4, 72/90*), and not the fact of their being “Explicit Fools” or “Flagrant Fools,” are what draw down upon them the wrath of God and men. This Hobbes makes clear by going on to cite the enigmatic Matt. 11:12, “And from the days of John the Baptist until now, the kingdom of heaven suffereth violence, and the violent take it by force”; the very text that the fool uses as his pretext, reasoning thus:

The kingdom of God is gotten by violence; but what if it could be gotten by unjust violence? were it against [OL: right] reason so to get it, when it is impossible to receive hurt by it [OL: but only the supreme good]? and if it be not against reason, it is not against justice; or else justice is not to be approved for good. (*L.* xv, 4, 72/90)

Matt. 11:12 shadows the parable of the fool. Not only does the kingdom of God suffer violence, but all kingdoms are gotten in violence, as Machiavelli says. To pass this violence off as “just,” or according to right reason, is to delude oneself, because the opportunistic fool is not operating in the state of nature, where anything goes, but in civil society in which covenants have been made, which only by denying that there is such a thing as justice, the fool can reasonably claim the right to break. What justice entails is the fool’s conundrum. Justice in formal terms is nothing but the set of rules those contracting into civil society oblige themselves to follow as the quid pro quo for sovereign protection; a contract that was renewed by the innumerable acts of swearing and promising sovereigns required of citizens in Hobbes’s day. Justice is thus conventional, but not arbitrary, and it is certainly not up to individuals to define for themselves. Justice is precisely not a “pro-word” to be applied at will as it “conduce[th] to one’s benefit” (*L.* xv, 4, 72/90). Justice is defined by positive law and nothing else, according to Hobbes, law that the backsliding fool is prepared to break, but on specious grounds. Looking more closely at the passages where Hobbes seems to claim that justice and injustice are merely terms of approbation and opprobrium, we find that this is rather a misconception of the masses, whom he generally takes for fools, and that he, the wise man, abjures, advocating to the contrary a doctrine of “the just and unjust” as demonstrative science that *Leviathan*, his manual for civic education, was designed to teach.⁴¹

Hobbes’s theory of justice is thoroughly Epicurean, and here too the fool has a role to play.⁴² Following the master, Hobbes believed that philosophy like science was therapeutic, concerned to solve puzzles with which humans are daily confronted and which the sage, in his wisdom, could teach. Epicureanism was relatively agnostic about the nature of God and the cosmos out of a certain humility about the limits of human understanding—it made plenty of room for the fool. Believing that solutions to the problems of mundane existence were human and not divine, Epicureans, like the Stoics, insisted that living well meant attending to what is within one’s control and eschewing what is without one’s control. Justice, accordingly, is also human and not divine, it involves human agreement to avoid harm and promote benefit, as Epicurus maintains in the Rational Sentences XXXI to XL of the *Principal Doctrines*

(*Kuriai Doxai*), a work translated by Gassendi while Hobbes was literally looking over his shoulder during his Parisian exile with the Stuart court.⁴³ Justice on this reading is certainly conventional, but it is not relative, which the fool fails to see. Human flourishing is a final good, even if its terms are set by the specific contracts men have entered to promote it. The good life requires peace, but the injustice of the fool leads to a climate in which distrust spirals into war. Hobbes was serious about peace and reluctant to sanction even the usual grounds for war, pretexts based on just war, infringements on property or trade, and thus trespass.⁴⁴ His concept of justice is also minimalist, in the Epicurean tradition: “the nature of justice consisteth in keeping of valid covenants,” nothing more or less, “but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them” (*L.* xv, 3, 72/89).

Hobbes’s fool the backslider, I maintain, better fits the purposes of *Leviathan* xv, which elaborates a theory of justice surprisingly congruent with the concepts and terminology of late Scholastic and Grotian accounts of natural law, than Hoekstra’s fool the loud mouth. Much turns on “*the Difference of Right and Law* (*L.* xiv, 4, 64/80), as the marginal headings to *Leviathan* xiv suggest. So, while the “RIGHT OF NATURE, which writers commonly call *jus naturale*,” is “the liberty each man hath to use his own power, as he will himself, for the preservation of his own nature” (*L.* xiv, 1, 64/79), this right-in-principle can only be exchanged for justiciable rights under *ius gentium*, when men consent to be governed by “the first and *fundamental law of nature, which is to seek peace and follow it*” (*L.* xiv, 4, 64/80). That in turn means subscribing to the “*second Law of Nature*,” which is to “*Contract in way of Peace*” (*L.* xiv, 5, 64/80), all further laws of nature being stipulated by this contract. It follows that “*The Third Law of Nature, Justice*,” entails simply “*that men perform their covenants made*” (*L.* xv, 1, 72/89); and, Hobbes insists, “in this law of nature consisteth the fountain and original of JUSTICE. For where no covenant hath preceded, there hath no right been transferred, and every man has right to everything; and consequently, no action can be unjust” (*L.* xv, 2, 72/89). As a corollary, “the definition of INJUSTICE is no other than *the not performance of covenant*. And whatsoever is not unjust is *just*” (*L.* xv, 2, 72/89).

