

# T

## Linking Faith and Trust: Of Contracts and Covenants

Ionut Untea

### 1. *Introductory Discussion: Covenants of Trust and the Equal Claims of Unequal Individuals*

Trust is best illustrated in a relationship of mutual dedication to a goal that serves not only the interests but also the overall personal development of those involved. The dimension of the personal development that encompasses trust may sometimes be at least, if not more, important than obtaining specific gains. As D’Cruz observes, the need for trust emerges in a relationship even when «there is nothing in particular that we hope to gain by that trust»<sup>1</sup>. Moreover, «to be distrusted without specific and sufficient reason can be insulting and even demeaning», which is why the lack of trust may lead to some sort of «alienation» of individuals that ultimately warrant relationships dominated by mistrust, rather than trust<sup>2</sup>. If trust is needed not only as a «social lubricant» facilitating the attaining of our specific gains<sup>3</sup>, but also as an essential ingredient of a more profound need for personal development, then a relationship of trust involves the participants’ sense of equality. Indeed, being embedded in a society structured by many kinds of inequalities stemming from differences in physical, psychological, creative, or skillful performances, the participants’ sense of equality in a trustworthy relationship can be taken as a legitimate claim, rather in the dimension of their equal right to personal development.

<sup>1</sup> J. D’Cruz, *Trust, Trustworthiness, and the Moral Consequence of Consistency*, in «Journal of the American Philosophical Association», 1 (September 2015), n. 3, pp. 467-484, p. 482.

<sup>2</sup> J. D’Cruz, *art. cit.*, p. 482.

<sup>3</sup> *Ibidem*.

The overlooking of this dimension of equality involved in the relationship of trust, and the unilateral emphasis of the self-interested individual, leads to the perception that trust is needed by someone rather to make use of the others' strength or skills when one cannot attain a goal by himself. The liberal view of the relationships between self-centered individuals looking primarily toward their own interests has roots in the social ontology depicted by Hobbes in his *Leviathan*. The Hobbesian approach to the trust linking those self-interested individuals is criticized by Baier, who understands it as a «male fixation» on contracts. She criticizes in Hobbes the «cool, distanced relations between more or less free and equal adult strangers»<sup>4</sup> and argues in favor of a more inclusive dimension of equality, one which may be extended to many categories of individuals of the social landscape: women, lovers, husbands, fathers, the ill, the very young, or the elderly<sup>5</sup>. Reading Hobbes, Baier indeed identifies the equality of interest operating in the Hobbesian contractual trust, but she assimilates this equality of interest with equality of status, believing that there is no place for mutual contracts between unequal participants in Hobbes's perspective. Hobbes indeed talks about a certain «similitude of passions» animating individuals, but he links the human passions with a diversity of «objects»<sup>6</sup>. In this way, the Hobbesian equality of interest cannot be interpreted as exclusively an equality of status, but also as an equality of aspiration to personal development, in whatever way the participants in a relationship may deem satisfactory for their passions. If this is so, the contracts between passionate individuals may acknowledge an unequal social status of the parties, and potentially an outcome that would strengthen this inequality. In spite of this, the parties still trust each other. This means that the motivations for the participants' trust do not stem from the contract itself, which does not guarantee their equality of status, but from a more fundamental need for a personal development rooted in positive or negative approaches to passions. The passionate need for developing one's personality affects equally all the individuals involved in the relationship, including the categories announced above by Baier.

Baier also disapproves of the «hypothetical Hobbesian conversions from

<sup>4</sup> A. Baier, *Trust and Antitrust*, in «Ethics», 96 (January 1986), n. 2, pp. 231-260, pp. 247-248.

<sup>5</sup> A. Baier, *art. cit.*, p. 248.

<sup>6</sup> T. Hobbes, *Leviathan, or the Matter, Form and Power of a Commonwealth, Ecclesiastical and Civil* (ed. by R. Tuck), Cambridge University Press, Cambridge 2003, Intro., p. 2.

total distrust to limited trust»<sup>7</sup> and instead favors «some form» of «innate» trust. By doing this, Baier overlooks the issue that the Hobbesian «limited» trust is not necessarily limitative as to the possibilities of the manifestations of trust by individuals interacting within the social contractual framework made possible by the political power. The reasons for the «limited trust» lie in the assurance of a coherent, and predictable, behavior, and the avoidance of risky behaviors that would endanger the entire political body. As Hobbes puts it, «civil laws», which function as indicators of contractual limits, «may nevertheless be made to hold, by the danger, though not by the difficulty of breaking them»<sup>8</sup>. These laws facilitate by contractual ways the relationships of mutual trust that lie at the origin of the natural interactions between individuals. Hobbes makes explicit that the «mutual covenants» in the state of nature remain even more fundamental than the contracts that occur within a politically organized society. Thanks to these covenants, the laws have been made possible and «fastned at one end, to the lips of that Man, or Assembly, to whom they have given the Sovereaign Power; and at the other end to their own Ears»<sup>9</sup>. Therefore, the fundamental principle that holds the political body together is not the contract, which needs to be backed by some form of punitive power, but rather the covenant, which is an expression of the natural inclinations of human beings to entrust each other with a communal *telos* that surpasses any individual destiny as long as this *telos* gives meaning to one's passion for personal accomplishment.

Baier prefers seeing this natural inclination for trusting others as an «innate» disposition, and claims that it has been replaced by Hobbes with limited trust. On the contrary, Hobbes talks about a natural disposition of trusting others, which he equates with faith. Hobbes argues that «to *have faith in*, or *trust to*, or *beleeve a man*, signifie the same thing; namely, an opinion of the veracity of the man», or of «his honesty in not deceiving». In contrast, «to *beleeve what is said*, signifieth onely an opinion of the truth of the saying». Hobbes illustrates this distinction by the belief in God: whereas the belief in God brings «not onely Christians, but all manner of men» to «hold all for truth they heare him say, whether they understand it, or not», not all of them believe what it is said in «the Doctrine of the Creed»<sup>10</sup>. There is also a cognitive basis for the belief in the trustworthiness

<sup>7</sup> A. Baier, *art. cit.*, p. 242.

<sup>8</sup> T. Hobbes, *op. cit.*, Ch. XXI, p. 109.

