FEMINIST INTERPRETATIONS OF THOMAS HOBBES: A RESPONSE TO CAROLE PATEMAN AND SUSAN OKIN

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Abstract

Thomas Hobbes is an exception among early political scientists in his affirmation of gender equality. Carole Pateman and Susan Okin acknowledge this but maintain that, in the final analysis, his gender egalitarianism is disingenuous. There is certainly cause for suspicion. The history of political theory is replete with misogyny, and even theories that purport to be more egalitarian have had their sexist tendencies exposed on analysis. Such criticisms of Hobbes, however, are misplaced. In this essay, I explore the feminist possibilities in Hobbes’s work, and argue that his affirmation of gender equality should be taken seriously. Far from reinforcing patriarchal relations, Hobbesian political theory demands a robust and substantive form of gender equality.

1. Introduction

Thomas Hobbes is an exception among early contract theorists in his ostensible affirmation of gender equality. Carole Pateman and Susan Okin acknowledge this, but maintain that Hobbesian gender equality is, in the final analysis, a chimera. Okin claims that Hobbes excludes women from political life, and “[assumes] the necessity for male dominance in both the family and society at large.”

Carole Pateman is similarly critical: “In the natural state all women become servants, and all women are excluded from the original pact, that is to say all women are also excluded from becoming civil individuals. No woman is a free subject.”

1 I would like to thank Professors Rebecca Kingston and Joseph Carens for reading earlier drafts of this essay, as well as an anonymous reviewer. My greatest debt is owed to Melissa Rhodes, whose assistance and patience have been invaluable.
3 Susan Okin, Women in Western Political Thought (Princeton, Princeton University Press, 1979), 199.
4 Pateman, Sexual Contract, 50.
They skillfully advance this thesis with respect to many thinkers, past and present. In the case of Hobbes, however, their criticisms are misplaced. This essay will argue that Hobbes’s political theory does not exclude or subordinate women as Pateman and Okin claim. Their conclusions are based on the failure to appreciate the gender inclusiveness of Hobbes’s language, as well as misinterpretations of his state of nature narrative, the basis of equality, and the nature of the person. Reinterpreting these concepts allows for a rereading of Hobbes as a proponent of substantive gender equality.

I begin by defining what I mean by “gender equality,” and outlining the reasons Pateman and Okin have for denying that Hobbes is a gender egalitarian (Section 2). The three subsequent sections respond to this critique. Section 3 argues against the claim that Hobbes’s use of masculine nouns and pronouns excludes women. Section 4 broadens the argument: Hobbesian gender equality is meaningful, not merely linguistic or hopelessly abstract. The final section will develop a more robust account, arguing that Hobbesian gender equality is substantive, capable of recognizing and accommodating differences between men and women in ways that maintain or promote equality. In other words, women’s equality to men is not contingent upon similarity to men.

2. Hobbesian Gender Equality and the Feminist Critique

For the purposes of this essay, when I refer to Hobbes as a “gender egalitarian,” or say that he believes in “gender equality,” I mean that his claims about the equality, liberty and rights of men also apply to women in the same way, and to the same extent. For Hobbes, gender and biological sex are not categories that affect one’s moral, political, or social status. Many theorists think that this formal equality is the limit of Hobbesian equality. When merely formal equality is a standard of justice, equal treatment may fail to respect individuals as equals in any meaningful way. This becomes problematic insofar as it involves

5 For example, see Ronald Dworkin, A Matter of Principle (Oxford, Oxford University Press, 1985); Jeremy Dworkin, God, Locke and Equality (Cambridge, Cambridge University Press, 2002); and Susan Okin, Justice
“treat[ing] unequals as if they were equals” which, as Okin notes, “has long been recognized as an obvious instance of injustice.”6 The “equal treatment” of men and women can be unjust if a male standard is accepted as normal or natural.7 I believe that Hobbesian theory recognizes this type of injustice as injustice. It recognizes the relevance of differences—including the differences between men and women—and takes them into account in ways that establish or restore equality. The principle of equality has priority, and insofar as this is the case, Hobbesian equality is substantive, not merely formal.

Both Pateman and Okin acknowledge that Hobbes is unique insofar as he posits all human beings as equal, regardless of their sex or gender.8 In Leviathan, he claims that equality is “the natural condition of mankind.”9

Nature hath made men so equal in the faculties of body and mind, as that, though there be found one man sometimes manifestly stronger in body or of quicker mind than another, yet when all is reckoned together the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to the strength of the body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself.10

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6 Okin, Justice, Gender and the Family, 161-162.
8 Pateman, The Sexual Contract, 5-6; Okin, Women in Western Political Thought, 197-198.
10 Thomas Hobbes, Leviathan, xiii, 1. He goes on to say that men are even more equal when it comes to “the faculties of the mind,” since everyone thinks they are smarter than everyone else, and “there is not ordinarily
The state of nature he envisions includes women on the same terms as men; a fact made evident in his discussion of parental authority:

And whereas some have attributed the dominion [over children] to the man only, as being of the more excellent sex, they misreckon in it. For there is not always that difference of strength or prudence between the man and the woman as that the right can be determined without war.¹¹

Pateman and Okin believe that this equality only obtains during the earliest stages of the state of nature; soon afterwards, patriarchy is firmly established. Women are not parties to the original contract and are, as a consequence, subordinate to men in civil society. To support this position they point to Hobbes’s use of masculine terms; they also identify the structure of his theory, the logic of his state of nature narrative, and the practical reality of women’s subordination to men as further evidence.

