

Research Article

The Concept of Sovereignty in Thomas Hobbes' Leviathan: An Evaluation

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Abstract: From the early period of intellectual discourse, philosophers and political writers have always thought and wrote on the best and possible way (s) to govern human society, and the social contractarians are not left out in this search. Thomas Hobbes is one of the social contractarians who in search for peace and order in human society favoured absolute sovereignty. In his thinking, to ensure a society that could be peaceful and harmonious free from anarchy, violence and war of all against all as was the case in the state of nature, there must be an absolute sovereign whose ultimate duty will be to protect citizens from both external and internal aggression. Having exposed and evaluated Hobbes' concept of sovereignty, this paper discovered that although Hobbes had the welfare of humanity at heart while proposing for an absolute sovereign, he seem not to know about the democratic culture and the role of education in the modern world. He also seem to forget that humans are shaped according to the conditions of their period and they socialize in different atmosphere hence his pessimistic view about the human nature. Giving the democratic tendencies of the modern world therefore, Hobbes' absolute sovereign cannot guarantee the needed harmony and peaceful coexistence as he thought of it rather, it would bring more problem than it would solve. In fact, Hobbes in advocating for absolute sovereign is against democratic principles of the modern world and tends towards tyranny.

Keywords: Sovereignty, state, authority, absolute, Commonwealth.

Introduction

In modern political theory, sovereignty is understood as supreme authority within a territory. This definition embodies two basic components of sovereignty: supreme authority and territoriality. According to R.P. Wolff, "authority is the right to command and correlatively the right to be obeyed."¹ The concept of right in authority brings to the fore the basic element of legitimacy. Hence, the holder of sovereignty derives authority from some mutually acknowledged source of legitimacy such as natural law, divine law, constitution, etc.

The second component of sovereignty which is territoriality situates sovereignty within the borders of a particular space. It defines the geographical territory within which a state enjoys sovereignty. The holder of sovereignty is called the sovereign. According to Hobbes, the sovereign exercises sovereign power and all others are his subjects. Hobbes indicated two ways in which sovereign powers can be attained: through force or through mutual agreement (institution). The former is the case when a man makes his children submit to him or when a king subdues his enemies to his will through conquest.

For the purpose of rational convenience, it is pertinent to make it clear from the onset that Hobbes ideal for attainment of sovereignty is through institution. He notes that the sovereign could be an

individual or an assembly. Furthermore, he outlined three kinds of sovereign authority instituted by agreement: monarchy, aristocracy, and democracy. Among these three possible versions, Hobbes subscribe to monarchy as the best.

In Hobbes political theory as encapsulated in his work *Leviathan*, one observe throughout the early chapters that Hobbes employs metaphorical devices from diverse spheres such as mathematics, mechanics and biology to describe his political community. Thus, Hobbes uses the term *Leviathan* to refer to a government which unifies the collective will of a mass individuals and unites them under the authority of a sovereign power. For him, "a civil Commonwealth is like a *Leviathan* in its vast size and strength. It derives its right and authority to enforce laws, both natural laws and civil laws, from the contract of many individuals who have by mutual agreement made themselves its subjects."

² However, given Hobbes' obvious animosity towards conventional Christian practices, and given the negative connotation of brutal force which the biblical metaphor of monstrous *Leviathan* holds, it may seem to be an implausible metaphor to describe an ideal political system. On the contrary, a closer look at the metaphor will reveal the inherent benefits of Hobbes' political system which might not be readily appreciated.

By using the *Leviathan* as a metaphor for the Commonwealth, Hobbes emphasizes its immense strength which is obtained by the concentration of the sovereign. Also, this immense strength of the sovereign is for the benefit of the community since all their interests are contained in the primary end of the Commonwealth, which is to promote peace and order, and preservation from enemies abroad. However, this immense strength could become oppressive if left unbridled.

Describing the process of the creation of the *Leviathan*, Hobbes maintains that, "...the only way to establish a common power that can defend them from the invasion of foreigners and the injuries of one another...is to confer all their power and strength on one man, or one assembly of men, so as to turn all their wills by a majority vote into a single will."³ This multitude so united in one person, he calls a Commonwealth-in Latin, *Civitas*. Hobbes also refers to the *Leviathan* as a mortal god, which one owes under the immortal God, one's peace and defense. Thus, the *Leviathan* is at the center of Hobbes' political theory; he is the very essence of the Commonwealth. Creation of the *Leviathan*, is therefore, the only window of escape from the solitary, nasty, brutish and short life in the state of nature. This paper hopes to discover whether Commonwealth is better than the state of nature, and whether the social contract manipulates the individual or not.