But stipulative solutions do not necessarily correspond to psychological dispositions to conform, as Hobbes, who had difficulties himself that way, was fully aware. Given that all states are founded in violence, the conundrum of justice is a real one, and in the “Review and Conclusion” Hobbes returns, wordlessly, to the fool’s dilemma. It is not just a question of whether to be a free rider or not, it is also a matter of knowing at what point in a regime

change one is still bound or not, and this was his own dilemma, as it was that of all those who had taken compulsory oaths both to the Stuarts and Cromwell's Commonwealth. Human nature does not predispose us to constancy, which is why social contract and simultaneous authorization of a sovereign guarantor are necessary in the first place. But were it the case that human beings were congenitally incapable of promise-keeping and the moral fibre necessary to maintain their commitments under pressure from the honeyed words of rhetoricians, as some claimed, they would be congenital fools, and Hobbes would have no case at all. Given that he subscribes to environmental conditioning and psychological determinism this is a strong possibility, as he realizes. Hobbes opens the "Review and Conclusion" by addressing an unnamed interlocutor who claims that human beings are not naturally "disposed to . . . civil duty," owing to the "contrariety of some of the natural faculties of the mind one to another, as also of one passion to another" (*L. RC 1, 389/489*).⁴⁵ This interlocutor seems to share Hobbes's commitment to the Epicurean view of humans as driven by the pursuit of pleasure and avoidance of pain, presenting him with a real challenge: "to consider the contrariety of men's opinions and manners in general, it is, they say, impossible to entertain a constant civil amity with all those with whom the business of the world constrains us to converse (which business consisteth in nothing else but a perpetual contention for honour, riches, and authority)" (*L. RC 3, 389/489*). "To which I answer," Hobbes responds, "that there are indeed great difficulties, but not impossibilities. For by education and discipline they may be, and are sometimes, reconciled" (*L. RC 4, 326/489*).

This, indeed, is the very point of his civil science. But it is also true, and this he had learned both from personal experience and from the reflections of Thucydides whom he translated, that human nature in the world-turned-upside-down of war was unremittingly refractory. "The received value of names imposed for signification of things was changed into arbitrary," so that "inconsiderate boldness was counted true-hearted manliness; provident deliberation, a handsome fear; modesty, the cloak of cowardice; to be wise in everything, to be lazy in everything."⁴⁶ The semantics of war compound the normal propensity for inconstancy in human nature, swinging between the "severity of judgment," that makes men too harsh, and "celerity of fancy," that makes them too fickle (*L. RC 1, 389/489*). Reason is an antidote: "For without it the resolutions of men are rash and their sentences unjust. And yet if there be not powerful eloquence, which procureth attention and consent, the effect of reason will be little." Here eloquence comes to reason's assist, and Hobbes demonstrates again that he is not a moral relativist, claiming, "there are contrary

faculties: the former being grounded upon principles of truth; the other upon opinions already received (true or false) and upon the passions and interests of men (which are different and mutable)” (*L. RC 1*, 389/489).

The “Review and Conclusion” is a rare exercise in reflection on what it means to convert the social contract from a thought experiment into a credible actor-agent sequence that could be willed, with all the necessary affective and cognitive predispositions. And here Hobbes brings together his formal science of justice, as conforming to both natural and civil law, with his theory of sensationalist psychology, exhibiting his customary perspicuity about human motivations, cognitive processes, the pull of the passions against judgement and the power of rhetoric to play on them, which may serve to explain at a psychological level the self-delusions of the fool. His account is compelling because it expresses a real dilemma, his own and that of all his “compounding” compatriots. Hobbes explores, once again with respect to the Israelites, how judgment and imagination might cohabit, and reason and eloquence consort together in the same person, in a way that allows us to see that human frailty does not disqualify us from “civil amity” or compacts to keep the peace. Contrary to the opinions of those who would justify the inconstancy of the fool—his unnamed interlocutor being one—and thus were guilty of being fools themselves, he claims (*L. RC 4*, 390/490):

Reason and eloquence (though not perhaps in the natural sciences, yet in the moral) may stand very well together. For wheresoever there is place for adorning and preferring of error, there is much more place for adorning and preferring of truth, if they have it to adorn. Nor is there any repugnancy between fearing the laws and not fearing a public enemy; nor between abstaining from injury and pardoning it in others.

