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Limiting Leviathan: Hobbes on Law and International Affairs

Larry May

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Thomas Hobbes wrote extensively about law and was strongly influenced by developments and debates among lawyers of his day. And Hobbes is considered by many commentators to be one of the first legal positivists. Yet there is no book in English that focuses on Hobbes's legal philosophy. Indeed, Hobbes's own book length treatment of law, *A Dialogue Between a Philosopher and a Student of the Common Laws of England*, has also not received much commentary over the centuries. Larry May seeks to fill the gap in the literature by addressing Hobbes's legal philosophy directly, and comparing *Leviathan* to the *Dialogue*, as he offers a new interpretation of Hobbes's views about the connections among law, politics, and morality.

May argues that Hobbes is much more amenable to moral, and even legal, limits on the law--indeed closer to Lon Fuller than to today's legal positivists--than he is often portrayed. He shows that Hobbes's views can provide a solid grounding for the rules of war and international relations generally, contrary to the near universal belief that Hobbes is the *bete noir* of international law. To support these views, May holds that Hobbes places greater weight on equity than on justice, and that understanding the role of equity is the key to his legal philosophy. Equity also is the moral concept that provides restrictions on what a sovereign can legitimately do, and if violated is the kind of limitation on sovereignty that could open the door for possible international institutions.

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