

Hobbes on *Persona*, Personation, and Representation

Behind the Mask of Sovereignty

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Abstract

This thesis explores Thomas Hobbes's idea of a person and personation. More particularly, it aims to uncover what it means for Hobbes to (re)conceptualise political representation as "bearing" of a certain person. This is especially important because Hobbes uses this notion to describe the relationship between the sovereign and their subjects. There are three aspects to the research undertaken. Firstly, this account discusses a number of intellectual sources that Hobbes relied on in crafting his idea of a person. To this end the thesis tackles Cicero's conception of *persona* as well as various legal and theological sources that have marked the medieval development of this idea. The second aspect of the thesis deals with Hobbes's definition of a person and its relationship with his definition of the state. Here it is argued that the contemporary commentators have misread Hobbes's definition of a person and mistakenly identified Hobbes's commonwealth with it. In response, this thesis offers a more sophisticated definition of a person and places the Hobbesian "person of the state" in its proper place: as the defining, although not the only element of the commonwealth. The third aspect of the thesis addresses the role of Hobbes's account of representation in his wider political theory. This role is twofold. Firstly, personation describes the relationship between a number of principal agents in Hobbes's political philosophy: God, the sovereign(s) and the subjects. Secondly, the theatrical nature of Hobbesian personation might suggest another way of approaching Hobbes's political theory. This is a multi-perspectival approach that conceptualises human agency and mutual interaction as inseparable from its perception. The concluding part of the thesis deals with the way in which the three dimensions of Hobbes's account come together and form a potent argument in favour of absolute and unitary authority.

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Introduction

What is a person? When we use the term “person” in everyday life more often than not we use it loosely, as a synonym for an individual human being. In doing so, we may have more than one idea in mind – sometimes we will be referring to that individual’s body or physical appearance, sometimes we will be seeking to distinguish that individual from other beings as a thinking or rational entity, sometimes we will be referring to the distinctive blend of personality and character traits (whether admirable or obnoxious) which identifies that individual, sometimes to some combination or compilation of all these ideas. In some contexts, however, the term “person” is used with more particular ideas in mind. In the language of law, for instance, “person” indicates a legal status, of individuals and corporations as juridical agents. In the language of theologians, again, “person” is a term of art which designates one of the three persons of the trinity: Father, Son and Holy Spirit. These more formal uses of the term reflect a more precise meaning of “person” as “[a] role or character ... a part, function, or office; a persona; a semblance or guise”. (Oxford English Dictionary Online, 2011)

Like so many concepts which have had an extended history, the concept of a person bears the marks of a body of substantive thought. Nevertheless it is striking how many of the conventional meanings of person were already well established in classical antiquity.¹ By the end of the Roman Republic, “person” had already broadened out from its original theatrical meaning, as a “character” or “[face] mask”, from the Latin *persōna*, to denote a legal and social status, office or a duty, as well as individual personality. As Marcel Mauss (1985: 14) notes, the Romans turned “person” into “a basic fact of law”. “In law”, Mauss (1985: 14) goes on to argue, “there are only *personae*, *res* and *actiones*: this principle still regulates the divisions between our codes of law.” This word *persōna*, itself of Etruscan origin, was initially used to denote an accessorial

¹ There are a number of general discussions of the historical development of the idea of a person. For example, see: Boureau, 1997; Rorty Oksenberg, 2001; Thorburn, 1917; Teichman, 1985; Morton, 2001; Mauss, 1985. The general discussions that put the emphasis on the theological aspects of personation include, for example, Porter, 1965 and Wolf, 1964.

burial mask. Its possession was a mark of a legal status and “[t]o the very end the Roman Senate thought of itself as being made up of a determinate number of *patres* representing the ‘persons’ (*personnes*), the ‘images’ of their ancestors.” (Mauss, 1985: 17) “*Persona*” thus developed into one of the core concepts of Roman private law. In a legal context “*persona*” denoted “the part played in life by a man and hence the man who plays it”. (Buckland, 1921: 174) Over time, the concept of *persona* was extended to denote legal subjectivity, i.e. “being capable of legal rights and duties”. (Buckland, 1921: 175) In its turn this raised by implication some pointed questions about which entities were capable of bearing such rights and duties. Was it every individual human being? Or collections of human beings, considered corporately? Was it human beings alone?

In the thirteenth century, Pope Innocent IV entrenched on this question when he discussed whether it was possible for an association of people to commit a sin and, as such, to be excommunicated. His negative answer to this question rested upon the contrast between the real personhood of a human being and the fictitious personhood of a group. This discussion paved the way for thinking about corporations as *personae fictae*, a legal notion that became increasingly popular in the Middle Ages. In a like manner, the theological notion of “person” was refined and developed over the centuries, from Church Father Tertullian’s formula of the Trinity as “one substance, three persons” in the second century to Boethius’s (1918: 84-85) authoritative definition of a person as “[t]he individual substance of a rational nature” four centuries later.

In seventeenth-century England all these meanings of the term “person” were in use, with varying degrees of precision, by various social and political actors. However, the use of the term to denote a corporation, a group of people united in a single person, became especially prominent and politically salient in the debates over the nature and extent of authority that heralded the approach of the English Civil War. In 1643 we find the Parliamentary writers Philip Hunton and Henry Parker talking about the unity of people in a single person. (Skinner, 2005: 156) And, just a few years before, in 1640, Thomas Hobbes would refer in his *Elements of Law* to a “civil person”; a concept which came to

occupy a central place in his thought by 1651, the year in which he published *Leviathan*, his systematic and voluminous reply to Parliamentary arguments.²

At the core of the Parliamentary argument was the idea that the sovereign power originates with the people and that it should be vested in the body that most faithfully represents the people in their totality. This body, of course, is the parliament, a “mirror-image” of the body politic. (Brito Vieira, 2009: 150) In *Observations upon some of his Majesties late Answers and Expresses* (1642) Parker made this point and took it as far as to argue that the parliament did not simply reflect the popular will but made it possible in the first place. As it is impossible for the whole people to congregate and make decisions as a single body, their singular will has to be created by their less numerous representatives in the parliament, a small-scale model of the congregated people. (Skinner, 2005: 162-163)

In reply Hobbes revived the classical idea of *persona civitatis* (the person of the state), and deployed it to describe the relationship between the otherwise disjointed multitude of subjects and their sovereign. By “bearing” *persona civitatis*, the sovereign represented the subjects who authorised her³ and who considered her actions as their own. Hobbes thus captured the vocabulary of personation and representation from the Parliamentary writers’ arsenal and used it against their arguments in favour of limiting the sovereign’s authority.⁴ In doing so, he reached for the classical notion of *persona* and reconceptualised it in a way that empowered his account and, at the same time, rendered his opponents’ arguments impotent.

² Hobbes’s work soon faced a number of criticisms. Besides John Bramhall, who was probably the most famous Hobbes’s critic, Jonathan Parkin (2008: 120-128, 233-237) discusses at least two authors who criticised Hobbes’s theory of personation: Alexander Ross and William Lucy. For a detailed discussion about Hobbes and Bramhall, see Jackson, 2007.

³ In this thesis I will refer to the sovereign as female. Of course, Hobbes was treating the sovereign as male, but, as Runciman (2010: 16) notes, he “saw no reason why this should always be the case”. Skinner (2007: 170) shares this view and claims that Hobes “even suggests that, because women are sometimes more prudent than men, and because prudence is self-evidently a desirable attribute in a representative, women may in some cases be better suited than men to exercise dominion over others.” For a contrasting view, see Carole Pateman’s (1991) detailed account of Hobbes and patriarchy. Secondly, although Hobbes allows for a group of people to act together as the sovereign, I will consider the sovereign as an individual human being. Apart from simplifying my argument, this changes nothing about the personhood of the state because Hobbes’s political project of unitary authority requires the group that makes up the sovereign to act as if it was a single human being. For a brief discussion of “[t]he group that personates a multitude”, see Pettit, 2008: 79-81.

⁴ For a discussion on the accounts of representation that immediately preceded Hobbes’s see Skinner, 2005: 155-169.

Hobbes's account of personhood did not end with the political, but extended into those other areas of thought in which the term "person" was conventionally implicated, theology and law. So in the same way that the sovereign represented *persona civitatis*, the Triune God, so Hobbes argued, represented Himself through three *personae*: Father, Son and Holy Spirit. However, Hobbes's account of theological representation extended beyond the Trinity, as he claimed that God could also be represented through prophetic rulers, theocrats such as Moses or Abraham. This was quickly noticed by bishop John Bramhall who argued that "[u]pon this account God Almighty hath as many *Persons*, as there have been Sovereign Princes in the World since *Adam*". (Hobbes, 1682a: 43) Hobbes (1682a: 45) responded to this criticism both in the Latin edition of *Leviathan* and in his *Answer to Bramhall*, arguing that God did not rule "in the Person of Moses", but "By the Ministry of Moses".

In the same vein Hobbes described a range of legal instances of personation, from cases in which someone represented another person in court, or signed contracts in the name of someone who authorised him, or a multitude was united into a corporation to those in which individuals personated "[i]nanimate things, as a Church, an Hospital, a Bridge" in order to "procure their maintenance". (Hobbes, 1651: 81) What connected all these instances of representation, ranging from the sovereign personating the state to God's three personations of Himself, was Hobbes's (re)interpretation of the idea of a person.

As I have sketched out above, by the time Hobbes introduced his fullest account of personation in *Leviathan*, the idea of a person had been enriched by centuries of intellectual history and was established as an important concept in law, philosophy, theology and politics. An idea capable of taking on some many and such diverse intellectual guises would be especially appealing to a political philosopher of Hobbes' way of thinking. For Hobbes had a way of integrating familiar and influential ideas (along with the multiple semantic layers that had accumulated over the course of their development) into coherent systems designed to challenge the way that his audience thought about politics. Indeed, Hobbes's theory of the person is a vital nexus of his political theory, and invaluable for understanding his account of political authorisation and authority, sovereignty, his theory of corporations and group personality, as well as his

theology. Thinking of politics in terms of personation and representation opens up a new perspective for looking at the relationships between different agents within the Hobbesian commonwealth. It is also revealing of Hobbes's methodological approach, as we can see how he extracted this concept from a very long and diverse tradition and used it to strengthen his argument in favour of absolute and unified authority. Finally, personation is a concept that connects Hobbes's theology with his political theory: not merely in the sense that Hobbes uses it in his account of the Trinity, but because, and to anticipate, personation is the model that he uses to explain both divine and civil sovereignty.

Hobbesian personation in recent scholarship

The importance of Hobbes's account of personhood has not gone unnoticed in contemporary scholarship. However, discussions have rarely focused on Hobbes's idea of the person as an independent concept.⁵ Instead, the works that address this concept often do this in a fragmented manner, by treating it as a part of a general account of Hobbes's political philosophy⁶ or a segment of a "larger" theme, such as theology, sovereignty or authorisation. Yet even in those cases, personation is seldom approached directly. It is often intertwined with the concept of representation, or even subsumed by it. Now, the relationship between these two concepts is complex. Representation in its wider sense, as "making something present", makes personation possible. Every instance of personation, then, is an instance of representation. The converse, however, is not true. This is important to note because, as I will demonstrate in what follows, subsuming Hobbesian personation under representation leads to inaccuracies in the interpretation of both concepts and their role in Hobbes's theory.

The first detailed account of personation in Hobbes was provided by Hanna Pitkin. In the first chapter of her seminal book, *The Concept of Representation*, Pitkin (1967: 2) turns to analysing Hobbes's theory of representation, as "the first extended and systematic discussion of

⁵ A notable exception to this is François Tricaud's (1982) paper on Hobbes's usage of the words "person" and "*persona*".