What follows is an impassioned plea for truth, in answer to the unrelenting scepticism of the backsliding fool: “There is, therefore, no such inconsistency of human nature with civil duties as some think.” Once again in confessional mode, Hobbes declares with great pathos (*L. RC 2*, 3, 326/489):⁴⁷

I have known clearness of judgment and largeness of fancy, strength of reason and graceful elocution, a courage for the war and a fear for the laws, and all eminently in one man, and that was my most noble and honoured friend, Mr. Sidney Godolphin, who, hating no man, nor hated of any, was unfortunately slain in the beginning of the late civil war, in the public quarrel, by an undiscerned and an undiscerning hand.

“Review” in seventeenth-century usage could mean revision, and in the “Review and Conclusion” Hobbes does revise his general theory of the exchange of obedience for protection and the point in regime change at which obligation is dissolved, based he admits, on his own experience of civil war. First: “[t]o the Laws of Nature declared in Chapter 15, I would have this added,” he notes: “*that every man is bound by nature, as much as in him lieth, to protect in war the authority by which he is himself protected in time of peace*” (*L. RC 5, 390/490*). Hobbes observes that “this law may be drawn by consequence from some of those that are there already mentioned [in *Leviathan xv*], yet the times [civil war], require to have it inculcated and remembered.” Second, the context for these clarifications is a specific one, the pamphlet warfare of the Engagement Controversy:⁴⁸ “because I find, by diverse English books lately printed, that the civil wars have not yet sufficiently taught men in what point of time it is that a subject becomes obliged to the conqueror, nor what is conquest, nor how it comes about that it obliges men to obey his laws.” And here Hobbes insists that those who see the social contract as no more than a formal thought experiment are wrong. The social contract involves consent, and not tacit, but explicit, consent: “therefore, for further satisfaction of men therein, I say the point of time wherein a man becomes subject to a conqueror is that point wherein, having liberty to submit to him, he consenteth, either by express words or by other sufficient sign, to be his subject” (*L. RC 6, 390/490*).

Hobbes generally follows Aristotle in maintaining that voluntary, and therefore culpable, behaviour does not necessarily involve conscious choice. As a corollary, consent maybe tacit, in being assumed *a priori*, where it is not sworn by the explicit oaths of allegiance required of citizens to each incoming sovereign; or it may be explicit as specified by just those oaths (*L RC 7, 390/491*):⁴⁹

But his promise may be either express or tacit: express, by promise; tacit by other signs. As, for example, a man that hath not been called to make such an express promise (because he is one whose power, perhaps, is not considerable), yet if he live under their protection openly, he is understood to submit himself to the government.

We tend to forget the innumerable formal oaths of allegiance that citizens were obliged to swear in Hobbes’s day. All those eligible for public office were required to swear an oath of allegiance to the incoming sovereign—even “engaging” involved an oath⁵⁰—enmeshing them, in a period of rapid regime change, in a tissue of conflicting promises. People had to be persuaded

to give up the allegiances they had sworn to defunct monarchs or, given the instability of the Stuart dynasty, there was no hope for a coherent state. Like Locke later, Hobbes's principal concern was that loyalists, due to scruples about their former oaths of obligation to the Stuarts, should not threaten the stability of the new regime, whether that of Cromwell in his own day, or William of Orange in Locke's, on the grounds that they were "imposters." Regime change is not a matter for individuals to determine, it is a social phenomenon for which there are objective criteria. The remainder of the "Review" of the first book of *Leviathan* comprises further specifications of those criteria, so that

by this also a man may understand when it is that men may be said to be conquered, and in what the nature of conquest and the right of a conqueror consisteth; for this submission is it that implieth them all [that is to say the population as a whole]. Conquest is not the victory itself, but the acquisition by victory of a right over the persons of men. (L. RC 7, 391/491)

Just as in the case of formal oaths of allegiance, this "submission," or consent, took a specific legal form known as "compounding," or "composition," the act of striking a deal with the new regime by which royalists were permitted to retain their lands in exchange for the payment of a tax. Hobbes had "compounded" for Cromwell on his return to England in 1651, and those loyalists who insisted on holding out—like the later non-jurors of Locke's day—he accused of delinquency:

When it is that a man hath the liberty to submit, I have showed before in the end of Chapter 21: namely, that for him that hath no obligation to his former sovereign but that of an ordinary subject, it is then when the means of his life is within the guards and garrisons of the enemy; for it is then that he hath no longer protection from him [his former sovereign], but is protected by the adverse party for his contribution ["composition" or "compounding"]. Seeing, therefore, such contribution is everywhere, as a thing inevitable (notwithstanding it be an assistance to the enemy) esteemed lawful, a total submission (which is but an assistance to the enemy) cannot be esteemed unlawful. (L. RC 6, 390/490)

The non-compounding (or non-juring) royalist is accused both in terms of the logic of self-preservation—"when the means of his life is within the guards and garrisons of the enemy"—and for failing to understand that regime

change is a matter not for individuals to decide but of positive law. What might appear to be rank opportunism then—and I see *Leviathan* as Hobbes's attempt to hedge his bets on regime change between Cromwell and the Stuarts—is both *rational* behaviour, as dictated by self-preservation, and *ethical*, as dictated by the law. At this point the backslider—as Hobbes and Locke found themselves accused—is no longer a fool but a law-abiding citizen.