<sup>9</sup> *Ivi*, pp. 108-109.

<sup>10</sup> Hobbes's emphasis. T. Hobbes, *op. cit.*, Ch. VII, p. 31.

of others but, as Hobbes argues, this cognitive aspect is highly dependent on the moral character of the believer. In his Introduction to *Leviathan*, Hobbes admits that, although he focuses on the way the sovereign «reads» in himself the passions of «mankind», any individual can read «the characters of man's heart», except that the result may vary from person to person, depending on whether «he that reads, is himself a good or evil man»<sup>11</sup>. This may be understood as a veiled suggestion that, as nobody, except God – the one «that searcheth hearts»<sup>12</sup> – has direct access to another's heart, a good person would tend to «read» another's heart in a trustworthy way, while a bad character will tend to exhibit mistrust in his fellows, being aware of his own tendencies.

Again, Baier's conception of innate trust will still apply to this relationship. But Hobbes insists on an aspect of trust as faith that gives way to trustworthy relationships that Baier's exegesis does not take into account. The article explores this suggested openness of the Hobbesian individual toward believing, or trusting, what another individual says simply on the basis of some perceived «similitude» of that individual's aspirations and one's own. The particularity of linking trust to faith helps Hobbes assert a kind of trust that goes beyond the possibilities offered by human cognitive capabilities, since a human individual, in the same way as God, can be trusted by someone, whether or not this someone understands the words or behaviors of that individual. It is this kind of trust, intimately linked with faith, that gives way to a kind of relationship that is not, or not yet, contractual, but which nevertheless implies a mutual pact. This relationship is a covenant, which is not sustained, as the contract is, by any enforcing power, but simply by the will of the parties to believe in each other and to trust each other. The «political covenant» itself<sup>13</sup> is one of the many possible covenants of trust in the state of nature. These natural covenants involving a faith-based trust are not defined by laws, nor can they be obstructed by them.

Without making Hobbes's exegesis the dominant dimension of my argument, but only its point of departure, I will continue with a brief reflection on the connection between the importance of the participants' faith as a basis of trust in a relationship that may involve vulnerability. This section

<sup>11</sup> T. Hobbes, *op. cit.*, Intro., p. 2.

<sup>12</sup> *Ibidem.*

<sup>13</sup> B.T. Trainor, *The Politics of Peace: The Role of the Political Covenant in Hobbes's «Leviathan»*, in «The Review of Politics», 47 (July 1985), n. 3, pp. 347-369.

will be followed by a more detailed discussion of the differences between contractual and covenantal relationships. In the last section I will reflect upon the way covenants of trust are an important part of the ontology of society, since covenantal trust may positively affect the behaviors and approaches of entire communities to trusting outsiders.

## 2. *Faith, Trust and Vulnerability*

In interpreting the relationship between unequal individuals like the «master» and the «good wife», Baier admits that the trust of the authoritarian husband can be «rational» even when he has suspicions that the wife has «strong and operative motives which conflict with the demands of trustworthiness as the truster sees them»<sup>14</sup>. Trust continues to remain rational «as long as the truster is confident that in the conflict of motives within the trusted the subversive motives will lose to the conformist motives»<sup>15</sup>. For instance, the husband has to be certain, or make sure, that «the costs to the wife» like «economic hardship» or «loss of her children» are «a sufficient deterrent»<sup>16</sup>. It can be observed that, at the core of the rational trust remains a feeling of «confidence» of the truster that he is in control of the relationship. Earlier in the article Baier sees «reasonable trust» in similar terms, defining it as the truster's «confidence» in the other's «good will», or at least in «the absence of good grounds for expecting their ill will or indifference»<sup>17</sup>. Thus, the kind of confidence Baier talks about, in spite of her critique of the Hobbesian perspective on contracts, remains in the framework of a relationship of trust generated between rational actors, even when these actors are not equal in power.

The character of this «confidence» remains somehow problematic, since, in order to offer «trust» to another individual, I need to have «confidence» in my own capacity for evaluating «another's possible but not expected ill will»<sup>18</sup>. From this perspective Baier calls trust «accepted vulnerability»<sup>19</sup>, although it remains unclear in what way one «accepts» vulnerability itself when having «confidence» in one's own capacity for evalu-

<sup>14</sup> A. Baier, *art. cit.*, p. 254.

<sup>15</sup> *Ibidem.*

<sup>16</sup> *Ibidem.*

<sup>17</sup> *Ivi.*, p. 235.

<sup>18</sup> *Ibidem.*

<sup>19</sup> *Ibidem.*

ating a person or a situation. By asserting the centrality of one's self-confidence in a relationship of trust, Baier leaves the door open to a potential replacement of the trust in another individual by a simple trust in myself, a trust in my capacities to foresee the potential vulnerabilities.

There is, however, one aspect by which Baier tries to avoid the implication of a diminished trust in another person. When talking about the relationship between the authoritarian husband and his wife, Baier admits that the husband cannot simply «rely» on her «fear». So, in order for the relationship to be considered more than mere reliance, the husband's «confidence» needs to remain open to the «hypothesis» of the wife having «some good will and some sympathy for his goals»<sup>20</sup>. That Baier needs to reinforce her idea of a self-confidence by the assertion of the possibility of the other's «sympathy» can also be seen in Hardin's argument that one can only express feelings of «quasi trust» in an institution or agent working for that institution if one is «confident» that the institution is reliable. For Hardin this self-confidence is a judgment based on «inductive expectations» extrapolated from «current and past actions», but this is not enough to render full trust in an institution<sup>21</sup>. Hardin motivates the choice of the term «quasi trust» by arguing that we cannot trust the government, the institutions, or their agents in the same way «as we might be able to trust the people we deal with on various matters»<sup>22</sup>.