⁶ Such general accounts include Baumgold, 1988; Martinich, 1995 and 2005; Newey, 2008; Pettit, 2008.

representation in English”. In Pitkin’s work Hobbes’s theory of personation is viewed as a part of his account of representation which, in its turn, is presented as a milestone in the historical development of representation. Similarly, David Runciman and Monica Brito Vieira (2008: 24-63) offer an extensive account of different models of representation that includes Hobbes’s views as a part of a chapter on the history of representation. Until very recently, this was the usual format in which Hobbes’s account of personation and representation was presented.

This approach can be problematic because it does not primarily deal with a specific concept but with its place within a certain tradition. The very idea that an author may have about a certain tradition can influence what he sees as belonging to that tradition. In fact, behind the idea of an intellectual tradition we often find both synchronically and diachronically heterogeneous and even conflicting views about a certain concept. And although presenting them as a part of a tradition can give us an important insight into the historical development of an idea, it can often do injustice to some of the accounts that belong to the tradition in question.

Viewing one author’s account through the lenses of the intellectual tradition it belongs to can render us unable to see some of its characteristics as well as make us wrongly ascribe some of the wider tradition’s features to the particular account. Both of these problems have, as I will shortly argue, also marked Brito Vieira’s latest discussion of Hobbes’s views on representation. Finally, even for accounts as influential as Hobbes’s it can be hard to establish how they exactly influenced their wider traditions. For example, Pitkin (1967: 14) considers Hobbes’s account as “the first extended and systematic discussion of representation in English”, while Quentin Skinner (2005) presents us with a number of earlier (Parliamentarian) accounts that strongly rely on this concept. In this thesis I will try to avoid both of the pitfalls of Pitkin’s approach and focus my discussion of *Hobbes’s* personation and representation: 1) on the intellectual sources Hobbes draws upon, 2) on the ways Hobbes conceptualises these ideas and, finally, 3) on the effect that these concepts might have on the reading of Hobbes political philosophy and, particularly, on his account of the state.

A different approach to this topic was taken by David Gauthier in *The Logic of Leviathan* (1969). Gauthier (1969: 121-124) briefly discusses Hobbes's idea of a person and situates it within the account of authorisation. Although representation does not figure as prominently in Gauthier's work as in Pitkin's, the fundamental task remains the same. Both authors are interested in explaining the relationship between the members of the Hobbesian commonwealth and their sovereign. Clifford Orwin, in his debate with Pitkin,⁷ emphasised this focus of interest and observed that authorisation should be recognised as a superior starting point for such an analysis. Orwin (1975b: 51) thus concludes his exchange with Pitkin (1975) by suggesting that authorisation, and not representation, is "the most convenient *entrée* into" the problematic subject – sovereign relationship. The "authorisation" approach, however, does not rely on personation in the way that the "representation" approach does. This eventually makes personation less prominent in such accounts. For example, Jean Hampton's (1986: 114-132) response to Gauthier's account of authorisation does not devote much attention to personation. It confines itself to a brief reiteration of Gauthier's thoughts on Hobbesian personhood. In contrast, I will provide an extensive account of Hobbes's views on personation that, *contra* Gauthier, focuses less on what authorisation leaves the subjects and their sovereign with and more on how they need to perceive each other in order to sustain a functioning secure social order.

One notable exception to this decline in interest in personation is Aloysius Martinich's (1992, 2005: 107-125) work. Martinich's interest in theological aspects of Hobbes's account of authorisation reinforces in his mind the importance of understanding personation, an idea invaluable to Hobbes's theology. Although Martinich's discussions deal both with political and theological aspects of personation, he fails to recognise the full potential of personation as a concept that bridges Hobbesian theology with his political philosophy. In the final chapter of this thesis I will present a more integrated account that employs the idea of personation in describing the mutual relationships that involve God, the sovereign and the subjects.

⁷ The entire exchange between Orwin and Pitkin is published in a single volume of *Political Theory*. See Orwin, 1975a and 1975b; Pitkin, 1975.

There are a number of recent discussions that solely deal with the theological aspects of Hobbesian personation. The most thorough account of this kind is given by George Wright (2006) who complements his translation of 1668 Appendix to the Latin *Leviathan* with an elaborate discussion of Hobbes's account of Trinity as three *personae* and its connections to Tertullian's theology. Martinich (1992: 161-185, 203-208) also gives some attention to Hobbes's interpretation of Trinity, but his main focus is, as far as Hobbesian personation is concerned, on covenant theology – and here he draws upon Christopher Hill's (1986) analysis of the concept of a “public person”. The starting point for these discussions is the theological notion of *persona*. As I will demonstrate in the second chapter, Wright's, Martinich's and Hill's findings are particularly valuable as they point to personation as a theological tradition from which Hobbes drew inspiration for his own argument.

The change of perspective that made political personation a prominent starting point in recent scholarship, and more so in relation to representation than to authorisation, was provoked by discussions of the nature of Hobbesian state.⁸ The most influential treatments of this theme were due to Skinner and David Runciman, who discussed Hobbes's classification of persons and the artificial or fictitious nature of the person of Hobbes's state.⁹

Runciman (2000) responded to Skinner's (1999) original argument, in which he described the Hobbesian state as an artificial person, by arguing that Hobbes viewed the commonwealth as a fictitious person. Skinner (2005, 2007, 2008, 2009a) later accepted this position and acknowledged that the Hobbesian state was best viewed as a “person by fiction”. Runciman has written extensively on (fictitious) personhood of the state (1997, 2000, 2010) and, with Brito Vieira, on representation (2008). Regardless of some terminological differences, these accounts see Hobbes's account of the state as derived from the medieval legal tradition of *persona ficta*. This interpretation retains the original distinction between “true” or “natural” and “fictitious” or “artificial” personhood, where the first is a property of flesh-and-blood human beings and

⁸ A noteworthy exception to this is Paul Dumouchel's (1996) brief discussion of Hobbes's notions of *persona* and representation.

⁹ Arto Tukainen (1994: 48) and David Copp (1980) share Skinner's original position on this issue, while Brito Vieira (2009) seems to follow Runciman's view. Alternative accounts are given by Glen Newey (2008) and Theodore Waldman (1974) who respectively suggest that the Hobbesian state should be considered as a natural person or as a “public person”.

the latter is a feature of human associations. Runciman's (1997) book *Pluralism and the Personality of the State* is an especially valuable contribution to this line of thought, as it offers a detailed overview of the ways in which the personality of states and corporations were conceptualised. Finally, in their discussions about the nature of the person of the state, both Skinner and Runciman focus primarily on the idea of personhood and constrain the idea of representation to Hobbes's account of political representation. While the two authors rightfully underline the idea of a person as fundamental for Hobbes's account of representation, their discussions are, as I shall demonstrate, fundamentally misguided in identifying fictitiousness or artificiality of the Hobbesian state with immateriality. This shared view eventually led the two authors into mistakenly identifying Hobbes's state with its person. I will address this topic in detail in the penultimate chapter of the thesis.

The "representation" approach that started with Pitkin's analysis is very much alive today. Runciman's and Brito Vieira's book *Representation* (2008) matches Pitkin's work both in terms of its general structure and the place given to Hobbes's view of representation and, within it, personation. Not unlike Pitkin's, this work treats Hobbes's account as an important step in the historical development of the concept of representation. On the other hand, Runciman's (2008 and 2010) recent accounts treat Hobbes's views on this topic as a set of "perennial" ideas that might shed some light on how we perceive politics today. More particularly, in these two discussions Runciman is concerned with Hobbes's take on hypocrisy (2008) and democracy (2010).

One discussion that aims to avoid constraining Hobbes's account of representation to political representation alone and which engages with both historical and "perennial" aspects of this theme is Brito Vieira's *The Elements of Representation in Hobbes* (2009). In the first and, so far, the only book entirely devoted to the analysis of Hobbes's idea of representation, Brito Vieira (2009: 5) sets out to examine Hobbes's theory of representation "in a much wider pattern of Hobbesian theorising about human thought and action in relation to images, roles, and fictions of all kinds." She takes representation as an idea that "travers[es] the domains of the pictorial, the theatrical, the juridical, the political and the theological". (Brito Vieira, 2009: 8) In doing so, Brito Vieira (2009: 5) aims to "significantly expand[...] and enhanc[e] the existing

understanding of Hobbes's theory of representation as the kernel of his political theory". Her approach takes a wide view of representation as its starting point. It addresses both political and non-political instances of representation and examines them in multiple aspects (aesthetic, dramatic, juridical and theological), each taking up a chapter of her work.

Doing away with the primacy of political representation is beneficial for understanding the conceptual richness of Hobbes's personation and representation. However, as I will argue, there are also dangers to this approach, as it becomes harder for an author to distinguish what is specific to Hobbes's views. For example, it is undeniable that the idea of representation is in a very important way related to aesthetics, both in its contemporary form and during its historical development. However, when we talk about Hobbesian representation, we should take into account the particularities of Hobbes's theory as well as the general aim of his project. When we talk about the aesthetics of a pictorial representation generally, we often consider its faithfulness to the object that is being represented. On the other hand, if we have in mind that for Hobbes the sovereign represents the commonwealth, it becomes crucial for the stability of the state that the subjects *do not* try to evaluate the quality of the sovereign's act of representation. A Hobbesian subject is not supposed to judge whether the image that the sovereign portrays is the "proper" image of the commonwealth. In fact, it was the Parliamentary authors who insisted on the superior quality of representation that distinguishes the parliament from the crown. (Skinner, 2009a: 339)

This is why I would suggest that Brito Vieira (2009: 17, 119, 245) is misguided when she argues that, for Hobbes, "seeing is believing". For Hobbes, a subject should not be allowed to "see" before he "believes": he should never evaluate whether what he is seeing warrants believing. As I will aim to show in chapters four and five, a better description of Hobbes's account would be to say that the image is "in the eye of the beholder".¹⁰ This is precisely, as I will argue,

¹⁰ For Hobbes (1651: 5) our ability to see an object depends on the "predominance" of its motion: "amongst many stroaks, which our eyes, eares, and other organs receive from externall bodies, the predominant onely is sensible". In other words, there is always a number of competing stimuli, strongest of which we will perceive. This is what Hobbes (1651: 5) understands as "imagination" and it is crucial to note that our understanding of words can also be a competing source of imagination. Hobbes thus defines understanding as a particular kind of imagination that "is rayseed in man (or any other creature indued with the faculty of imagining)

why Hobbes goes to such great lengths to “frame the minds” of his readers “to a conscientious obedience to present government”. (Hobbes, 1845: 335-336) Sovereignty should not be dependent on the sovereign being successful in “carefully craf[ing] (and even more carefully controll[ing]) her royal pose” as was Elizabeth. (Brito Vieira, 2009: 124) Instead, a reader convinced by Hobbes’s argument should accept King James’s I “covering his weak natural presence up in extravagant behaviour” just the same, provided that James’s way of ruling does not put the subjects in danger. (Brito Vieira, 2009: 124) A Hobbesian subject, then, ought to be blind to the sovereign’s appearance in the same manner that he should be preconditioned to seeing the sovereign as a person who unites the people in a commonwealth and not as just another human being. Brito Vieira’s approach seems to lead her conclusions in a different direction as she gives undue importance to the quality of representation and insists that “if it is the goal of theatrical sovereignty to subject the audience by suspending their judgment, this is not necessarily always the outcome.” (Brito Vieira, 2009: 124) The aesthetic aspect of representation cannot bear such importance, as the audience’s judgment needs to be suspended for sovereignty to exist in the first place. Those who refused to suspend their judgement that they should rule themselves could never accept being subordinated to another man.