The Hobbesian State of Nature

Hobbes' psychological observation in the early chapters of his classical book, *Leviathan*, are about human individuals, not community members. Following his observance of the wild competitive nature of individuals in the state of nature, a state prior to the formation of the Commonwealth, he speaks generally about the nature of mankind in that light. Hence, in the natural condition of mankind, humans are equal despite minor differences in strength and mental acuity. Hobbes' notion of equality is peculiar in that it refers to the equal ability to kill or conquer one another, but quite consistent with his notion of power.⁴ This equality, Hobbes opines, naturally leads to conflict among individuals for three reasons: competition, distrust, and glory. In the first case, if two individuals desire a scarce commodity, they will compete for the commodity and necessarily become enemies. In their efforts to acquire desired objects, each person tries to destroy or subdue the other. On account of the constant fear produced in the state of nature, Hobbes believes, it is reasonable to distrust others and use pre-emptive strikes against one's enemies.⁵

More so, Hobbes considers humans to be naturally vain glorious and so seeks to dominate others and demand their respect. The natural condition of mankind, for Hobbes, is a state of war in which life is "solitary, poor, nasty, brutish, and short"⁶ because individuals are in a "war of all against all."⁷ In such a state, Hobbes contend that individuals have a natural right to do whatever they believe is necessary to preserve their lives. In other words, in the state of nature, individuals are not constrained

by moral or legal obligations because there were no such thought or thing prior to the establishment of a Commonwealth. Consequently, in the state of nature, "nothing can be unjust since the notion of right and wrong, justice and injustice have there no place."⁸ Therefore, human liberty, for Hobbes, is simply the freedom of bodily action and is not limited by any moral or legal notions.

However, because the state of nature is a state of continuous and comprehensive war, Hobbes reasoned that it is necessary and rational for individuals to seek peace to satisfy their desires, including the natural desire for self-preservation. For him, the human power of reason reveal the "law of nature"⁹ that enable humans to establish a state of peace and escape the horrors of the state of nature.

The Law of Nature

In the state of nature, security is impossible for anyone, and the fear of death dominates every aspects of life. Being rational, humans will naturally seek to be rid of fear. Reason teaches us that there are certain natural laws that dictate how a society may guarantee peace. One of these laws is the "Right of Nature,"¹⁰ every man's inborn right to use whatever means available to preserve his own life. Natural law includes one's right to self-preservation and forbids humans from taking actions destructive to their own lives. Although war may be necessary for self-preservation-and more often is, in the state of nature-reason dictates that the first of all natural laws must be that humans seek peace to fulfill their right and obligation to preserve their own lives. Building on the first law of nature, Hobbes explains other natural laws which he opine can be discerned through reason. The second law states that in the state of nature, "all men have natural right to all things."¹¹ However, to ensure peace, men must give up their right to some things. The individual's transfer of some of his rights is called a *contract*,¹² and is the basis for all social organization and collective moral order. Although by contract we may give up all sorts of rights we possess in the state of nature, such as renouncing the right to kill another in exchange for not being killed; we may never give up our natural right to self-preservation, which is the basis for any contract.

The third law of nature proclaims that though the making of contracts is a necessary precondition to peace, we are obligated not only to make contracts but also to follow them. Out of these obligations and the consequences arising from their violation, we develop the concept of justice. Only with the advent of the Commonwealth, when such consequences can be systematized, are the concepts of justice and private property meaningful. Hobbes names sixteen additional natural laws for human conduct, totaling nineteen that will uphold peace and together may be termed "moral philosophy."¹³ He says that the laws may be tested, or summed up, by the golden rule: "Do not that to another, which thou wouldst not have done to yourself."¹⁴

The contract required by the most fundamental law of nature is forged and entered into by all persons. These persons can be divided into two categories: "natural persons" and "artificial persons."¹⁵ Natural persons are those whose words are their own, whereas artificial persons are those whose words are those of another. The contract, as the means by which the individual wills of all natural people are joined into one unified will, then becomes a kind of artificial person, whose words are those of many others not itself. Thus, the contract, and the Commonwealth it forms, is an artificial person. This great iconographic person is the Leviathan.¹⁶