Hardin's version of self-confidence in developing trust still does not decisively indicate how trust in myself, made possible by my «confidence» in my own capacities of evaluation, can evolve toward the trust in another person. Baier's use of the husband's «hypothesis» that the wife actually cares about his own person and projects indeed seems to break the limitative self-trust. However, while its evocation seems to be a way to maintain the reasonable character of the trust, the «hypothesis» itself may be formulated on the basis of feelings and intuitions that go beyond a «rational» assessment. In this way, Baier chooses to maintain a «rational» profile of trust by the appeal to a «hypothesis» merely formulated by reason, but which may have roots in certain stances which encompass, but go beyond, rationality. Ultimately, reliance on others cannot evolve toward trust, unless someone is willing to invest some hypothetical positive appreciation of the other's inner motivations. In Hobbes's terms, if we take trust seriously as a possibility of a relationship,

<sup>20</sup> *Ivi*, p. 254.

<sup>21</sup> R. Hardin, *Trust and Trustworthiness*, Russell Sage Foundation, New York 2002, p. 156.

<sup>22</sup> *Ivi*, p. 158.

something that governments are not willing to do, given the huge risks, then we unavoidably have to «read» people's inner thoughts, and the outcome will depend less on what we can know or observe from past experiences with them, than on whether we are, in the depths of our heart, and beyond the moral character of our actions alone, good or bad people. In this case, trusting somebody inevitably means investing a certain amount of faith in the relationship and taking an active attitude toward accepting vulnerability.

In this case, vulnerability is not something to be expected or not, but faced, dealt with, and, if possible, defeated. Gaining one's trust may be accomplished precisely through a preliminary giving of trust and facing vulnerabilities stemming from this relationship. Potential versions of trust that are not limited by the kind of self-trust based on confidence in one's own evaluating capacities may be the «therapeutic trust», defined by Horsburgh as being based on «a belief in the possibility of stirring someone's conscience to an extent sufficient to affect his conduct»<sup>23</sup>, or Faulkner's discussion about a belief in a friend's innocence which empowers somebody to give her or him the «benefit of the doubt» when a mountain of evidence points toward the friend's untrustworthy character<sup>24</sup>. In spite of their lack of emphasis on the vulnerability of the trustor, these views remain compatible with the notion that there is a certain amount of faith involved in the trustful attitude toward the other; it is thus a trust that goes beyond one's cognitive capacities for vulnerability assessment.

When talking about self-trust, I do not intend to overlook the claim that self-trust is, after all, the point of departure for trust in others<sup>25</sup>. I only argue that self-trust, especially when based on «confidence» on the strength of one's own cognitive abilities, may ultimately constitute a barrier to offering trust to the person in front of me. In contrast with trust, which has its starting point in self-trust, faith does not begin as faith in oneself, but starts as faith in the other, or faith in the relationship with the other, as a condition of arriving at the conclusion of a faith in one's own capacities. Abraham's status as «the father of faith»<sup>26</sup> did not originate in faith in his

<sup>23</sup> H.J.N. Horsburgh, *The Ethics of Trust*, in «The Philosophical Quarterly», 10 (October 1960), n. 41, pp. 343-354, p. 346.

<sup>24</sup> P. Faulkner, *Giving the Benefit of the Doubt*, in «International Journal of Philosophical Studies», 26 (2018), n. 2, pp. 139-155, p. 139.

<sup>25</sup> K. Lehrer, *Self-Trust: A Study of Reason, Knowledge and Autonomy*, Clarendon Press, Oxford 2002, p. 5.

<sup>26</sup> E. Stump, *Goodness and the Nature of Faith: Abraham, Isaac, and Ishmael*, in «Archivio di Filosofia», 76 (*Il Sacrificio* 2008), n. 1/2, pp. 137-144, p. 143.

own capacity for evaluating the trustworthy relationship between him and God, but rather in faith in God's words even if, in the manner of Hobbes's suggestion, Abraham did not fully understand all of God's plans. Nonetheless, Abraham's relationship of faith with God, at least prior to the covenants made with him, was only unilateral. Below I will explain why Abraham's covenantal relationship of faith with God becomes reciprocal, but until then I will simply maintain that, before the covenant, only Abraham's faith was operative in the relationship with God. In a relationship between two human beings, the faith infused in trust may indeed be unilateral, or it can animate both or all of the participants' trust.

The role of faith in a relationship of trust between two individuals may have many ramifications, but here I have chosen to emphasize two aspects: one would be to limit confidence in one's own capacity for evaluating whether one deserves being trusted or not; the other would be to guide the trustor beyond the concern either for individual gains, or for potential losses, and aim toward identifying and embracing a *telos* of the relationship. The decision to follow this *telos* may reveal itself as «transformative»<sup>27</sup>, not only for the trustor, but also for the trustee, and potentially, for the wider circle of people more or less concerned by the trustful relationship. If the partners' trust for each other is only a version of self-confidence that does not break the participants' self-centered stance, then they cannot really share a *telos* that may bring them closer to each other in feelings that go beyond social quasi trust.

When interpreting Abraham's readiness to sacrifice his two sons, firstly Ishmael by leaving him in the wilderness, and secondly Isaac through his intention to burn him on the altar, because God had asked it, Stump argues that Abraham becomes the «father of faith» not because he suspends human ethics; his faith was manifested because he somehow believed that his ethics would remain compatible with God's command, and that, in spite of all the evidence, he believed in the goodness of God<sup>28</sup>. Although faith in God may be different from faith in a fellow human being, what remains, that is relevant for trust between individuals, from this relationship of faith in the other lies in the trustor's willingness to believe that his partner is still a good person. Thus, in the face of all the evidence, the relationship of trust will not entail a suspension of ethics, but rather its reinforcement.

<sup>27</sup> R. Compaijen, *Transformative Choice, Practical Reasons and Trust*, in «International Journal of Philosophical Studies», 26 (2018), n. 2, pp. 275-292, p. 275.

<sup>28</sup> E. Stump, *art. cit.*, p. 143.



My thinking is in the context of the readiness of the trustor to face vulnerability, and suffer from a range of risks, from minor to life-threatening, with the overall relationship still contributing to the confirmation of ethics, rather than to its suspension.