Brito Vieira’s (2009: 238) insistence on the quality of representation eventually leads her to a dualistic notion of the concept, by which representation “must [...] be controlled on the level of perception as well as presentation”. In the final chapter of her book she acknowledges that “[representation] is never solely about how things are represented. At least as important, if not more, is how they are seen.” (Brito Vieira, 2009: 238) Obviously, this description is remarkably similar to the contemporary account of representation and Brito Vieira (2009: 253) suggests that Hobbesian

by words, or other voluntary signes,” (Hobbes, 1651: 8) Consequently, if we offer a coherent argument and are skillful enough in presenting it the clearest possible terms, we can “override” other kinds of sensory stimuli. What we “see”, therefore, includes not only the objects in front of us but also the meanings that we ascribe to them. And “as the light of the Sun obscureth the light of the Starres”, (Hobbes, 1651: 8) the stimuli coming from a book on sovereignty can (rightfully or not) “obscure” our perception of the flesh-and-blood sovereign standing in front of us. On the relationship between Hobbes’s theory of sense perception and his psychology see Gert, 1996 (particularly pp. 157-159). For an extended discussion of Hobbes’s views on imagination see Lemetti, 2006.

representation, “*pace* Hobbes, opens the door to orderly political competition between representatives offering contrasting visions *of* the people *to* the people”. It is little wonder that Brito Vieira arrives at this conclusion when she starts her analysis with a comprehensive (and contemporary) notion of representation and then uses its particular aspects as a “filter” for Hobbes’s ideas.¹¹ This, as we see and as Brito Vieira seems to partly acknowledge, leads to her interpreting Hobbes’s theory in terms that are incompatible with what can be relatively safely (re)constructed as Hobbes’s intentions. *Contra* the contemporary notion of representation, the relationship between the Hobbesian sovereign and her subjects *cannot* be reciprocal. The sovereign does not offer “a good performance” in return for the subjects’ continuing “suspension of disbelief”, for the sovereign could never perform if it were not for the subjects’ willingness to participate in such a spectacle. In fact, one of the main points of Hobbes’s argument is that sovereignty cannot be conceptualised halfway: either the subjects acknowledge somebody as their sovereign, or there *is* no sovereignty.

I would like to approach this topic from a different perspective. In my view, what guides Hobbes’s account of relationships within and outside the commonwealth is not some underlying general notion of representation but a specific account of the person. On this view, it would be wrong to approach Hobbes’s theory as offering an account of representation that is somehow involved in our contemporary understanding of that concept. The understanding of representation that is prominent in contemporary societies, intertwined with the ideas of freedom and democracy, (Pitkin, 1967: 2) owes little to Hobbes’s account. Hobbes was neither a democrat, nor somebody who would say that government comprises of public servants ultimately responsible to the people whom they represent. My primary goal, then, is to examine and to re-present what is specific to Hobbes’s theory of personhood and, consequently, representation. I will not be concerned with the ways in which this concept developed into its contemporary form. Instead, I believe that the primary relevance of Hobbes’s text lies, as Skinner (2002b: 88) convincingly argues, in

¹¹ One merit to such an approach would be in attempting to use Hobbes’s account to make sense of the contemporary notion of representation, but that is not Brito Vieira’s primary aim. For an example of such an effort see Runciman, 2010 who applies Hobbes’s idea of representation to contemporary notions of democratic political representation.

its being “concerned with [its] own problems, and not necessarily with ours”. I will emphasise the innovative nature of Hobbes’s account of the person and representation; and explore the concepts upon which it relied and the ideas that it confronted. Furthermore, I will use the model behind Hobbesian personation to shed some light on the way Hobbes conceptualises the relations between various actors within and outside the commonwealth.

Finally, a discussion that situates Hobbes’s account of personation within his argument in favour of unitary and absolute sovereignty has its place in the concluding chapter of my thesis. The account of conceptual novelties of Hobbes’s theory *for Hobbes* will be complemented by a brief account of what is in them *for us*. In this final chapter I will try to flesh out the contemporary significance of the (side)effects that Hobbes’s notions of personality and representation have on his political and social theory. These two complementary ways of grasping the significance of Hobbes’s work are offered as a contribution to “help[ing] us stand back from our own assumptions and systems of belief, and thereby situat[ing] ourselves in relation to other and very different forms of life. (Skinner, 2002c: 125)

Methodology and structure

The scope of my topic is primarily set by Hobbes’s account of representation as personation. As such, it does not include aesthetic representation but it does include, roughly speaking, theatrical, legal, theological and political aspects of representation. The presentation of my argument, however, does not follow this categorisation. In the same way that I attempt to steer clear of using an all-encompassing account of representation to interpret Hobbes’s views on this topic, I also try to avoid applying general categories to Hobbes’s theory and compartmentalising it in a way that would be unfaithful to the original texts. Instead, I first identify the focus, the place of Hobbes’s fullest expression of the idea of personation, and then use Hobbes’s manner of proceeding as a guideline for structuring my interpretation.

The focal point of Hobbes’s account of personhood and representation is chapter 16 of *Leviathan*, entitled *Of Persons, Authors, and things Personated*. In this chapter Hobbes offers a “core” definition of a person, briefly discusses

its (theatrical) etymology, distinguishes between artificial and natural personhood and lists a number of instances to which his account of personation is applicable. These instances include: 1) legal representation of individuals, corporations and “things inanimate” and 2) theological representation of God, both as a distinctive feature of Trinity and as a mark of special relations between God and certain sovereigns (such as Moses) who govern in God’s name. Chapter 16 of *Leviathan* is the central point for Hobbes’s account of personhood and representation. It is not only that we find here the first instance of Hobbes defining what a person is, but that we see this concept most thoroughly developed. This makes chapter 16 the appropriate starting point for the analysis that follows.

Focusing on chapter 16 and Hobbes’s definition of the term “person” is not only warranted as a part of a general approach to discussing Hobbes’s account of personhood, but it is also a requirement set by Hobbes’s own methodology. As Stanton (2010: 104-105) emphasises, Hobbes (1651: 371) establishes his entire philosophical system on the basis of “a certain *Philosophia prima*, on which all other Philosophy ought to depend” that sets up a number of foundational definitions (“of Body, Time, Place, Matter, Forme, Essence, Subject, Substance”, etc.). Particular sciences within this general framework (including “civil science”) start with “a small collection of definitions” (Stanton, 2010: 105) that “limit [...] the significations of [...] Appellations, or Names”. (Hobbes, 1651: 371) “Person” is such an “appellation” and so Hobbes’s own methodology compels us to approach his account of personation by examining its definition.

This presents us with an additional layer of meaning. Besides the meanings we can deduce from the development of the (legal, political, theological) idea of personhood and the meaning that can be reconstructed as dominating the philosophical discourse of Hobbes’s time, there is clear textual evidence of Hobbes’s own account of personhood that stands out as a separate layer set on top the first two meanings. Therefore, and insofar as Hobbes clearly defines the terms pertaining to his account of personation and uses them in mutually compatible contexts, there is less need to resort to contextual interpretations. Although this approach would be valid in cases of concepts that are not explicitly defined (such as “the concept of *virtù* as employed by

Machiavelli and his contemporaries”, Skinner, 2002a: 48), it would be wrong to begin the discussion of Hobbes’s account of personhood by transfusing the meaning(s) that Hobbes’s contemporaries ascribe to “person” into it. Hobbes’s account should be given priority, what is more, because it introduces a number of novel and politically salient elements, many of which are important for understanding Hobbes’s political theory as describing a number of different relationships between different “personators”, the actors who play their roles within and/or outside the commonwealth.

There are a number of additional benefits to analysing Hobbes’s definitions. When an author goes to unusual lengths to present his own (re)definition of a certain term, there has to be a particular reason behind such an effort. Hobbes (1651: 15) warns against the dangers of methodologically incorrect and non-systematic approaches that might lead to an author ending up “entangled in words”. Hobbes’s method, therefore, demands a clear exposition of the argument, but there is more to Hobbes’s effort than that. The fact that he repeatedly warns about such an “entanglement”, and that he criticises “insignificant” words of the “Schoole-men”, sets his definitions against, rather than with, the ideas of his contemporaries. (Hobbes, 1651: 39)

Finally, giving priority to Hobbes’s definitions is useful for at least two rather prosaic reasons: 1) the author’s choice to (re)define a certain concept signals his belief in relative importance of and some novelty within this concept, at least in comparison to those terms that are left undefined; 2) in crafting a suitable definition, the author is guided by the intention to convey his thoughts on the subject as clearly as possible and that typically makes him more careful in choosing the right words for the definition and more diligent in seeking its optimal phrasing. In this sense I believe that Hobbes’s text deserves priority. The definitions within that text extend across Hobbes’s work and establish a world of linguistic meanings, a world of words and thought.

I am very far from arguing that the synchronic and diachronic background of Hobbes’s theory should be ignored. Indeed, I will show that Hobbes positions his theory of representation in contrast to the understandings of his contemporaries (in particular, to legal ideas related to incorporation as presented by Sir Edward Coke) and that he relates a number of its aspects to classical (Ciceronian) accounts and theological traditions (Tertullian’s account

of Trinity and covenant theology). These features of Hobbes's approach are the subject of the first two chapters of this thesis.

It is important again to emphasise that such a layout is a consequence of Hobbes's presentation of the argument and not a result of imposing any general or preconceived conceptual framework on Hobbes's text. In every iteration of his definition of a person, Hobbes always insists on its etymology (as derived from "*πρόσωπον*" and "*persona*") and never fails to adduce Cicero's usage of the word: "Of this Definition there can be no other proof than from the use of that word, in such Latin Authors as were esteem'd the most skilful in their own Language, of which number was *Cicero*." (Hobbes, 1682a: 37) Hobbes is also clear about the legal and theological aspects of "person". He argues that "from the Stage, [*persona*]" hath been translated to any Representer of speech and action, as well in Tribunalls, as Theaters" (Hobbes, 1651: 80) and that "[t]he true God may be Personated" (Hobbes, 1651: 82). Hobbes's emphasis on the corporate aspect of legal representation is also clear as he argues, *contra* Coke, that "[a] Multitude of men, are made *One* Person, when they are by one man, or one Person, Represented" and that it "is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*". (Hobbes, 1651: 82)

The discussion of classical and contemporary, legal and theological backdrops of Hobbes's account of personhood is important for at least three reasons. Firstly, it offers us a standard for comparing Hobbes's account with theories that he held significant for his argument – whether as sources of inspiration or targets of criticism. We can see, then, what is different about Hobbes's theory and how it assumes its characteristic shape in relation to its synchronic and diachronic competitors and comparators. This task is of great importance to every work that deals with the history of an idea or, as Skinner (2002d: 179) puts it, "we must be ready as historians of philosophy not merely to admit the fact of conceptual change but to make it central to our research." Secondly, it is important to note that the changes I am concerned with are not simply innovations in Hobbes's work that relate only and directly to the particular arguments of his time. Instead, as I shall argue in chapter two, it is certain that Hobbes tackled Cicero's account of personhood and Coke's legal theory. Therefore, the novelties that his account introduces should primarily be viewed as intellectual reactions to a very specific set of arguments. I say

“primarily” because my discussion does not cover all the possible influences on Hobbes’s theory of personhood and representation and it surely does not attempt to examine Hobbes’s influence on authors who came after him. However, the aspects of Hobbes’s work that are covered in the first two chapters of this thesis do go far enough to enable us to understand how Hobbes situated his theory of representation. Such a focus helps us deduce what an author *is doing* with a concept and, at least to some degree, it clarifies the ever-elusive question of that author’s intentions.¹² Thirdly and finally, a focused account of the context of Hobbes’s theory escapes the perils of what Tom Sorell (2001) calls “overcontextualisation”, by which what a given author meant is established with reference to what almost everyone *except* the author in question wrote, while at the same time providing “the ultimate framework for helping to decide what conventionally recognisable meanings it might in principle have been possible for someone to have intended to communicate.” (Skinner, 2002b: 87)

In the third chapter of the thesis I turn to Hobbes’s (re)definition of the concept of personhood and examine how the somewhat different definitions of a person that he offers in his works can be reconciled within the framework of his theory. These differences have been depicted as inconsistencies by commentators such as Martinich (2005) and my intention is to approach these “contradictory beliefs” more cautiously and more charitably, by “assuming that we must in some way have misunderstood or mistranslated some of the propositions by which they are expressed”. (Skinner, 2002a: 55) Thus I contrast Hobbes’s (1651: 80-81) “core” definition of a person from *Leviathan* (as “he, whose words or actions are considered, either as his own, or as representing the words or actions of an other man”) to the definitions in his subsequent works (Latin *Leviathan*, *De Homine* and the *Answer to Bramhall*) in order to show that, besides the definition of a person as a human being, there is also another sense in which Hobbes uses the term in his writings. This second meaning of the word “person”, as it features in constructions such as “bearing the person”, corresponds with “*persona*” or “mask”. This meaning is clearly different from what is denoted by the “core” definition of a person and the fact

¹² See Skinner, 2002e.

that Hobbes employs it in a significant number of instances shows us that his etymological definition is as significant as, and, as I will argue, complementary to, the “core” definition.