3. Masculine Language and the Inclusion of Women

Both Okin and Pateman point to Hobbes’s use of masculine terms as evidence that his theory applies to males in particular, not human beings in general. Okin in particular is suspicious of the claim that terms like “he” in canonical works of political philosophy are meant to include both men and women.¹² She calls Hobbes’s references to female sovereigns mere “lip service,” and accuses him of “present[ing] the family as a strictly and solely patriarchal institution” by nature, without explanation or justification. Any gender-egalitarian claims are contradicted by the rest of his theory, and are presented as merely logical

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¹² Okin, *Women in Western Political Thought*, 5ff. She is extremely critical of contemporary theorists who use ostensibly gender-neutral language without addressing the past and present inequalities between men and women. See Okin, *Justice Gender and the Family*, 10-11.
possibilities. Pateman also dismisses Hobbes’s recognition of female sovereigns as a merely logical possibility. In *The Sexual Contract* she writes: “the sovereign is very unlikely to be the mother, given his references to ‘man’ and ‘father’ and the necessity of securing patriarchal right in civil society.” She goes even further in another essay: “[T]he sovereign cannot be the mother, given the conjectural history of the origin of the family implicit in Hobbes’s argument.”

These criticisms are not entirely fair. Though Hobbes (for the most part) writes about *men*, there is reason to believe that *women* are included implicitly. This is suggested by his background assumptions about language, which he explicates in the first part of *Leviathan*:

> Of names, some are proper, and singular to one only thing, as *Peter*, *John*, *this man*, *this tree*; and some are common to many things, as *man*, *horse*, *tree*, every of which, though but one name, is nevertheless the name of diverse particular things, in respect of which together it is called an universal, there being nothing in the world universal but names; for the things named are every one of them individual and singular.

To say that the word “man,” like “horse,” is a name “common to many things,” suggests that “man” refers to the entire species—i.e., males and females—just as “horse” refers to both male and...

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13 Okin, *Women in Western Political Thought*, 198-199: “In *De Cive* and *Leviathan*, after a certain amount of lip service has been paid to the idea that the mother or father might logically be the family’s sovereign, toward the end of the pertinent chapter of each of these works—though he has provided no reasonable foundation for it at all—Hobbes proceeds to present the family as a strictly and solely patriarchal institution. He says, in fact, that a family consists of ‘a man and his children; or a man and his servants; or of a man and his children and his servants together, wherein the father or master is sovereign.’”


16 Pateman, “God Hath Ordained to Man a Helper,” 63. Emphasis added. The “conjectural history” Pateman refers to will be discussed in greater detail below.

female horses. Hobbes’s use of the word in *De Cive* confirms this interpretation:

Socrates is a man, therefore also an animal, is valid reasoning and utterly evident, since all that one needs, to recognize the truth of the conclusion, is to understand the word *man*, because *animal* is in the definition of *man*; and everyone supplies the missing proposition, *man is an animal*. *Sophrosonicus is the father of Socrates, therefore also his Master [Dominus]* is also perhaps a valid inference, but not totally evident, because *Master* is not in the definition of *father*.18

Master is not in the definition of father. This can only be true if “master” is also excluded from the definition of “man,” or, more specifically, “male human being.” Fathers can be masters; but Hobbes also claims that mothers can be masters over children and adult men.19 Mastery is not contingent upon sex or gender.

The inclusiveness of the term “man” in the quote above is even clearer in Latin, the language in which the above passage was first published.20 Latin contains several words for “man.” In the above passage, Hobbes uses the most inclusive: *homo*. “Socrates est homo.”21 “Homo” can mean *mankind, human being, person or fellow*; it can also simply refer to *one, oneness, sameness* (e.g., as in *homogenous, homologue, homonym, or homosexual*). Over time, as the romance languages evolved, the word came to refer to males exclusively, e.g., the French *hommes* or Spanish *hombres*. The English translators of *De Cive* have followed similar conventions. For example: “All men, therefore among themselves

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20 The first publication of *Leviathan* was in English in 1651. The first Latin edition followed in 1668. Parts of the Latin *Leviathan* may have been written before the English version. See Edwin Curley, “Purposes and Features of This Edition”, in *Leviathan*, pages lxxiii-lxxvi.
are by nature equal.”

In Latin the phrase reads: “Sunt igitur omnes homines natura inter se equales.” The term used is “homines,” a variant of the word “homo.” Though Hobbes uses the Latin “homo” and its variations most often, he uses gender specific words in the appropriate contexts. Below are two examples of Latin passages and their English translations.

Table 1. English and Latin Terms

<table>
<thead>
<tr>
<th>English</th>
<th>Latin</th>
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<tr>
<td>“…in the state of nature, if a man and a woman contract so…”</td>
<td>“Creterum in stat natura, isguidem mas &amp; foemina societatum contrahant…”</td>
</tr>
<tr>
<td>“…the legitimate contract of a man and a woman…”</td>
<td>“Tantum dico, viri &amp; mulieris ad contractum legitimum…”</td>
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We can see here the words “foeminia” and “mulieris” refer to females, while “mas” and “viri” refer to males. The significance of these passages lies in the fact that Hobbes distinguishes both males and females from generic human beings, avoiding the more common practice of only differentiating women from men; viewing men as prototypical “persons.”

Though English does not express these distinctions as well as Latin, Hobbes often uses masculine nouns and pronouns to refer to males and females. For example, consider his discussion of inadmissible testimony:

[T]he accusation of those by whose condemnation a man falls into misery (as, of a father, wife, or benefactor) [is also inadmissible]. For the testimony of such an accuser, if it be not willingly given, is presumed to be corrupted by nature, and therefore not to be received; and where a

22 Hobbes, De Cive, 45.
25 This practice continues in many ways today. Consider the third person plural in French. “Ils” can refer to a group of males, or to a group of males and females, even if there is only one man among countless females. The feminine form “elles” is reserved for females exclusively.
man’s testimony is not to be credited, he is not bound to give it.  

The term “man” appears in the above passage twice. In the first sentence, the word “man” is not specified further; it could refer exclusively to adult human males. The second sentence, however, refers to “a man’s testimony” but lists “a father, wife, or benefactor” as “men” who, under certain circumstances, should not be asked to testify.  

The term “wife” applies to women unambiguously. A “benefactor” can also be male or female (a fact that would not have been lost on Hobbes given that many patrons of the Enlightenment were wealthy women, including, for a time, his employer).  