In Baier's case of the authoritarian husband, he may trust his wife neither because he relies on her fear, nor because he is confident in his own capacity to be in control of the relationship, but rather because his wife offers him her trust first, and faces all the vulnerabilities stemming from his excesses. The wife's attitude cannot be fully explained by her own rational calculations, to which there may be attached some hypothetical sympathy for her husband's goals. The good wife believes neither in her own capacity to assess potential benefits or dangers, nor in her husband's feelings of love for her. Maybe her own love for him and her sympathy for his projects or for his own person are long gone. Nevertheless, what she is still believing in is the *telos* of the relationship, the husband's commitment to this *telos*, and the positive outcome that the relationship would have for those concerned, primarily children, but also relatives, and ultimately the society's moral coherence as she sees it. It is this faith in the *telos* of the relationship with her husband that makes her trustworthy, and the faith in her husband's attachment to the same project that makes her believe in him. The wife's willingness to believe may go well beyond the husband's capacity for assessing possible gains or losses, but as long as he encounters what would appear to be her unreasonable trust, he will simply trust her in return, responding thus to the faith the wife has in his commitment to their communal project by his own faith-infused trust.

### 3. *Trust: Contract or Covenant?*

Abraham's relationship of faith with God seems to have been unilateral, since only Abraham needed to believe in the goodness of God, not the reverse, prior to developing a relationship of trust with the divine being. However, after Abraham becomes the «father of faith» things change: his faith triggered God's response to invest Abraham with the honor of making covenants with him: «this is my covenant with you: You will be the father of many nations» (Genesis 17:4). This response did not come as a reward for Abraham's willingness to sacrifice his sons, but actually as a response to his faith. Thus God responds to Abraham's faith by infusing divine faith in the covenant. It may sound strange to talk about divine faith, given

God's attribute of omniscience. Nevertheless, the biblical story works as an indicator that the attitude of having faith in someone does not preclude the possibility of knowledge about one's past, present, or even future behavior. As a matter of fact, God's gesture of stopping Abraham from sacrificing Isaac at the last possible moment may be interpreted as God's own sign of willingness to invest faith in Abraham, since nobody can tell for sure whether Abraham could have accomplished the commandment or thrown away the knife the moment he saw the first drops of Isaac's blood. The sign of God's willingness to believe in Abraham, his stopping of the sacrifice, is one by which God elevates Abraham's status, from a weak and untrustworthy human being, to a partner invested with the dignity of being part of a relationship with such an eminent being as God. In their covenant relationship, the inequality of the parties involved is still a reality, but the faith invested by God in his partner made Abraham a virtually equal partner in a relationship of trust. Thus, a covenant may be established between two parties that otherwise would not, or not yet, be able to have a contractual relationship. Moreover, covenants are rather based on faith and other feelings of attachment that cannot be made explicit through contracts.

Contrary to what some would expect, divine faith invested in a covenantal relationship with a human person is not so different from the human faith in another human person. As I pointed out, God's having knowledge of past, present and future behaviors of the partner in covenant is not an obstacle to having the faith in that the trustee, despite many limitations, will prove successful in coming closer to the goal of the relationship. In the same manner, the good wife knows that her authoritarian husband has certainly been unfair to her in the past and will do so again sooner or later, but this does not preclude her from infusing faith in her trustful relationship with him, since what she believes in first and foremost is not her husband's personal capacity for self-mastery, but rather his commitment to the *telos* of the project that unites their destinies and involves the destinies of others. If this is so, then the trust involved in a covenantal relationship is not the kind of trust Baier names «rational» and defines as «the absence of any reason to suspect in the trusted strong and operative motives which conflict with the demands of trustworthiness as the truster sees them»<sup>29</sup>. On the contrary, faith-infused trust may appear as «reasonable» even when the suspicion that the trustee will fail to meet the expectations is very

<sup>29</sup> A. Baier, *art. cit.*, p. 254.

strong. This is so, because the reasonable character of the faith-infused trust consists in elevating first the dignity of the trustee as a way of making her or him responsible, rather than aiming at presenting them with a task of proving their responsibility as a condition for gaining their equal dignity with the trustor.

What seems «rational» in the kind of trust presented by Baier may lead to the fact that the trustors may see themselves better morally positioned. This may be so when talking about God or good wives, but it may not be the case in other situations, even when good partners are involved. From this point of view, the requirement for the would-be-trustee to «prove» himself worthy of the trust of the other may actually manifest as a pressure on someone, sometimes unbearable to the point of psychologically discouraging him and making him more likely to err, thus to lose his capacity for self-trust. On the contrary, if one receives the trust that is rooted in faith, this is a sign that the trustor accomplishes a covenant with the trustee, a sign by which the trustor chooses to have faith in the trustee; responding to this faith by faith-infused trust in the covenant-like relationship, the trustee will find his own dignity, and thus the freedom of an equal partner, prior to accomplishing the act that is expected by the other, instead of accomplishing the act as a test for dignity. The kind of trust coming from assessing potential benefits and risks may seem more «rational» than the trust rooted in faith, but this is not an argument for the lack of reasonableness of the covenantal trust, since the «rational» trust may be in practice at best a «pragmatic» trust<sup>30</sup>, as it may give better results than the covenantal trust. Trust as part of a covenant relationship thus invites a different kind of «reasonableness», where the trustor not only passively guides himself according to «expectations»<sup>31</sup>, but becomes actively ready to face unexpected risks.

In spite of Hobbes's emphasis on the lack of trust between individuals within the state of nature as the potential cause of a generalized war «of every man, against every man»<sup>32</sup>, it is also true that there is a kind of reasonableness that is evoked by Hobbes as the fundamental premise of the emergence of the political body. The popularity of the idea of a total distrust animating Hobbes's individuals in the state of nature has led to its

<sup>30</sup> J. Knight, *Social Norms and the Rule of Law: Fostering Trust in a Socially Diverse Society*, in K.S. Cook (ed.), *Trust in Society*, Russell Sage Foundation, New York 2001, pp. 354-373, p. 369.

<sup>31</sup> R. Hardin, *op. cit.*, p. 156.

<sup>32</sup> T. Hobbes, *op. cit.*, Ch. XIII, p. 62.

being a key source for what is called «the prisoner's dilemma»<sup>33</sup>. Baumgold nevertheless emphasizes that, in spite of these interpretations, trust remains at the center of Hobbes's political theory, especially with his conception of covenant. In Baumgold's view, to interpret Hobbes's theory more «accurately» is to understand that «the Hobbesian social contract originally was a covenant» by which the «incipient subjects» promised each other to «trust one another» in their collective attachment to «that body whom they had nominated as sovereign»<sup>34</sup>. Perhaps even more accurately, Hobbes makes clear that in the state of nature the individuals' commitment to what Baumgold and Trainor call a «political covenant»<sup>35</sup> is not a simple promise, but already an ongoing engagement that defines the ontology of the collective body: «this is more than Consent, or Concord; it is a real Unitie of them all, in one and the same Person, made by Covenant of every man with every man»<sup>36</sup>.