Conclusion: The Free-Riding Fool and the Tyrant-King

Hoekstra's interpretation of the fool as *follis* may be defensible in terms of Hobbes's Epicureanism and his condescension towards the masses—although in fact he always prefers the term *stultus* with its different horizons of meaning⁵¹—but not in terms of the idiom of Psalm 52, and its awful sense of dread and corruption, which Hobbes faithfully reproduces. The fool of Psalm 52 is far from the light-hearted *follis*, a term Hobbes never uses, while in the Latin *Leviathan* xv, 4, it is precisely Jerome's *insipiens* whom he names. And I believe that it is not by accident. Hobbes, the son of a defrocked Anglican clergyman, when it came to the Bible, had an extraordinarily musical ear. Not only do his cadences reproduce the exemplary plain style of the King James Bible, but he frequently invokes specific Biblical phraseology to make his point. In a Protestant milieu in which the general public, whom in *Leviathan* he was for the first time addressing, knew much of the Bible by heart, this ability increased the possibility that his work might be taken, as he hoped, for the bible of civic education.

Hobbes's apparent moral scepticism, his oft-stated claim that men use “just” and “unjust” simply to state preferences, his view of reason as restricted to means–ends calculations, and his Epicurean presupposition that human behaviour is driven by the pursuit of pleasure and avoidance of pain, taken together with the notion of the commonwealth by acquisition (*L* xvii, 15, 8/110; *L* xx, 10–12, 103–5/130–1), might seem to condone the free-riding fool. But Hobbes trod the fine line of Epicurus before him. Social contract produces a justice that is necessarily conventional, but not arbitrary. The parable of the fool is critical to the purposes of *Leviathan*. By turns *stultus*, in the Erasmian tradition, and *insipiens*, in the mode of Psalm 52, Hobbes's fool was more than a windbag (*follis*), blowhard, or loudmouth, he was a disturber of the peace, even a war-monger. Contrary to Hoekstra, the function of the fool is to make a much larger point than the *in foro interno*, *in foro externo* distinction. He serves to embody both the dumbness of the free-riding backslider and the self-devouring insanity of those who would rebel, like the Israelites

against their God, and like the fools of Hobbes's day, against the Great Leviathan, mortal God, their king.

The parable of the fool can be read as self-reflexive, then, Hobbes's attempt to set limits to de factoism, while exonerating himself from delinquency. The moment of contract separates the before and after of contract categorically, but it does so within the much broader ambit of the distinction between *ius naturale* and *ius gentium*, *ius* and *lex*, in the natural and civil law traditions to which both Hobbes and Grotius subscribed. So what was allowed in the free-for-all of the state of nature or civil war is precisely disallowed once the social contract brings the criteria of the just and the lawful into being. In the case of the commonwealth by acquisition, the act of submission to the conqueror, whereby the vanquished "compound for their life with ransom or service" (*L*, xx, 12, 104/131), is that moment, a moment replicated each time a subject swears an oath of allegiance, binding himself to *this* incumbent and *her* score-settling against the previous incumbent. What might seem like an exercise in self-justification and political opportunism on Hobbes's part is in fact entirely consistent with his analysis of the fool. His folly is not just in reasoning for injustice in the name of justice, a category mistake to which the masses, for whom "just" and "unjust" are just labels with which to brand their preferences, are prone, and which earns them the appellation *stultus*. The fool is an *insipiens*, and out of his mind because he makes arguments against sovereign law that characterize men in the state of nature, where the social contract has not yet been made, but which once enacted is the only measure of what is just and unjust. "The laws of nature oblige *in foro interno*, that is to say, they bind to a desire they should take place; but *in foro externo*, that is, to the putting them in act, not always" (*L*. xv, 36, 79/99). This distinction protects the man who would "perform all he promises, in such time and place where no man else should do so," against performance that would "make himself a prey to others, and procure his own certain ruin," for this would be "contrary to the ground of all laws of nature, which tend to nature's preservation." But it does not protect the man who, "having sufficient security that others shall observe the same laws towards him, observes them not himself." That man "seeketh not peace, but war, and consequently the destruction of his nature by violence" (*L*. xv, 36, 79/99).