This discussion is further developed in the fourth chapter, where I turn to analysing Hobbes’s distinction between artificial and natural persons. The distinction between these two kinds of persons is at the centre of Skinner’s and Runciman’s analyses of Hobbes’s work, and it is especially significant because it pertains to Hobbes’s account of the sovereign and the state. Furthermore, a careful investigation into Hobbes’s views on nature and artifice is warranted because Hobbes blurs the commonplace distinction between natural and artificial and (re)defines nature at the very beginning of *Leviathan* as “the Art whereby God hath made and governes the World”. (Hobbes, 1651: 1)

While the first four chapters of my thesis concern what Hobbes does to ideas of personhood and representation, the last two chapters of the thesis are meant to discuss what Hobbes does with those ideas: how his ideas of person and representation affect his political philosophy. In the fifth chapter Hobbes’s account of personation is employed in describing the relationships between the agents in the commonwealth (the sovereign and subjects) and outside of it (other sovereigns, foreigners and God). This account also reveals another feature of Hobbes’s approach. Hobbes’s extended use of the word “*persona*” in its theatrical meaning signals that the whole world of Hobbesian politics might be viewed as a stage.

This conclusion has not eluded recent commentators of Hobbes’s ideas (see e.g. Brito Vieira, 2009), but what *has* eluded them is the idea that the agents involved in such staging are at the same time the actors and the audience.¹³ Consequently, there have to be at least as many perspectives on various social relationships as there are (types of) agents involved in them. For example, not being a party to the original contract makes the sovereign’s perspective similar to that Hobbes’s ascribes to the agents in the state of nature. This means that it is possible for the sovereign to claim a natural right “to every thing” and to view both subjects and other sovereigns as at least potentially dangerous. On the other hand, in order to escape the perils of the natural

¹³ A notable exception to this is Stanton’s (2011: 163-164) account.

condition a subject needs to be conditioned into seeing another human being, somebody who is otherwise (physically and intellectually) relatively equal to him, as his (politically superior) sovereign.

Convergence of the two perspectives, as I argue, gives rise to the commonwealth. The sovereign “lends” her “intelligent substance” (i.e. her natural reasoning and volitional faculties), unrestrained in any way, to the person of the commonwealth. The subjects, on the other hand, need to disregard willingly what seems to be obvious to them as “intelligent substances” and see the sovereign as their representative, somebody who has unlimited power and symbolises their unity. They have to disregard the sovereign’s true face and see the *persona civitatis* instead.

Finally, if the sovereign and her people are united in the way I have sketched out, those outside the commonwealth, such as foreigners, other sovereigns and God, will recognise this unity and treat the commonwealth as a self-representing entity consisting of the will and mind of its sovereign and the combined power of all of its subjects.¹⁴ As a consequence, other sovereigns have “their eyes fixed on” the combined strength of our commonwealth and send “continuall Spyes upon” it. (Hobbes, 1651: 63) God also recognises the unity of the commonwealth, but in different way. As His power is unlimited, He is not interested in knowing how mighty our commonwealth is, for beside His own, its power, however mighty, is merely dust on the balance. Instead, He can see through the *persona civitatis* and He knows whether the sovereign is acting according to His laws or not. This means that the burden of responsibility is on the sovereign’s shoulders. The subjects who follow the sovereign’s orders cannot commit a sin; and I discuss this aspect of Hobbes’s thought with reference to his famous account of Naaman’s denial of God.

In the conclusion I summarise the main points laid out in the previous chapters and try to answer two general questions. First, what is the relationship between the elements that Hobbes’s theory of personhood borrows from different traditions and how Hobbes (re)configures these elements into a coherent whole? Second, what are the general implications of such a theory or “what is in it for us”?

¹⁴ In this sense Newey (2008: 163-166) describes the state as a natural person.

While Hobbes's account of person and representation has been convincingly contextualised and marked as a response to Parliamentary arguments,¹⁵ contemporary scholars remained silent on the ways in which various elements of Hobbes's views on personation come together. Here I discuss the ways in which the classical and medieval legal and theological elements converge in Hobbes's account of personhood and, specifically, in his views on personation within the commonwealth. In other words, I discuss the main features of Hobbes's account in relation to the historical models of personhood that influenced them. These features include the unrestrained freedom of the sovereign representative, realisation of group unity through representation and responsibility of the represented for their representative's actions. While this particular blend of elements distinguishes Hobbes's model from other accounts, it is certain that Hobbes borrowed the individual elements of his account from classical (Ciceronian) account of personality, reflected on the medieval tradition of corporate personhood and politicised the theological account of representation and "public person". I will try to show how these diverse traditions have been moulded into Hobbes's personation and how this account could help us see the relationships within the Hobbesian commonwealth in a different light. Finally, such an analysis could show us Hobbes's approach in modelling his argument.

In the second part of the conclusion the account of conceptual novelties of Hobbes's theory *for Hobbes* is complemented by a brief account of what is in them *for us*. Here it is argued that Hobbes's theory is useful in reminding us of the fragility of political concepts that we often take for granted. What sustains our contemporary political systems, then, is not their success in catering to our basic needs and enabling us to lead relatively secure, meaningful and fulfilled lives. Instead, it is our perception of the ability to lead such lives that makes our political systems stable and, paradoxically, this very perception is our only escape from lives that are "solitary, poore, nasty, brutish, and short." (Hobbes, 1651: 62)

¹⁵ On this issue see Skinner, 2005.

1. Cicero and Hobbes on personhood and *persona civitatis*

Cicero was responsible for one of the most developed and influential accounts of personhood in the history of the concept. In this chapter I will compare Cicero's account with Hobbes's in an effort to show how it influenced Hobbes's views on personation. I will also discuss a number of Hobbes's modifications to the Ciceronian notion of *persona* and its related concepts. These changes are a part of Hobbes's effort to reshape the classical account so that it could support his arguments in favour of absolute and unitary authority. As we will see, this was no easy task since Cicero's theory was geared in the direction opposite to Hobbes's and towards the account of mixed government in which those behind *persona civitatis* have a duty to take care of public affairs (*res publica*). Cicero's notion of *persona* was, thus, a part of the wider ethical framework, situated within a complex web of conceptual relationships between the notions such as *lex naturalis*, *ius*, *civitas* and *res publica*. Therefore, the second part of this chapter will be dealing with the ways in which Hobbes's modifications of the concepts that put Cicero's idea of *persona* within a certain ethical framework enabled him to free personation from its ethical ties.

The importance of Cicero's account of personhood for Hobbes is indisputable. The classical author to whom Hobbes most often refers in connection to the etymology of the word *persona* is Cicero. In *Leviathan* (1651: 80) and in *De Homine* (1978a: 83) Hobbes presents us with a quote in which Cicero is suggesting that he used to "bear" or "sustain" three persons while arguing a case: his own, his adversary's and the judge's. More importantly, as somebody who was especially concerned with the proper signification of words,¹⁶ Hobbes is explicit about the authoritative nature of Cicero's notion of *persona*. In his reply to Bramhall, Hobbes (1682a: 37) backs up his etymological analysis by citing Cicero as one of the Latin authors who is "esteem'd the most skilful in their own Language".

The connection between Hobbes's and Cicero's accounts has been recognised in recent scholarship. (Skinner, 1999: 20) The authors who discuss

¹⁶ On Hobbes and definitions see Stanton, 2010.

Cicero in relation to Hobbes generally point out the theatrical aspects of Cicero's use of the word *persona*. For example, in a piece that deals with Hobbes's notion of representation, Skinner (2005: 161) argues that "Cicero's immensely influential analysis centres around the term *persona*, a mask, the mask that actors wore in the ancient theatre to indicate what roles they had assumed." Although it is, indeed, very important to note that Cicero's *persona* denotes a certain kind of role, there is also something to be said about the nature of such a role – especially if it is, as I will argue, revealing of Hobbes's use of the term and his conception of the state. Hobbes's argument employs all the important elements of Cicero's account but with a radically different outcome. Hobbes takes the theoretical framework that served to constrain the rule of the sovereign and turns it upside down in an argument that supports the sovereign's absolute authority. Therefore, an account that relies on the notion of a mixed constitution and underlines a strong ethical conception of the ruler's duties becomes an argument in support of singular and absolute authority of the sovereign.

Hobbes, as I will show, separates the idea of *persona civitatis* from its ethical underpinnings. He does that by eliminating all external reference points that are required by a strong ethical conception of the duty to exercise authority in a particular way. Hobbes thus does away with the "external" notion of *res publica* by subsuming it under *civitas*, strips the distinction between *ius* and *lex* of its normative potency and reduces the requirements of *utilitas* and *salus populi* to the basic right to self-preservation. In this chapter I will first give an overview of Cicero's account of personhood and *persona civitatis*. After that I will turn to examining the underlying elements of Cicero's notion of *persona civitatis* and their reconceptualization within Hobbes's argument.

In *De Officiis* Cicero classifies the types of *personae* into two dichotomies.¹⁷ The first type distinguishes between universal (*communis*) and individual *personae*. Cicero (1913: 109) points out that the former "aris[es] from the fact of our being all alike endowed with reason and with that

¹⁷ For an account examining Cicero's classification of *personae* as a part of the wider Stoic account of personation see De Lacy, 1977. Troels Engberg-Pedersen (2001) offers a more general discussion of the place of personhood in Stoic philosophy.

superiority which lifts us above the brute”, while “[t]he other character¹⁸ is the one that is assigned to individuals in particular”. In other words, while the use of reason is a distinctively human trait, every particular human being’s *persona* is comprised of a distinctive blend of physical and mental strengths and weaknesses. (Wood, 1988: 84) The universal *persona* defines us as rational human beings that are capable of “moral self-direction”, while the individual one is comprised of our own personal characteristics which we “should retain [...] and not copy other people’s”. (Gill, 1988: 174)

Cicero’s (1913: 117) second dichotomy distinguishes between two additional kinds of *personae*: those “which some chance or some circumstance imposes” and those “which we assume by our own deliberate choice”. This dichotomy applies to statuses and vocations and Cicero (1913: 117-124) discusses both in their variety by adducing a number of examples from literature and history. As Christopher Gill (1988: 174) suggests, “the third *persona* is [...] to be seen as the background against which one chooses, and the fourth *persona* is [...] to be seen as the result of one’s choice (at least as far as a career is concerned)”. This background is one’s standing, as determined by age or legal status, while his choice of career constitutes the fourth *persona*.