The difficulty in interpreting the Hobbesian conception of covenant stems from the fact that there seems to be two different kinds of covenants in Hobbes's political theory: the moral covenants in the state of nature, among which the founding political covenant is only a more sophisticated version, and the civil covenants which Hobbes sees as versions of contracts. The clear difference between the two kinds of covenant lies in the fact that the covenants made after the political society is well formed are backed by political power, as are contracts<sup>37</sup>. This does not mean that covenants are impossible in the state of nature or in the absence of any legally binding warranty. This is the case especially because at the core of the covenantal relationship there is trust between parties. This trust, according to Hobbes, may become weakened only upon a «reasonable suspicion», but to such a degree that, in the context of a state of nature experienced by the parties as a «condition of war», the covenant is eventually considered «void»<sup>38</sup>. Nonetheless, as Hobbes also emphasizes, the trust between the participants in a covenantal relationship can also lead to a mutually agreed setting in which an external arbiter is endowed by the trustors

<sup>33</sup> A. Baier, *art. cit.*, p. 252; E. Ullmann-Margalit, *Trust out of Distrust*, in «The Journal of Philosophy», 99 (October 2002), n. 10, pp. 532-548, p. 532.

<sup>34</sup> D. Baumgold, «Trust» in *Hobbes's Political Thought*, in «Political Theory», 41 (2013), n. 6, pp. 838-855, p. 847.

<sup>35</sup> *Ivi*, p. 847; B.T. Trainor, *art. cit.*, p. 349.

<sup>36</sup> T. Hobbes, *op. cit.*, Ch. XVII, p. 87.

<sup>37</sup> *Ivi*, Ch. XV, p. 71.

<sup>38</sup> *Ivi*, Ch. XIV, p. 68.

with the authority of judging upon any controversy related to the application of the covenant: «Also if a man be trusted to judge between man and man, it is a precept of the Law of Nature, that he deale Equally between them. For without that, the Controversies of men cannot be determined but by Warre»<sup>39</sup>. Hobbes clearly states that the source of the authority of the one entrusted to judge upon the relationship of two individuals is primarily the act itself of entrusting, to which he adds the criteria according to which the judgment should be made, i.e., the «precept» of the law of nature. There is no mention here of any special power, or force, of the external judge, but simply of his quality as a trustee and, by virtue of this trust, of the judge's necessary appeal to the moral guidance of the law of nature. The authority of the law of nature, which reinforces the authority of the one entrusted to be judge, arises from the fact that, the «precepts» of the law of nature are both «written in every mans own heart»<sup>40</sup>, and also «dictates of Reason», in spite of their not being backed, in the state of nature, by «the word of him, that by right hath command over others»<sup>41</sup>. In short, the appeal to the authority of the law of nature gives somebody only a moral authority, but not the legal power to enforce the application of covenants.

This means that, if the individual who has been entrusted by the participants in a covenantal relationship to evaluate the application of their covenant to their concrete problems lacks the backing of his judgment by a reinforcing power, his judgment may easily be disregarded and become «void» in the same way as the covenant that the entrusted judge is supposed to save. Why then this gesture of the parties to appeal to a judge who has only authority, but not reinforcing power? Hobbes suggests that the entrusted judge's appeal to the law of nature, defined further on as «equity», may solve the «Controversies of men» which otherwise can only be solved by war<sup>42</sup>. Moreover, it can also be understood that the trustee's position of outsider in regard to the covenantal relationship of the trustors makes this individual more likely to appeal to the law of nature in an unbiased way, that is, without his reasoning being affected by self-interest in the application of the moral laws, or «precepts» of nature. On one hand, the act of entrusting an external judge, even with an authority that can easily be rendered void, may increase the likeliness of people to keep the

<sup>39</sup> Hobbes's emphasis. *Ivi*, Ch. XV, p. 77.

<sup>40</sup> *Ivi*, Ch. XLII, p. 282.

<sup>41</sup> *Ivi*, Ch. XV, p. 80.

<sup>42</sup> *Ivi*, Ch. XV, p. 77.

covenants made, as it will further the ideal of trustful relationships guided by the authority of the laws of nature which are binding both in heart and conscience. On the other hand, the event itself of local entrusting of external individuals with a special authority functions as a preliminary covenantal effort that would eventually give way to the founding political covenant, where the judge would have an authority not only based on trust and the laws of nature, but also backed by a reinforcing power.

This special pedagogical role of trust for individuals to navigate between self-interests and vulnerabilities in a state of nature in such a way as to «come together»<sup>43</sup> and avoid collisions of their competing ambitions<sup>44</sup>, does not end with the formation of the political body. Even in the case where the political power is «sufficient to compell» individuals to keep their covenants and contracts<sup>45</sup>, it does not mean that there is no place for a natural trust, i.e., more fundamental than a social quasi trust, between the parties of a covenant or contract made under the authority guaranteed by the political power of the sovereign. Even when Hobbes talks about the second kind of covenant, which has been integrated in contractual relationships after the founding of the political community, he describes it as a legal relationship where «one of the Contractors, may deliver the Thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the mean time be trusted»<sup>46</sup>; This means that, in spite of their being integrated in the contractual law of a society, covenants still conserve a natural relationship that cannot be completely reconstructed by the insertion of the ordering political force. This is the relationship of trust, which is richer than a mere relationship of bounding duties between the individuals compelled by the power of the Leviathan.

Hobbes makes clear that at the core of this relationship of trust, whether covenants or contracts are involved, there is an unavoidable dimension of interpersonal faith: «he that is to performe in time to come, being trusted, his performance is called *Keeping of Promise*, or Faith; and the fayling of performance (if it be voluntary) *Violation of Faith*»<sup>47</sup>. The two essential dimensions of the covenant, entrusting somebody to perform an

<sup>43</sup> *Ivi*, Ch. XIX, p. 94.