There is a striking symmetry between the Israelites of Psalm 52, who in their foolishness believe that the covenant allows them the privilege of disbelief, and Hobbes's fool who, enjoying the protection of the social contract, feels free to disbelieve in justice. The Fool of Psalm 52 is not dumb, he is *insipiens*, out of his mind because like the backsliding Israelites he takes the

risk that God will not notice his faithlessness, and like the rebels and regicides of Hobbes's own day, who gamble the kingdom for their own gain, shoots himself in the foot! Neither is prepared to see that before the Covenant there was no such thing as Justice, a truth that even religion teaches. An omnipotent and omniscient God did not need it, and the fool in the state of nature did not have it. Pre-Covenant Israelites were thus fully exposed to His wrath for transgressions against His Majesty. So with the great Leviathan, mortal God, who does not tolerate fools. To be "a mortal God" meant appropriating the first commandment of the Pentateuch (Exodus 20:3): "*Non habebis Deos alienos*, Thou shalt not have the Gods of other nations," as Hoekstra notes. "Ye are gods," Psalm 82:6, proclaimed of kings, and Hobbes concurred (*L.* xxx, 7, 177/222). Such a bold boast brooks no argument, and better the tyrant-king than the tyrant-people. This left Hobbes's role, as he seems to acknowledge in the Dedicatory epistle to *Leviathan*, like that of the Capitoline Geese who, alerting the Assembly, saved Rome from the Gauls by setting up an unholy din:

I speak not of the men, but (in the Abstract) of the seat of Power, (like to those simple and impartial creatures in the Roman Capitol, that with their noise defended those within it, not because they were they, but there), offending none, I think, but those without, or such within . . . that favour them. (*L.* sig A2v/2)⁵²

Psalm 52 becomes a sort of null hypothesis, then, Hobbes trying to persuade the reader that *there is no parallel* between the fool and the de factoist, and particularly not in his own case. But here he had about as much chance as Scargill, undermining the very credibility he was trying to establish. Indeed, thanks to Hobbes, fools seem to be multiplying: democrats are fools, tyrants (usually the people) are fools, kings can be fools, and there is even a case to be made that Hobbes was one himself. "La mamma dei cretini è sempre incinta," as the Italian saying goes: "the mother of fools is always pregnant."

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1. Citations are to *Leviathan [1651], with selected variants from the Latin edition of 1668*, ed. Edwin Curley (Indianapolis: Hackett, 1994), referencing chapter (small Roman numerals), section, pagination of the Head edition/and of the Curley edition.
2. Treated in Patricia Springborg, "Hobbes's Fool the *Stultus*, Grotius, and the Epicurean Tradition," *Hobbes Studies*, 23 (2010): 29-53.
3. David Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 1969); Gauthier, "Why One Ought to Obey God? Reflections on Hobbes and Locke," *Canadian Journal of Philosophy* 7, no. 3 (1977): 425-45; Gauthier, "Hobbes: The Laws of Nature," *Pacific Philosophical Quarterly* 82, no. 3-4 (2001): 258-84; Jean Hampton, *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge University Press, 1986); and Hampton, "Hobbes and Ethical Naturalism." *Ethics* 6 (1992): 333-53.
4. John Deigh, "Reason and Ethics in Hobbes's *Leviathan*," *Journal of the History of Philosophy* 34, no. 1 (1996): 33-60. See Mark C. Murphy, "Desire and Ethics in Hobbes's *Leviathan*: A Response to Professor Deigh," *Journal of the History of Philosophy* 38, no. 2 (2000): 259-68; Deigh's "Reply to Mark Murphy," *Journal of the History of Philosophy* 41, no. 1 (2003) 97-109; and Kinch Hoekstra's reply to Deigh, "Hobbes on Law, Nature, and Reason," *Journal of the History of Philosophy* 41, no. 1 (2003): 111-120.
5. Kinch Hoekstra prefaces "The *de facto* Turn in Hobbes's Political Philosophy (DF)," in *Leviathan after 350 Years*, ed. Tom Sorell and Luc Foisneau (Oxford: Oxford University Press, 2004), 34-73, by citing the letter of William Fiennes, Viscount Saye and Sele to Philip Wharton, Baron Wharton, 29 Dec. 1657 (Bodleian MS Carte vol. 80, fol. 749r): "I looke upon them as wethercockes which will turne about with the winde . . . with them thearfore whear thear is might thear is right, it is dominion if it succeed, but rebellion if it miscarry, a good argument for pyrates uppon the sea, & for theeves uppon the high way, fitter for hobbs and Atheists then good men and christians."