This leaves us with four types of *personae*: universal, individual and the two related to standing and vocation. The feature that they all share is their relative invariability: “there is nothing so essentially proper as to maintain consistency in the performance of every act and in the conception of every plan”. (Cicero, 1913: 129) However, for Cicero, there is one other, and distinct *persona* – and that is the status of a magistrate. When referring to vocations, statuses and other kinds of *personae*, Cicero qualifies the noun *persona* with another noun in the genitive case. For example, when discussing the duties of a judge, he (1913: 311) argues that “an upright man [...] lays aside the role of a friend [*personam amici*] when he assumes that of a judge [*personam iudicis*].” Here we can see that Cicero uses the genitive case of the noun ‘judge’ (*iudex*, *iudicis*, m.) to denote the corresponding profession or role. On the other hand, when referring to the status of a magistrate, Cicero does not use the term *persona magistratus*. This public official, unlike a judge, sustains *persona*

¹⁸ Walter Miller translates “*persona*” as “character” in the 1913 edition of *De Officiis*.

civitatis, the person of the state. (Cicero, 1913: 126) Cicero obviously believes that there is something fundamentally different between the two offices, if a judge cannot also be said to sustain *persona civitatis*. In his oration on behalf of Aulus Cluentius, Cicero (1856: 164, 1855: 353) explains what the difference consists in: “The ministers [*minister, ministri, m.*] of the law are the magistrates; the interpreters of the law are the judges; lastly, we are all servants of the laws, for the very purpose of being able to be freemen”. It follows from this that when a magistrate is exercising his powers, in contrast to a judge, he is wearing the mask of the *civitas* and not just the vocational mask of a magistrate. This is because Cicero does not consider the status of a magistrate to be a vocation. Instead, this status is primarily a duty, as its *persona* is entrusted to its bearer. Ideally, one should never *choose* to be a magistrate in the way one might choose to be a philosopher or an orator.

Another distinctive feature of magistrate’s *persona* is that it not only marks a status, but signifies a specific relationship between its bearer and the state. In *De Officiis* Cicero (1913: 127) discusses the duties of a magistrate along with the duties of “private individuals” (*privatus, privati, m.*) and foreigners (*peregrinus, peregrini, m.*). All three categories are distinguished and defined by their relationship with the state: a magistrate has a duty “to uphold its honour and dignity, to enforce the law, to dispense to all their constitutional rights”; a private individual can be considered to be a good citizen if he “labours for [...] peace and honour [...] in matters pertaining to the state”; and a foreigner has a duty “not to [...] meddle in the politics of a country not his own”. (Cicero, 1913: 127) However, it is only a magistrate who, while enjoying his status, sustains a *persona* other than his own and exercises his authority while wearing another mask, the mask of the *civitas*. The question then becomes, what is the exact nature of the relationship between the *civitas* and a (good) magistrate?

It is important to note before proceeding any further that there are two possible meanings of the term *persona civitatis*. The noun in the genitive case can be used both to describe the noun adjacent to it and to denote that the latter is a *possession* of the former. That is to say, the *persona civitatis* may be both a specific kind of *persona* and a *persona* that is a property of the *civitas*. That being said, Cicero usually uses the noun in the genitive case as a descriptor. For

example, the universal *persona* is qualitatively different from the individual *persona* and we cannot claim that they belong to, or that they are a part of, a certain “universality” or “individuality”. However, the situation is much less clear, and the dilemma is much more politically significant, if we can also say, following Cicero, that the *persona* that the magistrate is sustaining is the one that belongs to the *civitas*. This, along with the fact that the role of a magistrate is marked as a status rather than a profession, would clearly imply that the *civitas* exists as an independent corporate entity, separate and separable from its *persona*.

Neal Wood (1988: 132) seems to suggest something like this interpretation when he argues that, in contrast to the Ancient Athenians, “Cicero and the Romans [...] begin to separate government from state conceptually, endowing both with a more ‘collective’ and abstract character”. Cicero’s idea of government, as Wood (1988: 133) notes, “comprises of those officials and administrators who are agents of the *civitas*, acting in its name, as distinct from the *civitas* itself.” In *The Dream of Scipio* (*Somnium Scipionis*), the final chapter of *De Re Publica*, Cicero (1999a: 96) defines the *civitates* as “councils and assemblages of men associated through law”.¹⁹ This definition corresponds with thinking about the Roman state as *senatus populusque*, since it is also based on the idea that the sovereignty rests in the people united by law. The two elements, popular and legal, are also present in Cicero’s (1999a: 18) definition of *res publica*: “the commonwealth is the concern of a people, but a people is not any group of men assembled in any way, but an assemblage of some size associated with one another through agreement on law [*iuris consensus*] and community of interest [*utilitas*].”²⁰ Therefore, Wood is right to assert that Cicero sees the *persona* of a magistrate as entrusted to him by the citizens. Comparably, in *De Officiis* Cicero (1913: 127) emphasises that the office of a magistrate “has been committed to him as a sacred trust”²¹ and, as Wood (1988:

¹⁹ “concordia coetusque hominum iure sociati”. (Cicero, 1826: 475)

²⁰ “Est igitur, inquit Africanus, res publica res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus.” (Cicero, 1826: 104-105)

²¹ “...ea fidei suae commissa” (Cicero, 1913: 126)

134-136) notes, this trust (*fides*) corresponds with the Roman legal concept of *tutela* or guardianship over the citizens' wellbeing.²²

Wood, however, seems to neglect the fact that the duty of a tutor or a guardian is also to represent his ward. Although Skinner (2005: 162) rightly argues that "Cicero never employs the verb *repraesentare* in any of these contexts", there is an underlying notion of representation in Cicero's idea of *persona civitatis* that is more than just a foundation for the "semantic development" of a theatrical metaphor. In the second book of *De Re Publica*, Cicero (1999a: 49) explicitly describes "a virtuous king" as "good and wise and knowledgeable about the interests and the reputation of the state, almost a tutor and manager of the commonwealth [*tutor et procurator rei publicae*]; that, in fact, is the name for whoever is the guide and helmsman of the state [*rector et gubernator civitatis*]."²³ Calling a ruler a *tutor* is perfectly in line with Wood's emphasis of *tutela* as a basis for the relationship between the ruler and the ruled. Furthermore, noting that Cicero is also referring to the king as a *procurator* clears any possible doubts about the ruler's representative capacity. In *Justinian's Digest* (III. 3. 1)²⁴ a procurator is defined as: "one who transacts the business of another on a mandate from his principal".²⁵ Comparably, a ruler as a procurator manages public affairs (*rei publicae* or *rei populi*)²⁶ by sustaining the *persona civitatis*.

We can see now that representation is an important part of Cicero's idea of *persona civitatis*. This sheds light in its turn on a direct connection between Hobbes's and Cicero's theories. In the English *Leviathan* Hobbes (1651: 175) suggests that the main aim of "trusting" somebody with "the Sovereign Power" is "the procuration of *the safety of the people*". Furthermore, he notes that the word person is synonymous with the words representative and procurator,

²² For an elaborate discussion about the legal guardianship in Cicero's times, see: Roby, 2000: 92-127.

²³ "bonus et sapiens et peritus utilitatis dignitatisque civilis, quasi tutor et procurator rei publicae; sic enim appelletur quicumque erit rector et gubernator civitatis". (Cicero, 1826: 296)

²⁴ I am here quoting from Alan Watson's (1998) edition of *The Digest of Justinian*.

²⁵ "Procurator est qui aliena negotia mandatu domini administrat" (Digest, III. 3. 1) Apart from offering a definition of a procurator, the *Digest* sets the foundation for the legal theory of incorporation. On this point, III 4. is important as it discusses one's ability to act in the name of a corporation, Book XIV presents us with an account of persons legal liability for his representative's actions and, finally, XLVII. 22. explicitly deals with the notion of *collegium*. However, as I will argue in the next chapter, the notion of a corporate *person* developed much later, starting with Innocent IV's account from the thirteenth century.

²⁶ For the discussion about the interchangeability of these terms see Wood, 1988: 126.

among others. (Hobbes, 1651: 81) Finally, in the Latin *Leviathan* Hobbes (1668: 80) suggests that procurator's *persona* is a *persona repraesentativa*. However, the most important difference between the two notions of representation is in the fact that the Ciceronian magistrate procures *res publica* while the Hobbesian sovereign represents the people and procures their safety. This difference will be discussed at greater length later on in this chapter.

In summary, there are at least three dimensions in which Hobbes's account of the personhood of the state matches Cicero's. Firstly, in both accounts there is a clear distinction between the abstract office of a ruler and the particular human being who occupies it. Secondly, the term *persona civitatis* signifies a relationship between the exact same three elements: the state (Hobbes's Commonwealth or Cicero's *civitas*), the government (Hobbes's sovereign or Cicero's magistrates) and the public (Hobbes's subjects or Cicero's *populus*). Thirdly, this relationship is a vital part of both authors' formulas for political legitimisation, although the formulas themselves differ. Finally, the relationship is based on representation and the playing of *social* roles. As Gill (1988: 171) argues, Cicero's four-*personae* theory is formulated [...] from a highly social perspective; the individual is viewed in a social setting and judged by social norms." For Hobbes representation is equally contextualised within a society, although, *pace* Cicero, society itself is dependent on the existence of a sovereign state (Hobbes, 1651: 62).

On the other hand, the fact that Cicero thinks of *persona civitatis* as a duty implies that there is an ethical framework that exists independently from *civitas* to which the magistrate has to conform if he wants to fulfil his duty. This external ethical framework is set up by a number of concepts that are also used by Hobbes. These include notions of *lex*, *ius*, *utilitas* and *res publica*. On the other hand, Hobbes believes that there are no such ethical impediments to the sovereign's rule and that *persona civitatis* does not constrain the sovereign as its bearer. Instead, Hobbesian *persona civitatis* is a mask of unconstrained power that gives its bearer absolute authority. Coherence of Hobbes's argument thus demands fundamental reconstruction of Cicero's notion of *persona civitatis*. The Ciceronian version of the concept needs to be detached from its ethical roots and Hobbes does this in a way that is also revealing of his methodological approach. As I will show in this chapter, Hobbes keeps the notions of *civitas*

and *res publica*, *utilitas* and *salus populi*, *lex* and *ius* and redefines them in a way that allows for an ethically independent notion of *persona civitatis*. To a large extent this frees the idea of *persona civitatis* from its ethical “baggage”, leaving it only with a fundamental notion of self-preservation.

Hobbes’s (re)interpretation of “*persona*” and its consequences

Although the frameworks of both authors’ theories are comprised of matching elements, they fundamentally differ in their consequences. Hobbes formulated his theory in a way that would legitimize the sovereign having almost absolute authority. By contrast Cicero offered an elaborate discussion of just and unjust ways of ruling, and was also one of the most famous advocates of tyrannicide. In this section I will try to explain the relationship between the elements constitutive of Cicero’s definition of *res publica* and Hobbes’s account of *res publica* as *civitas*. This is especially important since, as I will demonstrate, one of the most important differences between Cicero’s and Hobbes’s notion of *persona* is that the first depends on the established ethical conception of a “good” or “virtuous” magistrate while the latter has no such (strong) ethical prerequisites. *Contra* Cicero’s notion of a magistrate as someone who fulfils his duty by ruling in an ethically desirable way, Hobbesian sovereign is free to decide on all the matters that concern the commonwealth, including any ethical questions. However, the omnipotence of Hobbes’s sovereign has one major prerequisite and that is the singularity of the sovereign’s will.²⁷ This rules out the mixed constitution as a desirable political system and corresponds with Hobbes’s erasing the distinction between *res publica* and *civitas*.