Yet another example of Hobbes using masculine subject pronouns to refer to women is found in his discussion of childrearing and parental authority:

[S]eeing the infant is first in the power of the mother, so as she may either nourish or expose it, if she nourish it, it oweth its life to the mother, and is therefore obliged to obey her rather than any other, and by consequence the dominion over it is hers. But if she expose it, and another find and nourish it, the dominion is in him that nourisheth it. For it ought to obey him by whom it is preserved, because preservation of life being the end for which one man becomes subject to another, every man is supposed to promise obedience to him in whose power it is to save or destroy him.  

Dominion over a child belongs to “him that nourisheth it,” but the “him” in question is, more often than not, the child’s birth

26 Hobbes, Leviathan, xiv, 30.
27 I want to thank an anonymous reviewer for clarifying my understanding of this passage.
28 Hobbes had a life-long association with the Cavendish family. At one point Hobbes’s master was Christian Cavendish, who inherited her husband’s estate upon his death. She proved herself to be an adept manager of the estate, and was involved in political intrigues of the day. For more information see Thomas Hobbes, “Biographical Register of Correspondents” in The Correspondence of Thomas Hobbes, edited by Noel Malcolm, (Oxford, Oxford University Press, 1997), 806-810.
29 Hobbes, Leviathan, xx, 5.
mother, who is necessarily female.\(^{30}\) Hobbes’s preliminary comments on language and his use of Latin suggest a gender inclusive mindset. This suspicion is confirmed insofar as he does in fact use masculine nouns and pronouns in ways that include women. This should not be regarded as an inconsistency or error on Hobbes’s part. He acknowledges the gender inclusiveness of masculine terms directly: “though *man* be *male* and *female*, authority is not.”\(^{31}\)

4. Hobbesian Gender Equality is not Merely Linguistic

The extent and weight of the evidence strongly suggests that Hobbes has both males and females in mind when he makes his more general statements about the equality of “men.” This alone distinguishes Hobbes from most other figures in the western philosophical tradition, but merely linguistic gender equality would be blind to most forms of gender-related injustice. Indeed, Okin is extremely critical of contemporary theorists who use ostensibly gender-neutral language without addressing the past and present inequalities between men and women.\(^{32}\)

"[T]he gender neutral alternatives that most contemporary theorists employ are often even more misleading than the blatantly sexist use of male terms of

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\(^{30}\) Notwithstanding biological ambiguities and possibilities.

\(^{31}\) Thomas Hobbes, “Considerations Upon the Reputation, Loyalty, Manners, and Religion of Thomas Hobbes” in *The English Works of Thomas Hobbes of Malmesbury*, Vol 4. Edited by William Molesworth (London, John Bohn, 1840), 434. I doubt that this is an idiosyncrasy on Hobbes’s part. Yet another example of Hobbes using masculine terms in an inclusive way is found in a biblical reference, in which the only humans that could be referred to are Adam and Eve: “The first reproach God made to men is (v.11): who told you you were naked unless you have eaten of the tree of which I told you not to eat?” (Hobbes, *De Cive*, 132). The gender inclusiveness of Hobbes is consistent with the Bible itself: “And God said, Let us make man in our own image, after our likeness...So God created man in his own image, in the image of God he created him; male and female he created them” (Genesis 1:26-28 King James Version). Since beginning work on this essay I have noticed this more and more. For example, in Shakespeare’s play Macbeth, a doctor who has been asked if he can treat the distressed and somnambulant Lady Macbeth says that in cases such as hers “the patient must minister to himself” (Shakespeare, *Macbeth*, V, iii, 40-47. Emphasis added). Jeremy Waldron has emphasized the gender-inclusiveness of terms like “man” in the work of John Locke. See Waldron, *God, Locke, and Equality*, chapter 2, esp. pp. 24-25.

\(^{32}\) Okin, *Justice Gender and the Family*, 10-13. She calls this strategy “false gender equality.”
reference. For they serve to disguise the real and continuing failure of theorists to confront the fact that the human race consists of persons of two sexes. They are by this means able to ignore the fact that there are some socially relevant physical differences between women and men, and the even more important fact that the sexes have had very different histories, very different assigned social roles and “natures,” and very different degrees of access to power and opportunity in all human societies up to and including the present.33

Perhaps Hobbes is ahead of his time only insofar as the sexist aspects of his theory are more covert. As noted above, Pateman and Okin believe that his inclusion of women is illusory: it operates only at a high level of abstraction, as a merely logical possibility.34

This claim is hard to maintain given Hobbes’s conventionalism, which seems to anticipate feminist arguments that would be made in the decades and centuries after his death. To use 20th-21st century language, Hobbes believes that the differences and inequalities between men and women are “socially constructed.” For example, he describes apparently natural differences between men and women in terms of conditions, and conditioning. Consider his discussion of “weeping”:

Weeping...is caused by such accidents as suddenly take away some vehement hope, or some prop of their power; and they are most subject to it that rely principally on helps external, such as are women and children.35

Hobbes does not claim that women are innately more emotional and prone to weeping than men; he explains any appearance to that effect with reference to social circumstances. If women and children weep more than adult men, it is because they are more likely to experience the social conditions that occasion weeping.

33 Okin, Justice Gender and the Family, 10.
34 Okin, Women in Western Political Thought, 198-199. See also Pateman, “God Hath Ordained to Man a Helper,” 66.
35 Hobbes, Leviathan, vi, 43.
No doubt the proneness to weeping described by Hobbes would be less evident among women warriors or rulers; women who do not rely as much on external help.

Further evidence is found in his discussion of military service. Hobbes claims that women are not expected to participate in military service on account of a “natural timorousness” that can also apply to men. Moreover, there are times when no exceptions or exemptions from military service are permitted “when the defence of the commonwealth requireth at once the help of all that are able to bear arms, everyone is obliged [to fight].” “Everyone” here must include women, given: (a) the gender inclusiveness of the term “everyone;” (b) the gender inclusiveness of Hobbes’s language; and (c) Hobbes’s belief that warfare and violence were not the exclusive province of men. Convention, not nature, determines whether or not women fight.