<sup>44</sup> *Ivi*, Ch. II, p. 5; Ch. XI, p. 48; Ch. XIV, p. 68.

<sup>45</sup> *Ivi*, Ch. XIV, p. 68.

<sup>46</sup> *Ivi*, Ch. XIV, p. 66.

<sup>47</sup> Hobbes's emphasis. *Ivi*, Ch. XIV, p. 66.

action in the future and the faith in that person's capacities to perform the desired action remain present in both versions of the Hobbesian covenant, the founding political covenant and the later civil covenants. In the case of the founding political covenant, it is faith, not the submission to a political power, that pulls the individuals out of the «solitary, poore, nasty, brutish, and short»<sup>48</sup> existence in the state of nature, since the political power had to be generated first by covenantal agreement, which required a minimum of trust for the individuals to «come together»<sup>49</sup>. By manifesting faith toward each other, the individuals in the state of nature elevate their own statuses: they are simple humans deemed to fail and are in their passions similar to animals like «Lyons, Bears, and Wolves»<sup>50</sup>, but at the same time they aspire in their passions to elevate their status to something closer to that of divine beings as participants to the purity of the moral law. As Hobbes puts it, «the *Pacts and Covenants*, by which the parts of this Body Politique were at first made, set together, and united, resemble that *Fiat*, or the *Let us make man*, pronounced by God in the Creation»<sup>51</sup>.

This last suggestion may be interpreted as an echo of the formula «*Man to Man is a kind of God*», which Hobbes had described in the English version of *De Cive* as expressing «some analogie of similitude with the Deity, to wit, Justice and Charity, the twin-sisters of peace»<sup>52</sup>. Even though Hobbes's political theory gives far more attention to the contrasting formula «*Man to Man is an arrant Wolfe*»<sup>53</sup>, this happens, as he further explains, because «Good men must defend themselves by taking to them for a Sanctuary the two daughters of War, Deceit and Violence»<sup>54</sup>. Hobbes argues that it is the individuals' goodness of heart and connection of reason to the moral character of the laws of nature that makes them, at least by heart and conscience, similar to the «Deity» and predisposed to open themselves to others with a kind of faith-infused trust, even when there is no guarantee that the trustees will perform according to the engagements made. As Ryan points out, for Hobbes «breach of covenant is like what

<sup>48</sup> *Ivi*, Ch. XIII, p. 62.

<sup>49</sup> *Ivi*, Ch. XIX, p. 94.

<sup>50</sup> *Ivi*, Ch. IV, p. 12.

<sup>51</sup> Hobbes's emphasis. *Ivi*, Intro., p. 1.

<sup>52</sup> Hobbes's emphasis. T. Hobbes, *De Cive. The English Version: Philosophical Rudiments Concerning Government and Society* (ed. by H. Warrender), Oxford University Press, Oxford 1987, p. 24.

<sup>53</sup> Hobbes's emphasis. T. Hobbes, *op. cit.*, p. 24.

<sup>54</sup> T. Hobbes, *op. cit.*, p. 24.

logicians call absurdity»<sup>55</sup>. Nevertheless, it seems that, under the perception of a «reasonable suspicion», «good men» are indeed pushed toward unreasonable fear of others, a situation which calls for the establishment of a covenant that would make possible the communal endowment of a kind of a public trustee that would be invested not only with moral authority, but also with political power. Unreasonable fear of death makes the political covenant pre-eminent, in the state of nature, over all other local covenants based on faith-infused trust.

But how may this preeminence of the political covenant occur, since covenants based on trust, in contexts dominated by fear of death, are void? As Ryan observes, Hobbes is aware of the problem that he himself generated: «It seems that to establish a power that can make us all keep our covenants, we must covenant to set it up, but that the covenant to do so is impossible to make in the absence of the power it is supposed to establish»<sup>56</sup>. It seems that there is an apparent gap<sup>57</sup> between the covenant based exclusively on trust in the state of nature, and a covenant based rather on fear of punishment in the newly organized political body. Still, for Hobbes these two covenants are one and the same, as if the first covenant is transformed into the second by the choice of the participants. For the gap between the two dimensions of the political covenant to be filled, and for this transformation of a covenant based exclusively on mutual trust into a covenant warranted by an external power to become actually possible, it is necessary for a leap of faith to occur. There are two levels on which faith operates in such a way as to render the original political covenant possible and durable: first, at the level of the choice of the individuals to trust each other against all suspicions, and second, at the level of their faith in a future savior. At the first level, personal faith as part of a trustful relationship between the individuals in the state of nature leads to a «transformative choice»<sup>57</sup> in the sense that the individuals reciprocally elevate their statuses by considering themselves already virtually equal citizens, although the actual elevation of their status from mere «wolves» to equal citizens will come later, after the imposition of the political power backing the contracts. Faith in their virtual capacities makes them able to see themselves

<sup>55</sup> A. Ryan, *Hobbes's Political Philosophy*, in T. Sorrel (ed.), *The Cambridge Companion to Hobbes*, Cambridge University Press, Cambridge 1996, pp. 208-245, p. 225. See also T. Hobbes, *De Cive*, cit., p. 63.

<sup>56</sup> A. Ryan, *op. cit.*, p. 226.

<sup>57</sup> R. Compaijen, *art. cit.*, p. 275.



not as they are, but as they will, or should, be. Therefore, the individuals in the state of nature come to trust each other in the performance of the political covenant, in spite of a great deal of evidence that instead points toward the high probability of endangering their own lives in their chasing of an improbable ideal of humankind coherently working together. At the second level, personal faiths put together contribute to a collective expectation, defined by Hobbes as «*Salus Populi*»<sup>58</sup>, a term with religious connotations, approaching the political project to that of an earthly salvation.