As I have previously suggested, following Wood, Cicero’s (1999a: 18) *res publica* consists of two foundational elements: an agreement on right (*iuris consensus*) and the notion of common interest (*utilitas*). It is an “assemblage of some size associated with one another through agreement on law [or right] and community of interest”. Here it is important to note that *iuris consensus*, in fact, corresponds to *civitas*, which is, according to Cicero (1999a: 96): “[a council] and [assemblage] of men associated through law”. As we can see, both *civitas*

²⁷ I will discuss the relationship between the idea of a person and Hobbes’s concept of will in the third chapter of the thesis.

and *iuris consensus* are defined as “assemblages” of the people taken in its totality and both of them concern *ius*. The second element of Cicero’s definition of *res publica* is *utilitas*. *Utilitas* “covers any type of benefit, including material wealth, security, freedom, power, fame, virtue, happiness” (Asmis, 2004: 578) and, according to Cicero’s account from *De Inventione Rhetorica*, it comprises power and security (Wood: 1988: 129).

The result of this combination is that the public is expected to judge whether the people behind the mask of *civitas* are running the popular affairs in the direction of the optimal public *utilitas*. Therefore, the citizens are to take an active role in modelling their legal system and monitoring the work of the magistrates as the caretakers of *res publica*. The key criterion in deciding whether a magistrate is a good procurator of *res publica* and whether his rule can be considered legitimate is *utilitas*, i.e. his ability to run the country in a way that makes it secure and powerful. Power in *De Inventione* is defined as the extension of security or security brought to a higher level:

“[T]here are some things in the republic which, so to say, refer to the person²⁸ of the state, — as lands, harbours, money, fleets, sailors, soldiers, allies; by all which things states preserve their safety and their liberty. There are other things also which make a thing more noble looking, and which still are less necessary; as the splendid decorating and enlarging of a city, or an extraordinary amount of wealth, or a great number of friendships and alliances. *And the effect of all these things is not merely to make states safe and free from injury, but also noble and powerful*. So that there appears to be two divisions of usefulness, — safety and power.”²⁹ (Cicero, 1853: 376-377; the emphasis is mine)

Subsequently, in *De Legibus* Cicero argues that the primary purpose of laws is in establishing security. (Wood: 1988: 129) The things that “contribute something grander and less necessary” are essentially the same means of

²⁸ It should be noted that the word “person” is a somewhat descriptive translation of the Latin word “corpus”, which literally (and more properly) means “body”.

²⁹ “Utilitas autem aut in corpore posita est aut in extrariis rebus; quarum tamen rerum multo maxima pars ad corporis commodum revertitur, ut in re publica quaedam sunt, quae, ut sic dicam, ad corpus pertinent civitatis, ut agri, portus, pecunia, classis, nautae, milites, socii, quibus rebus incolumitatem ac libertatem retinent civitates, aliae vero, quae iam quiddam magis amplum et minus necessarium conficiunt, ut urbis egregia exornatio atque amplitudo, ut quaedam excellens pecuniae magnitudo, amicitiarum ac societatum multitudo. Quibus rebus non illud solum conficitur, ut salvae et incolumes, verum etiam, ut amplae atque potentes sint civitates. Quare utilitatis duae partes videntur esse, incolumitas et potentia.” (Cicero, 1783: 127)

maintaining basic safety and liberty. The only difference is a quantitative one, they are more abundant and their utilisation surpasses the needs of basic security. However, its being derived from security does not make the augmentation of power less of a criterion for distinguishing a legitimate ruler. In fact, Cicero seems to suggest that this is the primary reason for instituting a government. When criticising more pessimistic accounts of human nature, he notes that:

“[o]thers have thought these ideas as insane as they in fact are and have said that it was not being mauled by wild animals that brought men together, but human nature itself, and that they herded together because the nature of humans shuns solitude and seeks community and society.” (Cicero, 1999a: 18)

In turn, this means that human beings have a more elaborate set of needs and that they strive towards living in a community in order to satisfy them. Therefore, the purpose of the government cannot be simply defined as keeping its citizens safe; “the first cause” of its creation is to “promote the citizens’ shared association in a happy and honorable way of life.” (Cicero, 1999a: 80)

Hobbes defines *res publica* very differently from Cicero. In the Latin *Leviathan* Hobbes mainly refers to the commonwealth as *civitas* and, when offering the definition of commonwealth, he treats *civitas* and *res publica* as synonyms. Hobbes uses the coordinating conjunction “or” (*sive*) in the title of the 17th chapter of the Latin *Leviathan* (*De Civitate sive Republica*) and “and” (*et*) when arguing that the *persona* of the state is called “*Civitas et Respublica*” (Hobbes, 1668: 85) or, in the English version, “COMMON-WEALTH, in latine CIVITAS” (Hobbes, 1651: 87).³⁰

That being said, Hobbes’s theory involves all the elements that we found in Cicero’s. In the Latin *Leviathan* he mentions *utilitas* as a public concept when suggesting that fortifications and war machines are “[a]rtes, quae conducunt multum ad utilitatem publicam” (Hobbes, 1668: 44) - the “arts of

³⁰ Asmis (2004: 576) quotes the passage from the first book of *De Re Publica* (1.41) in which Cicero also seems to consider *res publica* as synonymous to *civitas*. However, she notes that: “[a]lthough the two terms have the same extension, each is defined by a different aspect.” *Civitas* is, therefore, “an organization of a people” while “the definition of *res publica* views the state as a collective entity rather than an organization”. (Asmis, 2004: 576) Although this difference in aspects might not be of the utmost importance for Cicero, it is, as I will argue, central for Hobbes.

publique use”, as translated in the English version. (Hobbes, 1651: 42) More importantly, Hobbes (1651: 86) discusses *utilitas communis* in chapter 17 of *Leviathan* where he suggests that human beings are different from “certain living creatures” that are considered by Aristotle as sociable (or “Political”) creatures. One of the chief differences between human beings and those creatures is that the humans’ private good differs from the common one. (Hobbes, 1651: 86) In other words, Hobbes argues that the fact that all humans eventually desire same things does not make them sociable. Instead, this feature of human psychology makes people competitive and envious in their mutual relations, rendering any idea of the common good that surpasses the basic demands of personal safety inoperable within the Hobbesian state.

On the other hand, Cicero’s notion of *utilitas* is more heterogeneous than Hobbes’s. He argues that “laws were invented for the well-being of citizens, the safety of states, and the calm and happy life of humans”. (Cicero, 1999b: 133) There is, however, no explicit priority of safety over the other three elements. Although the Ciceronian concept of safety is not there to counter otherwise uncontrollable natural human passions, it should be noted that the safety of the people is entrusted to the persons of highest authority – to magistrates behind *persona civitatis*. In Cicero’s (1999b: 159) words, “praetors, judges, or consuls” are those for whom “the safety of the people [should be] the highest law”. *Salus populi*, then, is conceptually linked to sustaining *persona civitatis*. Magistrates are those who are “wearing” this *persona*, they are those who are responsible for taking care of public affairs and, ultimately, their task is to keep their fellow citizens safe. All of these elements are present in Hobbes’s theory. The people escape the miseries of their natural condition by transferring their authority to the sovereign in exchange “for their Peace and Common Defence.” (Hobbes, 1651: 88) Although it is its surpassing purpose, the preservation of people’s lives is not the sole purpose of a Hobbesian government. In *De Cive* Hobbes (1978b: 259) argues that:

“by *safety* must be understood, not the sole preservation of life in what condition soever, but in order to its happiness. For to this end did men freely assemble themselves, and *institute* a government, that they might, as much as their humane condition would afford, live delightfully.”

In this sense, Hobbes's account matches Cicero's. However, there is one significant difference. For Hobbes, being successful in "preservation of life" guarantees the legitimacy of a sovereign. And for Cicero keeping the subjects safe only has lexical priority over a sovereign's other duties: although a society cannot flourish unless its members are safe, protecting the public safety alone is not sufficient to legitimise one's rule. The difference between Hobbes's and Cicero's accounts does not flow out of any deep disagreement about the sovereign's responsibilities. For although their offices involve both of them acting behind a *persona civitatis*, unlike Hobbes's sovereign, Cicero's magistrate, for whom *salus populi* should be "the highest law", is not in the possession of absolute authority. However, describing the differing extent of responsibilities that Cicero ascribes to the magistrate and Hobbes attributes to the sovereign does not exhaust the discussion about the differences between the two accounts. This obvious dissimilarity is reinforced by Cicero's and Hobbes's contrasting accounts of mixed constitution and absolute sovereignty, their conceptions of liberty, *salus populi*, *res publica* and *civitas*. I will now briefly discuss each of these elements.

The difference that makes a difference may be traced to Cicero's account of a mixed constitution. Hobbes believes that authority should be unified and entrusted to those who bear the *persona* of the state. To put it in Ciceronian terms, Hobbes's commonwealth can only be governed by a magistrate endowed with absolute authority and there can be no place for a Senate or a tribunate. The Hobbesian state does not have to be "great" in classical sense for its sovereign's rule to be legitimate. It does not *have* to be victorious in conquests; the sovereign does not *have* to make its citizens proud by erecting monumental buildings, having a vast merchant navy and organising triumphs, exhibiting numerous spoils of war. Success in maintaining peace is enough to make Hobbesian sovereign's rule legitimate – and the same would be true for Cicero, had he argued in favour of magistrates' absolute authority. After all, keeping the citizens safe was the magistrates' primary purpose.

The obvious problem with Hobbes's account, raised by Bramhall and reiterated, among others, by Hampton (1997: 51), is that Hobbes has to leave the decision whether the sovereign acts to protect one's safety or not to every

individual subject. Hobbes's insistence on the subjects' being sovereign on matters pertaining to their self-preservation might lead to large-scale disobedience, unrest and, eventually, civil war. Why did Hobbes discard the collective element of *utilitas* as public security and argue that the subject's decision to disobey had to be based on societal and not personal feelings of jeopardy? This would at least have cut off this line of criticism at its root, whatever its wider dis-benefits. Even as it stands, however, Hobbes's argument contains an answer to this criticism to some extent. Hobbes (1651: 62) argues that in the state of nature

“there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society”.

This introduces a more “public” criterion for a Hobbesian subject to decide whether he is living in a secure commonwealth. The subject's decision, therefore, is not entirely arbitrary because if there is industry, culture, navigation and trade, there must be an underlying state system that is functioning sufficiently well.

It is very important to note that it would be a logical fallacy to assume that this line of reasoning also works the other way around. A Hobbesian subject cannot make a legitimate decision to disobey his sovereign because, for example, commerce is not developed sufficiently. Such an argument is not possible since it would entail a conception of human nature similar to the classical Aristotelian account, by which human beings are primarily defined as sociable and the purpose of the state is also to nurture to their needs that are more extensive and elaborate than the preservation of peace and security alone can satisfy. By contrast, Hobbes's account of human nature entails that human beings are rational, greedy and, most importantly, guided by their urge for self-preservation. Although this makes for havoc in the free-for-all of the state of nature, it also forces them to create the state as a “common Power to keep them all in awe” and, thus, to secure their preservation. (Hobbes, 1651: 62) Even if

Hobbes does not grant human beings sociability, he does grant them the use of reason to find ways of self-preservation. Ultimately, the Hobbesian state is a unique consequence of human nature, not unlike the Aristotelian or the Ciceronian one.

In contrast to Cicero's, Hobbes's subjects evaluate their security individually and not in terms of *societal* security: they have a right to resist the sovereign's orders that might lead to their personal demise. Their decision is not based on evaluating the virtue of the people behind the mask of *civitas* or their proficiency in safeguarding *res publica*. Instead, it is an individual decision guided by a personal feeling of safety and in Chapter 21, Hobbes (1651: 112) discusses a number of such situations, ranging from disobeying the sovereign's order to hurt oneself to advocating the right of "men of feminine courage" to refuse to fight in a war. None of these situations entails evaluating the sovereign's fitness to rule. Cicero, however, argues that the decision about the state of *res publica* should be put in the hands of the *boni* (also known as the *optimates*), the members of Roman aristocracy. (Pina Polo, 2006: 75) They are the ones who are, according to Cicero, fit to decide whether a magistrate is a virtuous and just ruler, worthy of sustaining *persona civitatis*.