Social Contract

Man is by nature a social animal. This explains for why Aristotle contends that anyone who either cannot lead the common life or is so self-sufficient to partake of society is either a beast or a god. This assertion is a prelude to social contract. Notwithstanding, in the strict sense, social contract is associated with modern moral and political obligations depending on the agreement of one's particular society. Hobbes' social contract theory is founded on the hypothetical state of nature. Of human nature, Hobbes holds that humans are necessarily and exclusively self-interested, and because of the limited resources in the state of nature, life is unbearably brutal; men as rational beings

therefore seek to escape from this state by entering into a social agreement with each other. By this, humans agree to be guided by common laws. This agreement is known as *social contract*. Hence, social contract basically, is a pact between the ruled and their rulers, defining the rights and duties of each. The need for solution to the chaotic, rebellious, solitary, nasty, brutish and warlike condition in the state of nature led to the formation of social contract and the enthronement of an absolute sovereign in the Commonwealth. Consequently, peace and security which eluded humans in the state of nature was restored.

The Commonwealth

The first law of nature demands that humans seek peace and end best met by the establishment of contracts. Yet, the natural inclinations of men towards power always impel them to break contracts. Therefore, without the fear of punishment for breaking contracts, men will break them whenever it is immediately advantageous for them to do so. Thus, the basic social contract of the Commonwealth must vest power in one central, sovereign authority, with power to punish those who break the contract. Under the rule of sovereign, men are impelled, by fear, to keep the Commonwealth functioning smoothly.

If the state is imagined as a person, the soul of that person is the concept of sovereignty, and the sovereign himself is the person's head. Hobbes names this artificial person representing the state in its totality, the *Leviathan*. Because of the desire to escape the state of nature through contract, the people built a common power at the head of their Commonwealth, whether one man or an assembly, and agree to submit to its will to escape fear of each other. The sovereign, is therefore, charged with the duty to do whatever is/are necessary to defend the Commonwealth. In turn, as all individual rights are transferred to him, all are compelled to follow the sovereign's commands regarding defense. Although, Hobbes states that the sovereign maybe either an individual or an assembly, he failed to explicitly state his preference for the sole sovereign ruler.

The Nature of Hobbesian Sovereignty

For the purpose of intellectual clarity, it is pertinent to briefly give a conceptual overview of what sovereignty is all about before discussing the nature of Hobbesian sovereignty.

Sovereignty is a supreme authority in a political community. The concept of sovereignty is fraught with long history of development and it may be said that every political theorist since from Plato has dealt with the notion in some manner, although not always explicitly.¹⁷ "Sovereignty is understood in jurisprudence as the full right and power of a sovereign body to govern itself without any interference from outside sources or body."¹⁸ "In political theory, sovereignty is a substantive term designating supreme authority over some polity."¹⁹ A state is a sovereign when its authority owes allegiance to no superior power and the executive is supreme within the legal order of the state.²⁰

The age of enlightenment influenced apriori the conceptual meaning of sovereignty. Here, the current notion of state sovereignty contains four aspects consisting of territory, population, authority and recognition.²¹ More interestingly, popular sovereignty is the notion that no law or rule is legitimate unless it rests directly or indirectly on the consent of the individuals concerned.²²

Having remarked the above, it is pertinent at this juncture to take a hard look on the nature of Hobbesian sovereignty proper.

Thomas Hobbes was one of the social contractarians. He posited that the nature of the society was a contractual arrangement between its members. The reason men entered into civil society was to protect themselves against the dangers of the "state of nature." Hence, the task of political society was to name an individual or a group of individuals a sovereign. This sovereign would then have absolute power, and each citizen would owe him absolute obedience. Succinctly, Hobbes writes: "One person of whose acts, a great multitude by mutual covenants one with another, have made

themselves everyone the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defense."²³

It is only the establishment of a Commonwealth that the essence of civilization can be properly attained. In the brutish state of nature, "the notion of right and wrong, justice and injustice, have no place."²⁴ Conflict and war of all against all was then the order of the day in the natural state of nature. The only possible solution towards avoiding such conflict and possible outbreak of civil war is to establish a common power of fear.²⁵

This artificial man (Commonwealth) created through the covenant which binds the subjects one to another acts as everyone formerly acted in any way to ensure its protection and preservation. The subjects surrender the right which they possess in the state of nature to act as they are at liberty by transferring it to the sovereign subsequently authorize the sovereign to act in their protection as he judges necessary. For Hobbes, this is not surrender of natural liberty.