6. Walter Kaiser, "Wisdom of the Fool," *The Dictionary of the History of Ideas*, 4 (New York: Scribner's, 1973), 515-20, to whom I am indebted for this account.
7. Howard Warrender, *The Political Philosophy of Hobbes: His Theory of Obligation* (Oxford: Oxford University Press, 1957); A. E. Taylor, "The Ethical Doctrine of Hobbes," in *Hobbes Studies*, ed. K. C. Brown (Oxford: Oxford University Press, 1965), 35-55; and the works of Gauthier and Hampton above.
8. Kinch Hoekstra, "Hobbes and the Foole," *Political Theory* 25, no. 5 (1997): 620-54, at 622-3. See also Peter Hayes, "Hobbes's Silent Fool: A Response to Hoekstra," *Political Theory* 27, no. 2 (1999): 225-29; Hoekstra's response, "Nothing to Declare? Hobbes and the Advocate of Injustice," *Political Theory* 27 (1999): 230-35; and Rosamond Rhodes, "Hobbes's Unreasonable Fool," *The Southern Journal of Philosophy* 30, no. 2 (1992): 93-102.
9. The distinction, anticipated in *The Elements of Law* and *De cive*, refers to the Biblical claim that only God knows the secret heart of man, which "no human law is intended to oblige": "no human law is intended to oblige the conscience of a man but the actions only. For seeing no man (but God alone) knoweth the heart or conscience of a man, unless it break out into action, either of the tongue, or other part of the body; the law made thereupon would be of none effect, because no man is able to discern, but by the word or other action whether such law be kept or broken." Ferdinand Tönnies edition, of Hobbes, *The Elements of the Law Natural and Politic*, ed. M. M. Goldsmith (London: Cass, 1969), xxv. 32 (henceforth *EL* chapter, paragraph); cited in Hoekstra, "Hobbes and the Foole," 625.
10. Most recently, Lucien Jaume, "Hobbes and the Philosophical Sources of Liberalism," in *The Cambridge Companion to Hobbes's Leviathan*, ed. Patricia Springborg (Cambridge: Cambridge University Press, 2007): 199-216.
11. See Patricia Springborg, "Liberty Exposed: Quentin Skinner's *Hobbes and Republican Liberty*," *British Journal for the History of Philosophy* 18, no. 1 (2010): 139-61.
12. Hoekstra, "Hobbes and the Foole," 642 n. 10.
13. *De cive: The Latin Version*, ed. Howard Warrender (Oxford: Oxford University Press, 1983), v. 5; Hoekstra, "Hobbes and the Foole," 625.
14. Hoekstra, "Hobbes and the Foole," 629.
15. *Ibid.*, 623.
16. *Ibid.*
17. *Ibid.*, 624.
18. *Ibid.*, 622.
19. Hoekstra, "Hobbes and the Foole," 642 n. 11, citing *Ovids Metamorphosis Englished, Mythologized and Represented in Figures*, Book 13, line 137. Translated during Sandys's stormy Atlantic crossing to take up his post in 1623 and completed

- in Maryland, but published in Oxford in 1626 on his return, it is the first work of English poetry written in the Americas. With a magnificent frontispiece, Sandys also discusses the efficacy of pictorial representations as “hieroglyphics” or numinous signs. On Sandys’s edition of *Ovids Metamorphosis Englished*, held in the Hardwick Hall library which Hobbes helped to assemble at shelf mark V.2.8, see Patricia Springborg, “*Leviathan*, Mythic History and National Historiography,” in *The Historical Imagination in Early Modern Britain*, ed. David Harris Sacks and Donald Kelley (Cambridge: Cambridge University Press, 1997), 267-97, at 267-8.
20. A Cohen, ed., *The Psalms* (New York: Bloch, 1982), 33; Curley in n. 2 to L. xv, 4, 72/90. We do not need to assume that Hobbes knew this, although he may have, given his close ties to John Selden, Orientalist and Hebrew scholar, whose work he often cites.
 21. Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008). See also Maurice Goldsmith, “Picturing Hobbes’s Politics: the Illustrations to the *Philosophicall Rudiments*,” *Journal of the Warburg and Courtauld Institutes* 44 (1981): 231-37.
 22. Ahuva Belkin, “Antichrist as the Embodiment of the *Insiptens* in Thirteenth-century French Psalters,” *Florilegium* 10 (1988-1991): 65-82 at 65-66. The manuscripts comprise the Boulogne manuscript dating from 1200-1225 (Boulogne, Bibliothèque Municipale, Ms. 5. fol. 183r); the Antwerp manuscript dated to 1230-1250 (Antwerp, Musée Plantin, Moretus, Ms lat. 3, fol. 148); the Palermo manuscript dated also to 1230-1250 (Palermo, Biblioteca Nazionale, Ms I.E.4, fol. 183, 123-24); and related British manuscripts from the late thirteenth century.
 23. Belkin 77 n. 32 finds “a salient example of Antichrist as a grotesque human with bristling hair” in the Bibliothèque Municipale Avranches, Ms. 50, fol. 1, dedicated to St. Michael, who is shown “stabbing a prostrate, naked Antichrist with a long spear.”
 24. Belkin, “Antichrist,” 75 n. 6, notes the convention of portraying cross-legged rulers to denote heretic regents like Pharaoh or Herod, was widespread in Romanesque and Gothic art.
 25. Belkin, “Antichrist,” 72 and 77, n. 28, citing Ernest T. DeWald, *The Illustrations of the Utrecht Psalter* (Princeton, NJ: Princeton University Press, 1932); M. R. James, *The Canterbury Psalter* (London: P. Lund, Humphries & Co., 1935); and H. Omont, *Psautier illustré du XIIIe siècle* (Paris: Berthaud frères 1906). See also Ahuva Belkin, “The Antichrist Legend in the Utrecht Psalter,” *Rivista di Storia e Letteratura Religiosa* 23, no. 2 (1987): 279-88.
 26. Belkin, “Antichrist,” 68. Belkin, 77 n. 33, compares “the disfigured face, wide mouth and protruding teeth” of Antichrist in Add. 15253 with the features of the devilish-looking falling angels in the Arsenal Psalter (Ms. 1186, fol. 9).