In this regard, Hobbes's account deviates from its Ciceronian roots. For Hobbes, there is no collective idea of common good outside the idea of state. *Res publica* is *civitas*; public affairs are equated with the state and the underlying sovereignty. The only way a subject can evaluate the performance of his sovereign is by establishing whether the sovereign's actions are violating *his* right to self-preservation. In contrast to Cicero's *boni*, the Hobbesian sovereign alone and not the subject is the "judge of what is necessary for the Peace and Defence of [the] Subjects". (Hobbes, 1651: 102) A Hobbesian subject cannot be the judge of means of enforcing peace; he can only be the judge of the sovereign's efficiency in reaching the goal of keeping *him* safe. If it were otherwise, he would have (at least partial) sovereignty, which would be in conflict with the indivisibility of sovereignty, one of the main principles of Hobbes's theory. The Hobbesian sovereign is thus an equivalent of a Ciceronian magistrate with full sovereignty. The sovereign also sustains the *persona civitatis*, but, since she is not the head of a Ciceronian republic or a mixed constitution of any sort, her prerogatives are not limited in any way.

Cicero's view, on the other hand, can be traced back to Polybius's accounts of Roman republic and mixed government laid out in the fourth chapter of his *Histories*. Polybius, reiterating the ancient Greek accounts of the factors that cause states' decay, (Walbank, 2002: 200) argues that the primary cause of the stability and imperial power of the Roman state of his day was its mixed constitution. Asmis (2005: 377) compares Polybius's and Cicero's accounts and argues that Cicero takes Polybius's praise of the Roman constitution to the next level, as he "elevates the Roman constitution above the constitution of any other state as the single best constitution". According to Asmis (2004: 570), in his account of the best form of government, Cicero had in mind a special kind of mixed constitution based on a "distinctively Roman conception of partnership." This partnership presupposes that the responsibility for securing and advancing *res publica* is shared between different social groups and that the resulting *utilitas* should be shared between them according to their contribution (Asmis, 2004: 598-599). Cicero's *persona civitatis*, therefore, is not a mask of absolute power, although the persons behind it have a greater share in this partnership and are, therefore, more powerful than the citizens – their partners that are in front of the mask.

Hobbes (1651: 172) explicitly argues against the idea of a mixed constitution and suggests that there can be no mixed government: "all Governments, which men are bound to obey, are Simple, and Absolute." Therefore, Hobbes (1651: 172) considers himself amongst a "few [that] perceive, that such government, is not government, but division of the Common-wealth into three Factions, and call it mixt Monarchy". In contrast to Cicero's account, Hobbes's *persona civitatis* is a *persona* of absolute authority. Behind it there is the sovereign who rules with singular will. Hobbes openly criticizes Cicero's views in Chapter 21 of *Leviathan*. This chapter deals with the idea of liberty and Hobbes argues that there are two kinds of liberty: the liberty of subjects and the liberty of sovereigns. According to Hobbes, classical authors such as Aristotle and Cicero were wrong to confuse private with public liberty and to prefer republican and democratic states to monarchies because, as they would argue, the latter are deficient in terms of liberty. Regardless of the form of government, Hobbes (1651: 110) argues, every sovereign state possesses the full scope of liberty: "Whether a Commonwealth be Monarchicall, or Popular,

the Freedome is still the same.” Therefore, when we speak about the freedom of Athenians or Romans, we think about “free Common-wealths: not that any particular men had the Libertie to resist their own Representative; but that their Representative had the Libertie to resist, or invade other people.” (Hobbes, 1651: 110)

Hobbes is pointing out here that there are two aspects of the liberty of a state. Both of these aspects amount to sovereignty, or, more specifically, the sovereign’s right (and ability) to impose the laws on her subjects (internal sovereignty) and to interact with other sovereigns representing their countries (external sovereignty). For Hobbes, a state can serve its purpose only if its sovereign has unlimited and effective power. Therefore, one of the main causes that “tend to the dissolution of a Common-wealth” is a sovereign being “*content with lesse Power, than to the Peace, and defence of the Common-wealth is necessarily required*”. (Hobbes, 1651: 167) A state’s sovereignty is also severely lacking if the sovereign authority is divided between different persons or institutions, “[f]or what is it to divide the Power of a Common-wealth, but to Dissolve it.” (Hobbes, 1651: 170) Division of power leads to instability and that is precisely what Hobbes (1651: 168) has in mind when criticising Cicero’s account of the optimal form of government:

“For whereas the stile of the antient Roman Common-wealth, was, *The Senate, and People of Rome*; neither Senate, nor People pretended to the whole Power; which first caused the seditions, of *Tiberius Gracchus, Caius Gracchus, Lucius Saturninus*, and others; and afterwards the warres between the Senate and the People, under *Marius and Sylla*; and again under *Pompey and Caesar*, to the Extinction of their Democracy, and the setting up of Monarchy.”

Hobbes argues that if we want to preserve the stability of a state, we should not allow any traces of popular sovereignty. This is why he defines individual liberty negatively, as liberty under a sovereign’s laws. The subjects, as bearers of such a liberty, are free to make decisions on everything that has not been regulated, or, in Hobbes’s words (1651: 113), their liberties “depend on the Silence of the Law”. The subjects should not be deceived by the classical idea that their liberty is aimed at “controlling the actions of their Sovereigns” (Hobbes, 1651: 111). The Hobbesian state is clearly not a republic, or, as

Hobbes refers to it, a “popular state”. Reading “Aristotle, Cicero, and other men, Greeks and Romanes” is dangerous, since it leads to confusing the “Publique” liberty that belongs to the sovereign with the subjects’ private liberties. (Hobbes, 1651: 110) Since legislation is a part of public liberty and Hobbes defines the subjects’ liberty negatively in relation to the laws, we can see how stark Hobbes’s differentiation between public and private liberty is. Hobbes believes that it is crucial for the safety of the subjects that sovereignty is indivisible. In contrast to the ancient Romans, who “shared amongst them the Sovereignty of Rome”, Hobbesian subjects should refrain from making claims to sovereignty because doing so leads to “the effusion of so much blood” through civil wars and falling back to the state of nature (Hobbes, 1651: 110-111) In order to avoid such a state, unlike Cicero’s citizens, Hobbes’s subjects have agreed not to exercise any sort of influence on their state’s legislation and have, by making an

“Artificiall Man, which we call a Common-wealth [...] also [...] made Artificiall Chains, called *Civill Lawes*, which they themselves, by mutuall covenants, have fastned at one end, to the lips of that Man, or Assembly, to whom they have given the Sovereigne Power; and at the other end to their own Ears.” (Hobbes, 1651: 108-109)

The fact that Hobbes talks about slavery when discussing liberty is not a sign of novelty in Hobbes’s approach. As Skinner (2004: 207) argues, quoting Cicero, slavery was commonly used as a metaphor to describe “the condition of political liberty” throughout classical sources, such as Livy’s history of Rome. Cicero is no exception as he notes in *De Officiis* that preservation of liberty depends on the citizens being “prepared to act ‘as slaves to the public interest’ [*communi utilitati serviatur*].” (Skinner, 2004: 207) Since Hobbes reconceptualises *res publica* as *civitas* and, effectively, subsumes the former under the latter, Cicero’s classical underlying notion of the public interest (*utilitas*) also gets remodelled within the conceptual foundations of the Hobbesian commonwealth. As a consequence, unlike Cicero’s citizens, Hobbesian subjects effectively and inevitably serve the sovereign if they protect the public good. Internalisation of *res publica* within *civitas* leaves the citizens

without an external reference point for establishing whether their sovereign's rule is legitimate. The only criterion that they are left with is based on establishing whether their ruler has effective sovereignty, i.e. sufficient power to guarantee their personal safety. Since for Hobbes the difference between the state of nature and civil society amounts to the existence of a sovereign with effective monopoly of force and since the same criterion defines the Hobbesian state, a Hobbes's subject can deem the sovereign's rule as illegitimate only when it is ineffective or defying its own purpose by jeopardizing his safety. In both cases, from the subject's personal perspective, the rule is illegitimate only when the ruler cannot guarantee that subject's personal safety.

Hobbes and Cicero on *persona* and the distinction between natural and civil law

Hobbes's reinterpretation of *res publica* as *civitas* parallels a similar shift in the relationship between natural and civil law. This relationship is especially significant because, in Hobbes's theory, natural and civil law delimit the contexts in which the idea of a person is realised. Hobbes's natural person corresponds to Cicero's universal and individual kinds of human personhood, as neither of these ideas requires a civil context. Unlike those *personae* that describe one's standing and vocation, neither Cicero's universal nor Cicero's individual *persona* requires the existence of a society. The same applies to Hobbes's idea of a self-representing natural person. Also, on both authors' accounts, one does not need to be a member of society to know the rules that are prescribed by natural law; one need only be a rational human being. As I will argue, the difference between the two accounts arises from the fact that Cicero's notions of *ius* and *lex naturalis* are broader than Hobbes's. Unlike their Hobbesian equivalents, they serve as a criterion for determining the scope of sovereign's duties and one's right to confront the sovereign. This criterion is more substantive than Hobbes's account of the basic natural law of self-preservation.

Hobbes (1651: 64) distinguishes between the right of nature and a law of nature, arguing that "Law, and Right, differ as much, as Obligation, and Liberty". For him, a law of nature (*lex naturalis*) is "a Precept, or generall Rule,

found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved.” The right of nature (*ius naturale*), on the other hand, “is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto.” (Hobbes, 1651: 64) Such a view is different from Cicero’s (1999b: 111) classical and seemingly more “integrated” account by which “law is judgment, the effect of which is such as to order people to behave rightly and forbid them to do wrong”. However, the natural right and the fundamental law of nature come together in what Hobbes (1651: 64) calls “a general rule of Reason”: “*That every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre*”.

These passages from *Leviathan* are revealing of the relationship between *ius* and *lex* in Hobbes’s theory. For Hobbes the right of nature (*ius naturale*) precedes the natural law (*lex naturalis*). He argues that “RIGHT, consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them”. (Hobbes, 1651: 64) Cicero (1999b: 110), on the other hand, thinks of *ius* as derived from *lex naturalis*: “the beginning of justice [*ius*] is to be sought in law [*lex*]: law is a power of nature, it is the mind and reason of the prudent man, it distinguishes justice and injustice.” Although Cicero distinguishes between natural and civil *lex*, he argues that there is only one, natural, *ius*: “There is only one justice, which constitutes the bond among humans, and which was established by the one law, which is right reason in commands and prohibitions. [...] [T]here is no justice at all if it is not by nature.” (Cicero, 1999b: 120-121) In contrast to this, Hobbes establishes a notion of civil *ius* (either as justice or as right), along with civil *lex*. Justice that is contextualised within the Hobbesian state flows from the sovereignty exercised by law and not *vice versa*: “[w]here there is no common Power, there is no Law: where no Law, no Injustice”. (Hobbes, 1651: 63) Similarly to liberty, justice is defined negatively, as non-injustice: [a]nd the definition of INIUSTICE, is no other than *the not Performance of Covenant*. And whatsoever is not Unjust, is Just”. (Hobbes,

1651: 71) Therefore, anything that breaks the social contract breaks the foundations of the state and it is considered unjust. Hobbes's notion of justice is therefore much less substantive than Cicero's. In contrast to Cicero's account, neither Hobbes's natural law nor justice can tell us anything about our *personae*. For Cicero both our social roles and our duties to play them in a certain way are defined by natural law and justice: "we must so act as not to oppose the universal laws of human nature, but while safeguarding those, to follow the bent of our particular nature". (Cicero, 1913: 113) While Cicero's *personae* are defined by nature, Hobbesian personation begins only within the state. In other words, for Cicero the network of various social roles exists independently of the state while for Hobbes society comes after the state.