Again the consent of the subject to sovereign power is contained in these words, I authorize, or take upon me, all his actions; in which there is no restriction at all, of his own former natural liberty: for by allowing him to kill me, I am not bound to kill myself when he commands me.²⁶

The essence of the covenant is that each individual retains the liberty to defend himself against attack, but undertakes only to permit action in pursuance of that liberty to be carried out by the sovereign, on condition that all other individuals make the same promise. The right of self-defense is not renounced, but its execution is, in almost all situations placed in hands of the sovereign. The sovereign alone can determine the Commonwealth's laws, but the subject retains two kinds of liberty. First is a form of negative liberty; anything which the laws do not specifically forbade can be taken as permitted and subjects are at liberty to do it. In cases where the sovereign has prescribed no rule, there the subject has the liberty to do or forbear, according to his own discretion.²⁷

Secondly, the sovereign's power is fundamentally limited by the Hobbes' emphasis on the individual's right to self-preservation.²⁸

Hobbes argued that the sovereign decides what is just and unjust. The command of the sovereign is the law. The safety of the people for him is the supreme law not minding whether this safety was gotten through intimidation, fear or tyranny. Since the law is the sovereign's command, Hobbes insists that there can be no unjust law.

Hobbes admits that there can be a "bad law" but not an unjust law. Bad law happens when the sovereign departs from the purpose for which it was created, that is maintenance of people and protection of the lives of its subject. Hobbes postulates that a bad law does not justify disobedience by subjects to the sovereign's authority since he is accountable only to God. Concerning the obedience to the sovereign which constitutes for the Christians as a disobedience to God, Hobbes emphasized that any Christian who feels that obeying a particular law of the sovereign means disobeying God, the Christian has the option of going to Christ in martyrdom.²⁹

In Hobbes' prominent book titled *Leviathan*, he favoured absolute monarchy as the only right form of government. He believed that absolute monarchy is the rational bases upon which a civil society could be constructed that would not be subject to destruction from within. In his thinking, only absolute monarch has the capacity to minimize discord, disagreement, and factionalism within society whether between state and the church, between rival governments, or between different contending philosophies. He therefore advocates that all members of the society submit to one absolute central authority for the sake of maintaining common peace.³⁰ This is because, for him, obedience to the sovereign is directly tied to peace in all realms. Hence, the sovereign is empowered to run the government, to determine all laws, to be in charge of the church, to determine first

principles, and to adjudicate in philosophical disputes. This is for Hobbes, the only sure means to maintain a civil, peaceful polity and prevent the dissolution of the society into civil war.

Although Hobbes offered some mild pragmatic grounds for preferring monarchy to other forms of government, his main concern was to argue that effective government, whatever its forms must have absolute authority; its powers must be neither divided nor limited. The powers of legislation, adjudication, enforcement, taxation, war-making (and the less familiar right of control of normative doctrine) are connected in such a way that a loss of one may thwart effective exercise of the rest; for example, legislation without interpretation and enforcement will not serve to regulate conduct. Only a government that possesses all of what Hobbes terms the "essential rights of sovereignty"³¹ can be reliably effective since where partial sets of these rights are held by different bodies that disagree in their judgment as to what is to be done, paralysis of effective government, or degeneration into a civil war to settle their dispute, may occur.

Similarly, to impose limitations on the authority of the government is to invite irresolvable disputes over whether it has overstepped those limits. If each person is to decide for himself or herself whether the government should be obeyed, factional disagreement-and war to settle the issue, or at least paralysis of effective government-are quite possible. To refer resolution of the question to some further authority, itself also limited and so open to challenge for overstepping its bounds, would be to initiate an infinite regress of non-authoritative 'authorities.'³² To refer it to further authority itself unlimited would be just to relocate the seat of absolute sovereignty, a position entirely consistent with Hobbes' insistence on absolutism. To avoid the horrible prospect of governmental collapse and return to the state of nature, people should treat their sovereign as having absolute authority.³³

Criticisms against Hobbesian Sovereignty

As Uduma oji Uduma holds, philosophical studies have shown that no answer is sacrosanct. In other words, there is no conclusive knowledge otherwise, there would be dead of epistemology (the theory and study of knowledge). Following from this, some scholars have raised some criticisms against Hobbesian sovereignty. Such criticisms are the concern of this section of this paper.