It is this «people's safety» that forms the main «Business»<sup>59</sup>, or «end» legitimating the «Office of the Sovereign»<sup>60</sup>. While the office of judge of the one who, in the state of nature, is entrusted by the participants in a covenant is sustained by the appeal to the moral authority of the law of nature, the office of the sovereign remains anchored in this kind of authority, since «the safety of the People, requireth further, from him, or them that have the Sovereign Power, that Justice be equally administered to all degrees of People»<sup>61</sup>, but at the same time the administration of justice is rendered more expedient by its imposition through political power. Nevertheless, despite its power, and in spite of the fact that for Hobbes the covenant is not made directly with the sovereign<sup>62</sup>, the individual(s) exercising the office of the sovereign are still morally bound by the *telos* of the whole political body, which is *salus populi*. Both Baumgold and Trainor emphasize that the sovereign's future activity is prescribed by the covenant in spite of the sovereign's not being called to display any sign of engagement as part of the covenant between individuals. Baumgold emphasizes that the individuals, when covenanting with each other, already display their «trust» that the sovereign (individual or assembly) «will do its part, as they will do theirs»<sup>63</sup>. Trainor argues that, in Hobbes's perspective, the sovereign may be disobeyed by his subjects when it «acts in such a way as to directly frustrate the end of the covenant»<sup>64</sup>. As an expression of the combined faiths of the individuals that are still in the state of nature, the *telos* of the political covenant binds them together to the extent of becoming a «real unity», a political body invested with full life and autonomy.

<sup>58</sup> T. Hobbes, *Leviathan*, cit., Intro., p. 1.

<sup>59</sup> *Ivi*, Intro., p. 1.

<sup>60</sup> *Ivi*, Ch. XXX, p. 175.

<sup>61</sup> *Ivi*, Ch. XXX, p. 180.

<sup>62</sup> *Ivi*, Ch. XVIII, p. 89.

<sup>63</sup> D. Baumgold, *art. cit.*, p. 347.

<sup>64</sup> B.T. Trainor, *art. cit.*, p. 353.

As an expression of the moral authority of the laws of nature, the *telos* of *salus populi* is set up in the state of nature, but continues to be binding «*in foro interno*»<sup>65</sup> upon the sovereign and upon everyone exercising any legally-guaranteed official, or social, role. Its ramifications, and the ramifications of the laws of nature within the contractual structures offered by the state remain morally binding, since Hobbes maintains that any citizen is still bound *in foro interno* by the laws of nature, a moral dimension which requires that the laws be followed not only according to the actions prescribed by laws, but rather according to their moral «purpose»<sup>66</sup>.

The argument of this section has emphasized that Hobbes's focus on faith-related trust as part of the original political covenant in the state of nature may not be as radically different from Baier's idea of innate trust as Baier would think. This aspect becomes even clearer when bringing into focus Hobbes's opinion that the laws of nature «are not properly Lawes», but rather «qualities that dispose men to peace, and to obedience»<sup>67</sup>. Baier also identifies a similar kind of predisposition, or «tendency» in children to «initially impute goodwill to the powerful persons on whom they depend»<sup>68</sup>. The individuals in the state of nature may not be like infants, and the extent to which their faith-based trust is innate remains debatable. Nevertheless, on the first level of the expression of mutual faith-based trust, the participants in the original political covenant indeed tend to attribute goodwill to their partners in covenant when they perceive their concerted contribution as equivalent to God's *fiat*. Moreover, at the further level of the development of their concerted faiths into a collective conscience of one single political body, the individuals imagine that the all-powerful mortal god, the Leviathan, will offer an earthly salvation by displaying goodwill toward them as citizens, and lack of mercy for those that will still place themselves in the state of nature after the artificial body becomes operational.

#### 4. Concluding Reflection: Covenantal Trust and Social Ontology

In Hobbes's political theory, his choice of placing the emphasis on the kind of covenants which are backed, like the contracts, by political authority, rests in the fact that the sovereign, with the notable exception of a

<sup>65</sup> T. Hobbes, *op. cit.*, Ch. XV, p. 79.

<sup>66</sup> *Ibidem*.

<sup>67</sup> *Ivi*, Ch. XXVI, p. 138.

<sup>68</sup> A. Baier, *art. cit.*, p. 242.

conqueror, cannot afford to face the potentially devastating risks entailed by the faith-based trust that characterize natural covenants. Baumgold focuses on sovereignty «by acquisition» in order to argue for the possibility of trust in Hobbes's theory<sup>69</sup>. The image of an all-mighty conqueror willing to place his faith in subjects rather than keeping them in a condition of slavery indeed makes sense in the framework discussed above: like the almighty and all-knowledgeable God of Abraham, the high risks of placing faith in those that were just conquered by mere force are very well known, but still the sovereign prefers to infuse a little faith in them by elevating their status, from mere slaves to subjects, as a premise of their virtual behavior as politically trustworthy members of the newly formed political body<sup>70</sup>. My argument has not focused on sovereignty «by acquisition», but rather on sovereignty «by institution»<sup>71</sup> in order to enlarge the framework of identifying possibilities of trust in the Hobbesian political theory. This wider framework has allowed me to emphasize that covenantal trust indeed makes the trustor vulnerable to potential risks; that is why the trustor needs to face these risks by placing faith in the trustee, or in the *telos* of the relationship with the trustee. Otherwise, only a concern for eliminating potential vulnerabilities will transform the covenantal trust in a contractual relationship.

Although Hobbes implies that the conqueror's faith in the virtual capacity for the conquered to behave as subjects seems more reasonable than a continuous effort to secure their subjection by fear, it appears that in the case of the sovereignty by institution the risk of vulnerability of the political body seems higher. This may be so because the faith-based trust invested by the conqueror is supposed to be only a temporary solution that would rekindle the people's trust in the new political authority, but once this happens, it is more likely that the contractual trust will take over the covenantal one, as the contractual trust seems better fitted to contribute to a framework of universally applied rules of behavior that would sustain the durability of the social relationships. In this way, being confronted with the Hobbesian issue of the people's oscillating between «too much trust» and «too much diffidence»<sup>72</sup> the political authority summons the subjects' social trust by contractual rules of behavior that are backed by political power. Thanks to the reinforcing power, relationships of trust remain open,

<sup>69</sup> D. Baumgold, *art. cit.*, p. 839.

<sup>70</sup> T. Hobbes, *op. cit.*, Ch. XX, p. 104.

<sup>71</sup> *Ibidem*.

<sup>72</sup> *Ivi*, Intro, p. 2.

as in the state of nature, to the possibility of being broken easily, but this time there is an added danger associated with them<sup>73</sup>.