27. *L.* xxi, 5, 108/138. The Gallic Hercules, mentioned by Diodorus Siculus, and the Syrian rhetor Lucian, was a primitive giant clad only in a bearskin, wielding club and quiver, “drag[g]ing after him a great crowd of men tethered by their ears to his tongue.” See Lucian, “Heracles” in *Works*, ed. A. M. Harmon (Loeb edition, London: Heinemann, 1913) 1.63; and Patricia Springborg, “Hobbes’s Biblical Beasts,” section 4, “Leviathan and the Gallic Hercules,” 363-69.
28. For the Pope as anti-Leviathan see *Hobbes, Historia Ecclesiastica, including text, translation, introduction, commentary and notes*, ed. Patricia Springborg, Patricia Stablein, and Paul Wilson (Paris: Honoré Champion, 2008) (henceforth *Hist. Eccl.*, citing first pages and then lines): 494-95, lines 1530-35; 572-77, lines 2185-97, and Springborg’s Introduction, chapter 4.4.1, 127-39.
29. Edmund Curley, editorial notes to *Leviathan*, xv, 4, 72/90 n. 3.
30. *Oxford Latin Dictionary*, 3 vols (Oxford: Oxford University Press, 1968-1980).
31. Biblical citations are to the King James Bible unless otherwise noted.
32. Hobbes, *Hist. Eccl.*, 304-5, lines 1-10; 314-15, lines 109-10, citing Ovid’s *Metamorphoses*, 1.149-50.
33. *De cive* Preface Dedicatory; Hoekstra, “Hobbes and the Foole,” 632.
34. See Springborg, “*Leviathan*, Mythic History and National Historiography.”
35. Jeffrey Collins, *The Allegiance of Thomas Hobbes* (Oxford: Oxford University Press, 2005), and Patricia Springborg, “The Duck/Rabbit Hobbes: Review of Jeffrey Collins, *The Allegiance of Thomas Hobbes*,” *British Journal for the History of Philosophy* 14, no. 4 (2006): 765-71.
36. *De cive* Preface Dedicatory; Hoekstra, “Hobbes and the Foole,” 632.
37. Springborg, Introduction to *Hobbes, Historia Ecclesiastica*, chapter 3.2 “Hobbes and Scargill,” 118-26.
38. Hobbes in the preparation of the Latin *Leviathan* of 1668 deleted many of the references to English politics of his day in favour of more general principles for a Continental audience. The high level of variants of this sort between the English and Latin *Leviathans* in chapter xv are indicative of how much the argument in the earlier work is directed against contemporaries, parliamentarians, jurists, and preachers, who legitimized the regicide of Charles I.
39. Hobbes is referring to Coke’s *The First Part of the Institutes of the Laws of England* (London, 1629), folio 16. See Curley 91n.
40. Hoekstra, “Hobbes and the Foole,” 632.
41. As reiterated in *Behemoth, or The Long Parliament*, ed. Ferdinand Tönnies (London, 1889, facsimile edition, Stephen Holmes, ed. (Chicago: University of Chicago Press, 1990), 39. On Hobbes’s “science of the just and unjust,” see Patricia Springborg, “*Behemoth* and Hobbes’s ‘Science of Just and Unjust,’” *Filozofski vestnik* 24, no. 2 (2003): 267-89, special issue on Hobbes’s *Behemoth*,