Hobbes even believes that the structure of the family itself is contingent rather than natural; genealogical facts do not define the family. He defines family relations in terms of contracts, which, as Pateman emphasizes, are structured by power relations. Sex and gender are not, qua sex and gender, relevant. A family in its entirety may even be comprised of men exclusively, or of women exclusively. The family’s sovereign can be male or female. Civil law determines the family structure and

36 “...a man that is commanded as a soldier to fight against the enemy, though his sovereign may have right enough to punish his refusal with death, may nevertheless in many cases refuse without injustice...And there is allowance to be made for natural timorousness, not only to women (of whom no such dangerous duty is expected), but also to men of feminine courage” (Hobbes, Leviathan, xxii, 16). It is likely that Hobbes included himself among the “men of feminine courage.” See Hobbes, Leviathan edited by C.B. Macpherson (New York, Penguin USA, 1993), 13.
37 Hobbes, Leviathan, xxii, 16.
38 See Section 3 (above).
39 E.g., Hobbes, Leviathan, xx, 4; De Cive, 108. His discussion of the Amazons will be discussed in more detail below.
40 Pateman, Sexual Contract, 47-49.
41 A family may be limited to “a man and his servants.” His discussion of the Amazons assumes the existence (and hence possibility) of an all-female society. See Hobbes, Leviathan, xx, 4, 15. Cf. Okin, Women in Western Political Thought, 198 and Pateman, The Sexual Contract, 47.
42 e.g., Hobbes, Leviathan, xx, 4-8.
any related inequalities between men and women.⁴³ This is exactly what we should expect given what Hobbes says about the equality of men—which is to say, male and female human beings—are conventional, not natural.⁴⁴

That these possibilities are not merely logical is demonstrated by Hobbes’s use of concrete examples. One of the most striking examples is found in his references to the Amazons, whom he considered an actual historical (rather than a mythological) group. In De Cive he writes that: “women, in the person of the Amazons, did at one time wage wars against their enemies and handled their offspring as they pleased.”⁴⁵ In Leviathan he continues to emphasize the importance of this example.⁴⁶ Known as “man-slayers,” they waged wars and were often victorious. Nevertheless, according to some ancient Greek sources, they would marry men, and sometimes lived with men as equals or superiors.⁴⁷ Hobbes’s Amazons likely experienced inequality, but it was not defined in terms of sex or gender.

Hobbes does not limit himself to ancient and mythological examples. He makes reference to contemporary female sovereigns when he claims that a woman may be sovereign over her family or commonwealth.⁴⁸ “There are,” he asserts, “several places today where women have sovereign power.”⁴⁹ It is worth

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⁴³ Hobbes, Leviathan, xx, 4.
⁴⁴ “The inequality that now is, has been introduced by the laws civil.” Hobbes, Leviathan, xv, 21. See also De Cive, 26.
⁴⁵ Hobbes, De Cive, 108.
⁴⁶ Hobbes, Leviathan, xx, 4.
⁴⁸ See Hobbes, Leviathan, 254 and De Cive, 109. His reasoning is similar to Mary Astell’s in 1700: “If they mean that some Men are superior to some women, this is no great discovery; had they turned the tables, they might have seen that some women are superior to some men. Or had they been pleased to remember their oaths of allegiance and supremacy they might have known that One woman is Superior to all men in these nations, or else they have sworn to very little purpose.” See Mary Astell, “Some Reflections on Marriage” in The Portable Enlightenment Reader, edited by Isaac Kramnick (Toronto, Penguin Books, 1995), 561.
⁴⁹ Hobbes, De Cive, 108. Fathers are typically granted power over their children, “but not always” (Hobbes, Leviathan, xx, 4).
remembering that, by the time the young Hobbes began his studies at Oxford, England had been ruled by sovereign Queens for 50 years.  

One might object by arguing that the example of female monarchs evinces an extremely limited form of gender equality. The sovereign is not party to the social contract and is in a state of nature with the members of the commonwealth. Because their power is absolute, the inequality between sovereign and subject transcends any inequalities between subjects:

The inequality of subjects proceedeth from the acts of sovereign power, and therefore has no more place in the presence of the sovereign (that is to say, in a court of justice) than the inequality between kings and their subjects, in the presence of the King of kings.

In other words, gender may structure inequalities between subjects, even though it does not affect the sovereign’s authority. The existence of a female sovereign would not, therefore, contradict Pateman or Okin, who (a) acknowledge Hobbes’s claim that women are equal in the state of nature, and (b) argue that women are not party to the social contract.

5. From Formal to Substantive Equality

Though the case of the sovereign (in particular a sovereign queen) is exceptional, Hobbes’s use of this example reinforces his point that inequality is due to convention, not nature. If women

50 Lady Jane Grey, Mary I of England (not to be confused with her contemporary, Mary I of Scotland, "Queen of Scots"), and Elizabeth I. We should not conclude that any of Hobbes’s affirmations of gender equality were intended to ingratiate himself to the powers-that-be for at least two reasons: (1) executive power in England was in the hands of men during all of Hobbes’s adult life; and (2) Hobbes would often publish his ideas, though they would incur the ire of the authorities. See Edward Curley, “Introduction to Hobbes’s Leviathan” in Thomas Hobbes, Leviathan, edited by Edward Curley (Indianapolis: Hackett Publishing Company, 1994), pages viii-lxxvi.

51 Hobbes, Leviathan, xviii, 4.

52 Hobbes, Leviathan, xviii, 1ff and xxiv, 6.

53 Hobbes, Leviathan, xxx, 16.

54 Thanks to an anonymous reviewer for bringing this issue to my attention.
were naturally inferior to men, a female sovereign could not be absolutely superior to all of her subjects, if any of her subjects are men. A more serious objection would concede that Hobbes’s theory allows for (some) women to be equal or superior to (some) men, but only insofar as they are similar to men. Though it allows for the inclusion and formal equality of women, the theory remains gendered: structured in ways that unfairly favour (most) men at the expense of (most) women. According to Catharine Mackinnon, this is the way our world is actually structured:

Men’s physiology defines most sports, their health needs largely define insurance coverage, their socially designed biographies define workplace expectations […] their military service defines citizenship, their presence defines the family […] their image defines god, and their genitals define sex.