Hobbesian sovereignty elicited some number of criticisms. Ralph Cudworth in his book, *The Intellectual System of the Universe*, ridiculed Hobbes as a confirmed atheist. Cudworth sees moral law as being determined by a transcendental foundation devoid of the state. Accordingly, sovereign will and civil law are obligated to this moral law and must confirm their actions to it.

Contrary to Hobbes' view about the state of things in the *State of Nature*, Locke holds that men were naturally free and equal in the *State of Nature*. In Lockian conception, there was perfect freedom and equality in the *State of Nature*. It was not brutish as Hobbes portrayed. Consequently, Locke emphatically observe, "...though man in that state has an uncontrollable liberty on his person or property, yet he has no liberty to destroy himself or so much as any creature in his possession."³⁴

Freedom and equality in Locke's view is tied to the concept of law which is devoid of arbitrariness. Man in his *State of Nature* is guided by calm reason; there is nothing here of the uncontrolled passion of Hobbes' war of all against all. Unlike Hobbes, Locke holds that though the community is sovereign in the Commonwealth, the natural law is still the criterion of right and wrong. The Commonwealth and its government is the depository of all authority.

Hobbes' political philosophy deposits an absolute power to the sovereign which places him above the law. Of course, the law is the command of the sovereign.³⁵ This is synonymous to what Locke terms despotic power. Succinctly Locke observed that it is: "...an absolute arbitrary power one man has over another to take away his life whenever he pleases and this is a power which neither nature gives, for it has made no such distinction between one man and another, no compact can convey."³⁶

Locke further opine that wherever the law and will of the sovereign fuses into one, despotism results because "wherever law ends tyranny begins."³⁷

Another political philosopher who criticized the view of Hobbes on sovereignty is Montesquieu. He argued against the concentration of power in one absolute monarch. Power for him should be decentralized each acting on his own, thus, one serving as a check on the other. Hence, executive, legislative and judicial power should be separated and not centralized. Sharing of these powers in his thinking will bring about balance and equity. This democratic principle was totally absent in Hobbesian sovereignty thereby justifying Makaleler's view that:

"Another strange point in Hobbes' theory is that he claims that whatever sovereign does, his actions cannot be punishable by the subject. These are all evidences showing that Hobbes would never defend a democratic state... he wants an absolute monarchic regime where there would be no personal freedom."³⁸

Jean Jacques Rousseau is yet another political theorist whose views on the concept of sovereignty run contrary to that of Hobbes. In the view of Rousseau, the people are the sovereign. Hence, sovereignty for Rousseau is the exercise of the people's will. There are limits to the sovereign's power but only those that the state deems wise to set. For Rousseau, "sovereignty allowed to fix its own boundaries is nothing short of absolute."³⁹

Conclusion

As one who witnessed Spanish Armada, 30-years war, first and second Bishops' war, Scottish invasion of England, Irish Rebellion and English civil war, Hobbes' idea of the human nature is very pessimistic. This idea and thought he brought into bear in his political theory wherein his major concern like Machiavelli was to have an absolute legislator or authority that would restore peace and order using any means possible. This sole aim of having an absolute authority that would protect citizens from aggression both internal and external is the reason why for Hobbes, as we have seen, the sovereign decides what is just and unjust.

The command of the sovereign is the law. The safety of the people is the supreme law not minding whether this safety was gotten through intimidation, fear or tyranny. This paper has shown that this absolute authority as painted by Hobbes have been criticized by many for its weaknesses as it tend to bring about more problems than it could solve. Hobbes seem to forget that humans are shaped according to the conditions of their periods and they socialize in different atmosphere.⁴⁰

Of remarkable note also, is that if the sovereign who is created by the people, as subjects, does not decide for them the fundamental questions of acceptance of and obedience to his command-including his punishments, it follows therefore that the ruler only holds power as long as his subjects obey his punishment commands.

The sovereign does not determine the question of obedience to his commands because that is ultimately a question the subjects determine for themselves based on the assessment of best interest and welfare.

The implication is that the subjects cannot create a sovereign who decides all questions in the Commonwealth and whose reign is absolute and permanent. Following from this, it implicitly but logically follows that the peace and harmony in the civil society cannot be secured and guaranteed by the adoption of Hobbes' schema.⁴¹

Conflicts of interest

There is no conflict of interest of any kind.

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