- ed. Tomaz Mastnak; reprinted in *Hobbes's Behemoth: Religion and Democracy*, ed. Tomaz Mastnak (Exeter: Academic Imprint, 2009), 148-69.
42. On Hobbes's Epicureanism in general see Arrigo Pacchi's pioneering "Hobbes e l'epicureismo," *Rivista Critica di Storia della Filosofia*, 33 (1975): 54-71; Gianni Paganini "Hobbes, Gassendi and the Tradition of Political Epicureanism," *Hobbes Studies* 14 (2001): 3-24, reprinted in *Der Garten und die Moderne. Epikureische Moral und Politik vom Humanismus bis zur Aufklärung* (Stuttgart, Stuttgart-Bad Cannstatt: Rommann-holzboog, Verlag, 2004), 113-37; and Patricia Springborg, "Hobbes and Epicurean Religion," in *Der Garten und die Moderne*, 161-214.
 43. Pierre Gassendi, *Animadversiones* (Paris, 1649), vol. 2, 302a, noted by Gianni Paganini in "Hobbes, Gassendi et le *De Cive*," in *Materia Actiosa: Antiquité, Âge Classique, Lumières; Mélanges en 'honneur d'Olivier Bloch*, ed. Miguel Benitez, Antony McKenna, Gianni Paganini, and Jean Salem (Paris: Vrin, 2000), 183-206, at 188-89.
 44. Delphine Thivet, "Thomas Hobbes: A Philosopher of War or Peace?" *British Journal for the History of Philosophy* 16, no. 4 (2008): 701-21.
 45. The unnamed author, I suggest, is Justus Lipsius (1547-1606), the Belgian philosopher whose work *On Constancy* may have been atonement for his own infamous inconstancy—having converted from Catholicism to Calvinism and then to Lutheranism in order to take University posts. Lipsius, who made explicit reference to the "mortal god," is an author whom Hobbes elsewhere cites, but for the Stoic definition of "fate." See Hobbes, *Liberty, Necessity and Chance* (EW V, 245), noted by Gianni Paganini, "Alle Origini del 'Mortal God': Hobbes, Lipsius e il *Corpus Hermeticum*," *Rivista di Storia della Filosofia*, vol. 61 (2006), 509-32, at 524.
 46. Hobbes, *Eight Bookes of the Peloponnesian Warre Written by Thwcydides the Sonne of Olorvs Interpreted with Faith and Diligence Immediately out of the Greeke* [London, 1629], ed. David Grene (Chicago: University of Chicago Press, 1989), bk. 3, 82, 204-5.
 47. After *Leviathan*, Hobbes was in a perpetually confessional mode, and all seven of his works on heresy, generated out of the atheism charges that the parliament was prepared to lay against him in 1666-1667, share an element of special pleading: the *Historia Ecclesiastica* (c. 1660-1674); Hobbes's *Response to Bramhall's "The Catching of Leviathan"* (1666-1667); the Chatsworth MS on Heresy of 1673; his *Historical Narration Concerning Heresy* of 1668; *De Haeresi*, the Appendix to the Latin *Leviathan* of the same year; the *Dialogue Concerning the Common Laws*, written after 1668, the document on heresy relating to the Scargill affair of 1669, now lost; and *Behemoth*, written between 1668 and 1670.
 48. Francis Rous, Anthony Ascham, John Dury, and Marchamont Nedham, were among the "Engagement theorists" who argued for compounding with the

Commonwealth, as Hoekstra notes (DF, 49), citing Quentin Skinner, "Conquest and Consent: Thomas Hobbes and the Engagement Controversy," in *The Interregnum: the Quest for Settlement 1646-60*, ed. G. E. Aylmer (London: Macmillan, 1972), republished in a revised version in *Visions of Politics*, vol. 3 (Cambridge: Cambridge University Press, 2002), 287-307. See also John Wallace, "The Engagement Controversy 1649-52: An Annotated List of Pamphlets," *Bulletin of the New York Public Library* 68, no. 6 (1964).

49. Noted in Skinner, "Conquest and Consent," *Visions of Politics*, 3, 306n.
50. As Skinner notes, "Conquest and Consent," 287n., the act of "'engag[ing]' with the new government was to accept the oath of 'engagement' to its authority."
51. See Springborg, "Hobbes's Fool the *Stultus*."
52. Livy (5.47), and Plutarch in his life of Camillus, both tell the story of the Capitoline geese, but Hobbes's most likely source is Florus' epitome of Roman history, given that Chatsworth MS DI, a dictation book used by Hobbes for his Cavendish charges, contains passages from book 1 of Florus, including this story (Hoekstra DF, 48n.).

About the Author

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