Even if a natural equality between persons is presupposed, the hierarchy that such a presupposition hopes to avoid can still exist if the particular characteristics of a particular group are treated as universal standards by which all persons are judged. To use one of MacKinnon’s examples (above): if excellence in a particular sport is defined in terms of male physiology, then a woman’s success in that sport will depend on how similar her physiology is to a man’s. Given the differences between male and female physiology, more men than women will “succeed,” even if the rules do not explicitly favor men over women. The rules themselves are what MacKinnon calls into question.

55 Concepts can be called “gendered” if: “lacking any obvious reference to males or females, or to masculinity and femininity, nevertheless are formulated in such a way that their neutral quality and universal applicability are questionable.” Carolyn Korsmeyer, quoted in Cynthia A. Freeland, “On Irigaray on Aristotle,” in Feminist Interpretations of Aristotle (University Park: Penn State Press, 1998), 65.

Hobbes seems vulnerable to this criticism. Sovereign queens have to be similar to sovereign kings. The Amazons are an even more striking case: it was said that the Amazon woman would cut off her right breast to better facilitate the use of a bow and arrow. (The word “amazon” descends from a Greek word meaning “without breasts” or “breastless”). Thankfully, Hobbesian gender equality need not be purchased at such a high price. Okin and Pateman’s disagreement is due to their misinterpretation of three important ideas: the state of nature narrative, the basis of Hobbesian equality and the nature of Hobbesian “persons.”

Pateman and Okin view Hobbes’s state of nature anthropologically, as a stage in human development that some (but not all) societies have passed through, and which Hobbes posits in an attempt to explain and justify the status quo. The claim that the civil law tends to grant fathers dominion over children because, “for the most part, commonwealths have been erected by the fathers, not the mothers of families” is interpreted as a justification. But Hobbes’s project is not to justify existing regimes as the result of fair historical processes. Indeed, he claims that “there is scarce a commonwealth in the world whose beginnings can in conscience be justified.” As a strictly empirical account, the state of nature narrative is found wanting. It does not adequately account for children, for example. Nor does Hobbes reconcile his claim that women are the first masters in the state of nature with the reality of female subordination.

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57 Male and female monarchs must be similar to his ideal sovereign: the all-powerful Leviathan. The term “Leviathan” evokes an image of monstrous indestructibility; a power above and beyond all others in society. See Job 41:1-34. King James Version.
58 Okin, Women in Western Political Thought, 198; Pateman, Sexual Contract, and “God Hath Ordained to Man a Helper.”
59 Hobbes, Leviathan, xx, 4.
60 Okin claims that Hobbes needs “to justify the prevalent rule of fathers over their families within commonwealths.” Okin, Women in Western Political Thought, 198. Cf. Pateman, “God Hath Ordained to Man a Helper,” 70.
61 Hobbes, Leviathan, R&C, 8.
63 Okin, Women in Western Political Thought, 198. See also Pateman, “God Hath Ordained to Man a Helper,” 63.
modifies the state of nature narrative to explain contemporary female subordination. All of this suggests an interpretation of the state of nature narrative as something historical, anthropological, and empirical. I believe that such an interpretation is misguided.

A literal interpretation of the state of nature is not unreasonable. It is suggested by the text. To make the image of his state of nature seem plausible, Hobbes appeals to the Americas as a place where humans live “with no government at all.” But it is important to bear in mind that his inquiry is into the commonwealth’s “matter, form, and power”—not its origins. He denies that there was ever a state of nature across the entire world. And the “new world” is only one of several illustrative examples. More often, Hobbes refers to the contemporary European context: the state of nature is clearly seen in cases where stable government gives way to civil war. It is also the constant state of international relations, meaning that his statements about men and women contracting in the state of nature are not merely conjectural; such contracts did in fact occur between male and female monarchs.

For these reasons I believe that the Hobbesian state of nature and social contract are best viewed as “device[s] of representation” (in John Rawls’s sense of the term). Rawls viewed his hypothetical contract as an “expository device” or “device of representation.” It is useful “for the purpose of self-

64 Pateman, The Sexual Contract, 49.
65 Hobbes, Leviathan, xiii, 11.
66 “It may peradventure be thought, there was never such a time nor condition of war as this; and I believe it was never generally so, over all the world” (Hobbes, Leviathan, xiii, 11).
68 Hobbes, Leviathan, xiii, 12.
69 Hobbes, Leviathan, xx, 7. See the editor’s footnote.
70 Hobbes, Leviathan, xiii, 10.
72 Rawls, Theory of Justice, 19.
clarification” (insofar as it models certain beliefs or intuitions). Hobbes’s state of nature models his intuition that peace and security are impossible, unless people are governed by a “power able to over-awe them all.” From this foundation, he develops and defends a very specific set of normative requirements, which he calls “the laws of nature”: rules that can be agreed upon in order to avoid the war of all against all. These rules appeal, first and foremost, to the concept of equality.

Pateman and Okin also misinterpret the basis of Hobbesian equality, believing it to be an empirical equality based on “the equal ability to kill.” This mainstream interpretation is plausible given some of Hobbes’s own words. He claims that “the weakest has strength enough to kill the strongest” and that humans share an “equality of ability” in that respect. Yet there is a sense in which this is clearly untrue. Some individuals are more able to kill than others. There is equality only insofar as the dead—strong or weak, young or old, rich or poor, male or female—are equally dead. To achieve the same result, the weak require more allies and/or subterfuge than the strong).

The claim that everyone is equal by nature becomes more plausible if we emphasize not equal ability (to kill) but equal

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73 Rawls, *Justice as Fairness*, 17: “First, it models what we regard—here and now—as fair conditions under which the representatives of citizens, viewed solely as free and equal persons, are to agree to the fair terms of cooperation whereby the basic structure is to be regulated. Second, it models what we regard—here and now—as acceptable restrictions on the reasons on the basis of which the parties, situated in fair conditions, may properly put forward certain principles of political justice and reject others.”