Liberal political ontology influenced by the image of the political body as a «unity» of all those that live under the power and authority of a political power has inherited the Hobbesian hesitation in prescribing a faith-based trust as the point of intersection of human relationships. The contract backed by the authority of the law reinforced by political power seems more reasonable than the faith-based trust which opens the way for the state's vulnerability. Even in an age when «sovereignty by acquisition» is much less frequent than in Hobbes's times, the Hobbesian solution of talking about the covenantal trust rather as a preliminary step toward achieving a contractual trust may be identified in the assumption meant to appease, in the process of elections for instance, the discontent of those who backed a candidate who did not secure enough votes. Indeed, individuals who, having agreed to play the democratic game, then lose – maybe by a very narrow margin – have to follow a different political will backed by a relatively larger number of fellow citizens. They are not slaves, but they still need to accept a covenant of faith that the newly elected leader will behave as the leader of the entire people, not only of those who elected them, while the leader needs to make this explicit by sufficient signs, like declarations, discourses, solemn ceremonies of investiture, and concrete policies.

The fact that in the contemporary world there are several cases of political instability with potential political upheaval that can result in secessionist tendencies shows the importance of reasserting political covenants. These covenants may work in several directions, for instance between citizens, between them and the political leaders, and between leaders and the citizens frustrated by the leaders' behavior in key moments of the life of the political body: these include elections, and contestations of authoritarian regimes. Covenantal trust may also be operating in the case of public critiques of political corruption, efforts to counter populist tendencies of governments, critiques of the failures of integrating refugees or immigrants or in debates surrounding the national administrations' failure to stop the process of 'brain drain', i.e. temper the exodus of skilled workers and intellectuals. Faith-based covenants of trust may be used, and some are already operating, to counter discourses that ostracize some inhabitants of a region or a country by emphasizing the potential vulnerabilities of the entire country. Covenantal trust strengthens the sense of trust of the citizens

<sup>73</sup> T. Hobbes, *Leviathan*, cit., Ch. XXI, p. 109.

in their political leaders and administrations, and facilitates the path toward communal finding of policies that could be considered reasonable by all citizens and residents to face potential vulnerabilities and risks with long-term impact on the entire political body.

The low level of encouraging the formation of ingredients leading to covenants of faith-based trust in a society may be translated into a social bias for the multiplication of contracts. As Bacharach and Gambetta argue, multiplication of signs may make the task of «mimics» harder, since one may fake behaviors according to a limited number of indicators, but it cannot generate a behavior that successfully integrates all the signs of a particular genuine behavior<sup>74</sup>. This may be the case, but the multiplication of signs may also be translated into a social inclination to deal with a quality-based lack of trust in a quantitative way. The commitment of a majority to rely upon an ever increasing number of signs in order to verify the trustworthiness of some individuals that deliberately place themselves outside the community, e.g., as mimics or free riders, may have a negative impact on the perception of those that have been outsiders for reasons outside their control, e.g., immigrants, refugees, handicapped persons, women in some social contexts and many types of minorities. That is why the low level of a community's capacity to uphold covenantal relationships may be seen in the high level of social pressure surrounding the upholding of a series of signs that define the identity of that community. Hence the tendency of majorities to treat outsiders that do not manifest their conformity with the social manners, language, or customs, as potential threats. The imagined failures of perceived outsiders may be translated into pejorative labeling, as throughout history many have been deemed as sinners, fools, heretics, witches, enemies of the faith, or enemies of the people, to name but a few.

Covenantal trust infuses faith in members of those minorities that are usually suspected of breaking contractual trusts, and declares their dignity as equal partners in the collective covenant of personal development without having to first prove themselves worthy of the majority's trust. It is rather a lack of a community's capacity to face collectively the risks stemming from placing «too much trust» in someone, which makes that community revert to «too much diffidence»<sup>75</sup> and appeal to the quantitative signs meant to elicit contractual trust. The result of this defensive attitude

<sup>74</sup> M. Bacharach - D. Gambetta, *Trust in Signs*, in K.S. Cook (ed.), *Trust in Society*, Russell Sage Foundation, New York 2001, pp. 148-184, p. 172.

<sup>75</sup> T. Hobbes, *op. cit.*, Intro, p. 2.

can be seen in the estrangement of many minority communities or individuals from the *telos* of a majority and, as D'Cruz emphasizes, even increase the likeliness of adopting the expected untrustworthy behaviors<sup>76</sup>. If this is so, current societies need to widen their «moral circle» of trust<sup>77</sup> by becoming more aware of the trust rooted in faith. Such faith still maintains a reasonable character, in spite of the perceived practicality of trust based on contracts as «rational»<sup>78</sup>. In this respect, if the contemporary predilection for the appeal to reason in public debates has marginalized the faith in God, it does not mean that a *reasonable* public discourse about trust necessarily entails the loss of faith in each other.

## Abstract

*Trust is so intimately linked with faith that sometimes trust needs faith to unfold in a relationship. I argue that the role of this faith element in trust is to elevate the status of the one in which we trust so as to emphasize the equal dignity of all the participants in the relationship of trust. Against views that focus on a «rational» trust based on an exaggerated emphasis on the capacity of self-trust as a point of departure for the trust in others, the essay develops toward the depiction of a kind of trust that is rooted in faith and still maintains a «reasonable» character. By way of discussing the implications of Thomas Hobbes's reflections on covenants and contracts, and Annette Baier's critique of what she sees as the Hobbesian «fixation» on contracts, I argue toward the identification of what I call a «covenantal trust» in contemporary political ontology.*

**Keywords:** trust; faith; vulnerability; covenant; Hobbes; Abraham; state of nature; political ontology.

Ionut Untea  
Southeast University  
untea\_ionut@126.com  
ionutz1tea@yahoo.com

<sup>76</sup> J. D'Cruz, *art. cit.*, p. 482.

<sup>77</sup> G.I. Hofstede, *The Moral Circle in Intercultural Competence: Trust Across Cultures*, in D.K. Deardorff (ed.), *The SAGE Handbook of Intercultural Competence*, SAGE, London 2009, pp. 85-99, p. 85.

<sup>78</sup> A. Baier, *art. cit.*, p. 254.