74 Hobbes, *Leviathan*, xiii, 5. See also xiii, 8.


77 “To cite a standard philosophical judgment, equality for Hobbes is really equality of ‘threat advantage’ (we can all threaten one another equally)”. Carole Pateman and Charles W. Mills, *Contract and Domination* (Malden MA, Polity Press, 2007), 27.


79 e.g., “From this equality of ability ariseth equality of hope in the attaining of our ends” (Hobbes, *Leviathan*, xiii, 4).

80 Hobbes also believes that each person values their own life as much as any other. One’s own life is “equally dear to poor and rich.” Hobbes, *Leviathan*, xxx, 17.

vulnerability (to be killed). The preservation of life is paramount for Hobbes. His “right of nature” is the right to preserve one’s own life, and his “laws of nature” work toward that end, in part by demanding the preservation of the lives of others.82 Hobbesian equality ultimately rests upon an equality of disability: no one is able to live with complete security; no one is immortal. From this equality of disability, Hobbes derives an equality of right: “[No man may] claim to himself any benefit to which another may not pretend as well as he.”83

There is no pre-social or pre-political hierarchy in the state of nature. This starting point is one of absolute equality of right—an equality that should be maintained in civil society.

If nature therefore hath made men equal, that quality is to be acknowledged; or if nature have made men unequal, yet because men that think themselves equal will not enter into conditions of peace but upon equal terms, such equality must be admitted. And therefore for the ninth law of nature, I put this, that every man acknowledge other [sic] for his equal by nature. The breach of this precept is pride.84

One must not act as if they are above anyone else. Nor can one act as if others are beneath them. (The eighth law of nature proscribes words or actions that signal contempt).85 Differences between individuals (e.g., the differences between males and females) do not in themselves justify inequality, even if they occasion actual inequality.

This suggests that Hobbes’s theory does not, as Pateman claims, justify unequal contracts based on the consent (of women)

82 Hobbes, Leviathan, xiv, 1ff.
83 Hobbes, Leviathan, xiii, 1. The equality of mental ability is also a reason for this equality of right.
84 Hobbes, Leviathan, xv, 21. The last sentence suggests the importance of this passage to the work in general. Hobbes uses the term “Leviathan” to describe “a commonwealth, or State” (Hobbes, Leviathan, Introduction, 1). In doing so, he alludes to the fearsome sea creature in the Book of Job: “Upon the earth there is not his like, who is made without fear. He beholdeth all high things: he is king over all the children of pride” (Job 41:33-34. King James Version; cf. Leviathan, xxviii, 27).
obtained through coercion (by men). Pateman misinterprets the implications of Hobbes’s claim that “covenants extorted through fear are valid.”86 She believes that this is true in both the state of nature and in civil society, but there is an important distinction to be made between the two, and it is not clear that Hobbes approves in either case. Though he holds that “even in commonwealths, if I be forced to redeem myself from a thief by promising him money, I am bound to pay it” he immediately continues: “till the civil law discharge me.”87 These passages imply that the civil law should (or will) intervene to punish the thief, and compensate the victim. Any suggestion to the contrary ignores important parts of his theory, including his ardent commitment to the rule of law.

The ultimate legitimacy of contracts extorted through fear is also called into question in “the condition of mere nature.”88 In this condition, the concept of (in)justice is meaningless,89 and Hobbes’s “right of nature” permits anyone to defend themselves by any and all means they deem appropriate.90 Covenants in the state of nature are not enforceable, nor are they recommended: “covenants without the sword are but words, and of no strength to secure a man at all.”91 This applies to conqueror and conquered alike; both require an overarching power (to enforce contracts) for their own protection. After all, the conquered’s promise to submit could be mere subterfuge, the sort of “secret machination” that, on Hobbes’s account, the weakest can use to kill the strongest (Perhaps the slave intends to kill his master while he sleeps). Without an overarching power to enforce the contract, both conqueror and conquered are vulnerable. Each has an incentive to re-enter the state of war. Indeed, from a Hobbesian point of view, there was no genuine peace to begin

87 Hobbes, Leviathan, xiv, 27.
88 Hobbes, Leviathan, xiv, 27.
with, “For war consisteth not in battle only” but in “the will to contend by battle.”

Hobbes tells us that this war “of every man against every man” can end once those involved agree to common rules to live by, and to transfer their rights to an all powerful sovereign. Pateman believes that women are not party to this social contract. During the state of war, men conquer women through this coercion, women contract with individual men; together, they become, a single “artificial person” wherein the woman’s personhood is subsumed under a man’s—soon, there are no free women; the artificial persons (conceived of as male-headed families) then come together to form the social contract; women are excluded. This is not, however, consistent with the rest of Hobbes’s theory for at least two reasons. First, as we have seen, Hobbes includes male and female human beings under the category “men.” More importantly, in Pateman’s scenario, the state of nature is no longer a “war of every man against every man.” Even though multiple individuals can become part of a single artificial person, they do not cease to be natural persons. (Otherwise there would be no persons—not even male persons—in Hobbes’s commonwealth, which is itself a single artificial person represented by the sovereign). Thus, the equality of the state of nature as described by Hobbes still obtains, even when one person conquers another and extracts their consent by force. The unequal contracts Pateman envisions are meaningless unless they are made under a civil authority with the power to enforce them, but the only way to establish such an authority is by agreeing to live by the laws of nature, which forbid those very contracts.

According to Pateman and Okin, equality in Hobbes’s civil society applies only to men (that is, male human beings). Equality between husband and wife is judged impossible. “Husband and wife cannot govern jointly in the family; there can be one master only and the husband is the necessary ‘one person

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92 Hobbes, Leviathan, xiii, 8.
93 Hobbes, Leviathan, xiii, 8.
94 Artificial persons are discussed in more detail below.
representative’ of the family in civil society.” Hobbes’s theory, however, allows for equal marriage. First, note that when Hobbes claims that “no one can obey two masters,” he is referring to dominion over the child, not the child’s mother. Furthermore, he believes that “covenants that amount not to subjection between a man and a woman” are possible. “[A] man and a woman” may “enter into a partnership [societas] in which neither is subject to the power of the other.” Though a parent may gain power over their child, this does not necessarily entail dominion over any other adult.

Moreover, both parents can govern jointly, as a one “person.” Hobbes distinguishes between two types of person.

A person is he whose words or actions are considered either as his own or as representing the words or actions of another man, or any other thing to whom they are attributed, whether truly or by fiction.

When they are considered as his own, then he is called a natural person; and when they are considered as representing the words and actions of another, then he is a feigned or artificial person.

Though Pateman believes that, for Hobbes, “all women are also excluded from becoming civil individuals,” he refers to the Amazons in the singular: “the person of the Amazons.” The Amazons, a collection of natural persons, unite to form a civil or artificial person. Pateman’s argument here assumes that only one natural person can represent an artificial person. But Hobbes claims repeatedly that the representative can be a “man or [an]

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95 Pateman, “God Hath Ordained to Man a Helper,” 69.
96 Hobbes, Leviathan, xx, 4.
99 Hobbes, Leviathan, xvi, 1-2. Note that this definition of personhood is very broad, and would obviously include adult women as well as children of a certain age and level of development.
100 Pateman, Sexual Contract, 50.
assembly of men;”\textsuperscript{102} and, if the representative is an assembly, it
may be an “assembly of all.”\textsuperscript{103} Given that, as argued above,
Hobbes’s “man” includes male and female human beings, and
given that men and women can contract as equals,\textsuperscript{104} it is
reasonable to infer that an assembly of all would include both
men and women. By this logic, a woman and a man could, as an
“assembly,” form a single artificial person: a unified agent, in
which neither is subordinate to the other.\textsuperscript{105} The same
relationship that holds in an “assembly of all” at the national level
could also apply at the sub-national level—in this case the level of
the family or couple.\textsuperscript{106} Given that Hobbes’s theory applies to
both men and women, and given that he demands equality
between everyone, even in the face of apparent inequality, we
can conclude that these relationships should be characterized, as
much as possible, by equality.

In order to be meaningful, however, equality must take into
account empirical differences between individuals and groups.
Paradoxically, if one wishes to uphold the principle that all human
beings are equal, one must recognize and respond to the ways in
which they are not equal.\textsuperscript{107} The primacy of equality for Hobbes,
both in the state of nature and in civil society, suggests that
differences between individuals should not be a priori sources of

\textsuperscript{102} Hobbes, \textit{Leviathan}, xvii, 13. Emphasis added. See also xxii, 1ff.
\textsuperscript{103} Hobbes, \textit{Leviathan}, xix, 1.
\textsuperscript{104} Hobbes states this explicitly. I am not assuming that parties to a contract are necessarily equal in any
meaningful sense. Some contemporary theorists seem to make this assumption (e.g., see Waldron, \textit{God, Locke, and Equality}, 123); many clients of cellular phone companies, for example, do not.
\textsuperscript{105} Pateman denies this, claiming that “no such unity would be possible if both sexes took part in the
constitution of \textit{Leviathan} – there could be no representative figure who could represent the ‘person,’ the
bodily form, of both sexes. Men must be represented and their civil unity given literal symbolic personification
by one of their own kind” (Pateman, “God Hath Ordained to Man a Helper,” 68). I do not see why this is
necessary. Hobbes describes artificial personhood in terms of persons on a stage, not statues. What matters
is unity of agency. An individual can therefore “personate” (that is, represent) an artificial person that is
physically very different from him (or her) self. For example, “children, fools and madmen” may be
“personated by guardians” who are not themselves childish, foolish, or mad. Even “inanimate things (as a
church, an hospital, a bridge) may be personated by a rector, master, or overseer”—though these
representatives do not share the physical form of the inanimate things they represent. See \textit{Leviathan}, xvi.
\textsuperscript{106} For Hobbes the family is also an artificial person, a “body politic.” See Hobbes, \textit{Leviathan}, xxii.
\textsuperscript{107} Okin, \textit{Justice Gender and the Family}, 10-11, 161-162, and all of chapter 7.
social or political inequality, and that if these differences were to lead to inequality, adjustments must be made in order to (re)establish equality. Hobbes seems to draw this conclusion. We find one example of his willingness to take differences into account in the name of equality (rather than upholding equality only insofar as one is not different from an arbitrarily chosen standard) in the Latin version of *Leviathan*. There, Hobbes argues that *authority* does not depend upon sex or gender. A female monarch has the same absolute power and authority as a male monarch. But this very equality demands different treatment in some circumstances.

But, someone will ask, what if the supreme power is vested in a woman? Does a woman have the power of preaching in church and administering the sacraments?

I know that women are prohibited from speaking in church. [1 Cor. 14:34-35] But that does not prevent a woman who is endowed with sovereign power from being able to appoint men who can speak in church and administer all other matters there, by the authority of the commonwealth, i.e., by her authority. For authority does not take account of masculine and feminine. Therefore, though women cannot perform all offices, still they can appoint those who do perform them.¹⁰⁸

Once again, this is not an abstract thought experiment or merely logical possibility. Hobbes is referring to actual challenges made to the authority of Queen Elizabeth I.

To allow men but not women to speak in church is not consistent with gender equality, but let us assume along with Hobbes that this is a simple fact, a pre-political reality. Some argue that this difference between men and women means that the sovereign can never be female.¹⁰⁹ Hobbes disagrees: that a woman cannot speak in church does not limit the authority (or possibility) of a female sovereign. Rather, it means that subordinate men must be appointed who can speak in church for her. Empirical differences

that occasion inequality call for *equality*. The above example is especially interesting because Hobbes is not addressing *just any* difference that could cause inequality, such as providing an interpreter of sign language to communicate with the deaf, or ensuring that buildings are wheelchair-accessible; he is equalizing an inequality that, from a certain point of view, is mandated by God himself.\(^{110}\)

One might accept that Hobbes’s theory demands gender equality and yet still object to my argument by noting that the absolute power of his sovereign makes *change* unlikely if not impossible. Hobbes argues repeatedly that rebellion is never permitted. In fact, the line quoted above to support the argument that Hobbes is not justifying the status quo—that “there is scarce a commonwealth in the world whose beginnings can in conscience be justified”—is offered as a reason why rebellion is *not* justified.\(^{111}\) He goes so far as to suggest that life under the worst sovereign is preferable to the chaos of the state of nature.\(^{112}\) Though subject to the laws of nature, the sovereign is the only legitimate interpreter of the laws of nature and the civil laws.\(^{113}\) Nothing the sovereign does can be called unjust.\(^{114}\) Bearing all of this in mind, one might object by arguing that even if his theory calls for equality, it proscribes the behaviour that may be necessary to bring it about.

We should not come to this conclusion too hastily. Though he consistently argues against rebellion, his argument is (ostensibly) directed towards political leaders: sovereigns rather than subjects.\(^{115}\) He also suggests that, should rebellion occur, the

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\(^{110}\) 1 Corinthians 14:34-35. King James Version: “Let your women keep silence in the churches: for it is not permitted unto them to speak; but they are commanded to be under obedience, as also saith the law. And if they will learn anything, let them ask their husbands at home: for it is a shame for women to speak in the church.”


\(^{112}\) Hobbes, *Leviathan*, xxix, 3; xviii, 20; see chapters xxix, xxx.


\(^{115}\) Hobbes, *Leviathan*, xxxi, 41: “I recover some hope that, one time or other, this writing of mine may fall into the hands of a sovereign who will consider it himself.”
sovereign is to blame: “when they [commonwealths] come to be dissolved, not by external violence but intestine disorder, the fault is not in men as they are the matter, but as they are the makers and orderers of them.”\textsuperscript{116} Rebellion may even be a sign that there was no peace to begin with:

It is true that in a commonwealth where (by the negligence or unskilfulness [sic] of governors and teachers) false doctrines are by time generally received, the contrary truths may be generally offensive. Yet the most sudden and rough bustling in of a new truth that can be does never break the peace, but only sometimes awake the war. For those men that are so remissly governed that they dare to take up arms to defend or introduce an opinion are still in war, and their condition not peace, but only a cessation of arms for fear of one another; and they live, as it were, in the precincts off battle continually.\textsuperscript{117}

Hobbes counsels against rebellion, but knows that if people are “remissly governed,” rebellion may follow. His theory is an ideal that sovereigns may use to better organize their commonwealths; it also articulates an ideal that can be used by subjects to question and criticize the status quo, despite the accompanying exhortations to avoid dissent and civil war.

6. Conclusion

Hobbes’s political theory begins with the premise that all men are equal, and that all relevant inequalities are the result of social and political relations; they are not natural. We have seen that he believes in the equality of men and women, and that he includes women in his theory, even when he uses masculine terms. This inclusion and equality is not a merely abstract possibility, akin to Plato’s fictional female guardians.\textsuperscript{118} Hobbes often demonstrates the possibility of female equality or superiority by pointing to

\begin{footnotesize}
\textsuperscript{116} Hobbes, \textit{Leviathan}, xxix, 1.
\textsuperscript{117} Hobbes, \textit{Leviathan}, xviii, 9.
\textsuperscript{118} See Plato, \textit{The Republic}, Translated by G.M.A. Grube and C.D.C. Reeve, (Indianapolis: Hackett Publishing Company, 1992), Book V.
\end{footnotesize}
instances of its existence. (Gender equality is possible because, at least in some times and places, it is). In addition, the gender equality that his theory demands is substantive. Differences, including the differences between men and women, cannot justify inequality per se. Indeed, Hobbes’s ninth law of nature demands that each person regard each other person as an equal, even in the face of actual inequality. As a consequence, differences that would otherwise amount to inequality should be equalized. This is how and why he can maintain that a sovereign queen, like a sovereign king, has absolute authority over the church, while also claiming that the bible allows men but not women to speak in church.

This interpretation becomes possible if we accept the argument that Hobbes’s use of language is gender-inclusive; and if we re-conceive the state of nature narrative, the basis of equality, and the nature of persons (as interpreted by Pateman and Okin). Artificial persons can be “represented” or “personated” by more than one person, leaving room for equality between male and female rulers who govern jointly. Hobbes gives equality priority in his theory, even in the face of actual inequality. As a result, differences that might cause inequality must be addressed to (re)establish equality. Equality is justified through his state of nature narrative. Rather than being an account of the present as the outcome of a just historical process, the state of nature narrative is a device of representation which Hobbes uses to justify his highly egalitarian laws of nature, which in the context of his theory as a whole demand substantive gender equality. Far from justifying the status quo, Hobbes’s theory is a powerful tool with which to critique it. Pateman is correct when she says that “rational, free and equal women would not agree to a pact that subordinated women to men in civil society”; but she is wrong to infer from this that women must therefore be excluded from the

119 Cf. Linda Zerilli, Feminism and The Abyss of Freedom (Chicago, University of Chicago Press, 2005), 111: “[S]ameness is not what the political principle of equality is supposed to achieve, for sameness, observes Arendt, is ‘antipolitical.’ Arendt writes, ‘the equality attending the public realm is necessarily an equality of unequals who stand in need of being ‘equalized’ in certain respects and for specific purposes. As such, the equalizing factor arises not from human ‘nature’ [nor from man’s] but from outside.’”
social contract. The fact that they would not agree (as rational, free and equal persons) to the conditions under which they actually live is all the more evidence that those conditions are unacceptable, and that change should be called for. And, as we have seen, Hobbes’s theory does not completely forbid the positive action that may be required to bring about changes. The subversive nature of Hobbes’s work was recognized by his contemporaries, one of whom called *Leviathan* a “rebel’s catechism.” I suggest that Hobbesian theory is well suited to the subversion of gender inequality; its lesson for the proponents of equality is: accept nothing less.

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