When we consider natural and civil notions of *lex* and *ius*, we can see that, except for the distinct notion of *ius civile*, Hobbes's theoretical framework consists of the exact same elements as Cicero's. Both authors recognise the distinction between law and right or justice, as well as the distinction between natural and civil notions of the term(s). Hobbes, however, could have never approved of a standard more substantial than the one amounting to basic self-preservation. Any standard running from the state of nature into civil society must be simple enough and formulated in a way that would reinforce the stability of the state as well as the sovereign's efforts in maintaining peace and order. Cicero's notions of *ius* and *lex naturalis* are far from that. For Cicero a tyrant is somebody who steps out of his duties and does not rule according to *ius* and *lex naturalis*. Consequentially, unjust is every form of government that does not conform to these natural principles.

On the other hand, Hobbes's account of the sovereign as an unconstrained actor behind the *persona civitatis* depends on discarding any expanded concept of natural law as well as any account of natural justice whatsoever. The sovereign therefore cannot be considered unjust, as she, unlike Cicero's magistrate, is not bound by natural justice to act in a certain way. In contrast to Cicero's *persona* as a duty, Hobbes's *persona civitatis* is a licence for unrestrained authority. And her civil law is a wider and more elaborate set of rules than the natural law. Therefore, Cicero's classical account by which natural law is a broader concept than its civil counterpart was radically changed. Cicero (1999b: 111) argues that "we must embrace the whole subject of

universal justice and law, so that what we call ‘civil law’ will be limited to a small and narrow area.” Hobbes’s stripping down of natural law to “a general rule of Reason”, therefore, served at least a threefold purpose: 1) it simplified the relationship between the individual subjects and the sovereign by avoiding potential disputes about the exact contents of the natural law; 2) it deprived any claim to illegitimacy of its power, unless it was based on a predominant feeling of insecurity; 3) it kept Hobbes’s terminology within the boundaries of a familiar and well-established classical natural law tradition that was often an important part of the arguments made by the proponents of popular sovereignty. In doing so, Hobbes remodelled Cicero’s concept of *persona*, situated it within the civil context and relieved it of any ethical connotation.

To the same ends and to same effect Hobbes did away with the notion of a universal *ius* that was common to both state of nature and civil society: “[w]here there is no common Power, there is no Law: where no Law, no Injustice”. (Hobbes, 1651: 63) He effectively dismantled the rather ambiguous classical notion of universal *ius*, built his reduced account of “*jus naturale*” as the right to self-preservation and connected it to the matching conception of natural law. Hobbes was especially hostile to Hugo Grotius’s interpretation of Cicero’s notion of natural law as involving consent. Although he did agree with general Scholastic argument according to which reason is sufficient for grasping the precepts of natural law, Hobbes managed to turn this argument towards different consequences. Hobbes presented his argument in a way that asserted the absolute and, contrary to Cicero and Grotius, non-lexical priority of self-preservation over other laws of nature (Parkin, 1999: 59). Jonathan Parkin (1999: 68) emphasises such a priority in Hobbes’s account by noting that: “[a]lthough Hobbes conceded that reason could suggest natural laws to man, there was no sense in which individuals were obliged to obey such laws when their own self-preservation was at stake.” Strictly speaking, for Hobbes “those which we call the Laws of Nature” are not laws in the primary sense of the word, as they are not “command[s] of the superior”. (Parkin, 1999: 68) Consequently, the other, more substantial elements of natural *ius* and *lex* (such as equity or virtue) were shifted to become the legitimate consequences of the civil law as the expression of the sovereign’s will:

“[f]or in the differences of private men, to declare, what is Equity, what is Justice, and what is morall Vertue, and to make them binding, there is need of the Ordinances of Sovereign Power, and Punishments to be ordained for such as shall break them; which Ordinances are therefore part of the Civill Law.”
(Hobbes, 1651: 138)

For Hobbes, as we can see, the classical account by which what is unnatural is automatically unjust, illegal or unethical cannot stand. Since Hobbes dissolves the classical connection between human nature, society and ethics, personation in his account receives a new, civil, gloss. Instead of being set up by natural law or justice, the limits of social roleplaying are thus imposed through civil legislation. In other words, instead of it being derived from and subjected to natural principles, personation is regulated by the sovereign’s will. In all the matters except those concerning individual self-preservation, the person playing the supreme civil role sets the rules for all the other actors in the commonwealth.

Apart from discarding the concept of a universal *ius*, Hobbes (1651: 64, 150) also made an attempt at providing a clearer distinction between *lex* and *ius* and argued that the two terms are as “different as *Obligation* and *Liberty*”. This is far from unwarranted. Hobbes’s very notion of *persona civitatis* depends on this distinction. Hobbesian *persona civitatis* gives absolute liberty to its bearer and imposes obligations on those who accept this person as their sovereign representative. Confusing obligation with liberty should therefore be avoided at all costs as it blurs the line between sovereignty and subjecthood. Furthermore, there are a large number of potential points of dispute regarding Cicero’s account of law and the exact way in which he distinguishes civil from natural law.³¹ This particular distinction is also important for Hobbes’s account as he aims to conceptualise personation in terms of civil and not natural law. The search for a clear (or clearer) conceptual differentiation becomes even more complicated if we have in mind that for Cicero, as for many other ancient Roman authors, *ius* can be used interchangeably with *lex* in certain contexts and that a *lex* is *ius*, or that is at least supposed to be in accordance with it. For

³¹ It should be noted that the notion of *ius gentium* is far from being excluded from such debates. As James Luther Adams (1945: 114) argues, “[t]he theoretical conception of *ius gentium* tended to become fused with the philosophical conception of *ius naturale*. This fusion was never universally accepted, nor did it remain stable”.

example, James E. G. Zetzel (1999: xl) notes in his translation of Cicero's *De Re Publica* and *De Legibus* that:

“[t]he range of meanings of *ius* (from which are derived *iustus*, “just,” *iustitia*, “justice,” and *iniuria*, “wrong, injury, crime”) is far broader than that of *lex*. The two words are in some contexts equivalent: almost all *leges* are *iura*, but the converse is not true.”

On the other hand, apart from one particular instance,

“[i]n these two works, *lex* has a single very specific meaning which is significantly extended in one important respect. A *lex* in *On the Commonwealth* and *On the Laws* is a written rule approved by a body (or person) with the constitutional right to make such rules, that is, a statute or set of statutes.”
(Zetzel, 1999: xxxix)

The array of potential difficulties does not end with the fact that for Cicero a *lex* (or, at least, a good *lex*) corresponds with at least one of the contexts in which he uses the term *ius*. We can see how the line dividing the two concepts can become even more blurry if we take into account the development of the idea of natural law during the Middle Ages. As State (1991: 154) notes:

“the incorporation of Roman law into Medieval European legal usage also gave rise to certain peculiarities in terminology. Lawyers before 1500 (the so-called Glossators of the Justinian Code) referred to Roman Law as *ius civile* but took it to be the embodiment of reason and hence coextensive with natural law. After 1500 lawyers (the Post-Glossators or Bartolists) tended to treat Roman Law as merely civil law and hence something which was transcended by natural law proper.”

The haziness of the line that distinguishes Cicero's account of natural law from his notion of civil law (especially in the case of *ius naturale* and *lex civilis*) is present even in contemporary debates on the subject. For example, Elizabeth Asmis (2008: 2) summarises three different approaches regarding Cicero's views on natural and civil law:

“First, it has traditionally been thought that Cicero takes a Platonic view of his code of laws as an imitation or approximation of natural law. A second, related interpretation is that Cicero regards his laws as an embodiment or actualization of natural law. In recent decades, a third interpretation has become prominent. This is the view, first proposed by Klaus Girardet, that Cicero regards his laws as identical with natural law.”

Although there are many more similar examples, it is not my intention here to discuss the evolution of the ideas surrounding the concept of (natural) law. Instead, I would like to point out that there is a long history of conceptual ambiguity surrounding the notions of *ius* and *lex*, in both civil and natural contexts, and to stress that even in contemporary literature we can see continuing efforts are being made at disambiguation.

Unravelling this knot was particularly salient for Hobbes’s account of personhood. If Hobbes wanted to situate *persona* within a civil context he needed to uproot it from its origins in natural law and justice. This task would be impossible if the natural and civil notions of *ius* and *lex* remained intertwined. Furthermore, if Hobbes aimed at conceptualising *persona civitatis* as delimiting the sovereign’s absolute liberties from the subjects’ obligations, he required a clear distinction between *lex* and *ius*.

Hobbes seems to be fully aware of this (for his time very important) confusion and he notes in *Leviathan* that he:

“find[s] the words *Lex Civilis*, and *Jus Civile*, that is to say, *Law* and *Right Civil*, promiscuously used for the same thing, even in the most learned Authors; which nevertheesse ought not to be so. For *Right* is *Liberty*, namely that Liberty which the Civil Law leaves us: But *Civill Law* is an *Obligation*; and takes from us the Liberty which the Law of Nature gave us.” (Hobbes, 1651: 150)

His objection to the authors who confuse *lex* with *ius* is not limited to cases when the two terms are predicated with “civil”, but it also encompasses their “natural” counterparts. Hobbes presents this objection immediately after defining *lex naturalis*:

“A LAW OF NATURE, (*Lex Naturalis*,) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of

his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound *Jus*, and *Lex*, *Right* and *Law*; yet they ought to be distinguished". (Hobbes, 1651: 64)

In both cases Hobbes (1651: 64, 150) concludes that: "*Lex* and *Jus*, are as different as *Obligation* and *Liberty*." And for Hobbes the notion of law is centred around self-preservation and, as Richard Tuck (1979: 120) notes, "obligation is ultimately a matter of self-interest".

The distinction between "*lex*" and "*ius*" as "obligation" and "liberty" provides the framework for Hobbes's understanding of personation. Unlike Cicero, Hobbes does not believe that bearing a certain *persona* is a matter of duty. For him personation as something other than natural self-representation is made possible only within the safe haven of a legal system. And although laws impose obligation on us not to assume certain social roles, their silence leaves us at liberty to put on a myriad of different *personae*. The very fact that we are forbidden to put on the illegal *personae* (such as the *personae* of rebels or criminals) enables us to live in peace that, in turn, gives us an opportunity to become philosophers, scientists, artists or to express ourselves by bearing any other kind of *persona* that is not harmful to others. It is, therefore, civil law (or obligation) that both limits and enables personation. In this sense personation is an expression of *ius* (liberty), as it is both sustained by *lex* (obligation) and expressed in its absence. This model applies to the subjects and their sovereign alike. Within the same (civil) context, the subjects' choice of *personae* is understood in terms of civil law and civil liberty, while the *persona civitatis* symbolises the sovereign's absolute natural liberty that is realised in the absence of effective natural obligations other than self-preservation.

Not unlike his account of personation and representation,³² Hobbes's attempt at the conceptual disentanglement of *lex* and *ius* was intended as a move against the Parliamentarian writers, the majority of whom "appeal to something they call law". (Allen, 1938: 458) And as John Allen (1938: 458) argues, "this word [...] was used in different senses and often very ambiguously." These meanings ranged from the law of reason to the

³² On this point see Skinner, 2005.

fundamental law. Nevertheless, we can safely put the discussion about the ambiguity of particular accounts aside, since it is quite clear what was the primary purpose of these notions of law(s) – the Parliamentary writers wanted to demonstrate that there was law (*lex*) or right (as in *ius* or *Recht*) outside the sovereign's *majestas*. Locating its exact place was, of course, pertinent to each individual theory, but it was of secondary importance for a generalised critique of the Parliamentary project as a whole. And it was precisely this general project that Hobbes launched with his comparably broad remarks on the way some of his contemporaries were using the terms *ius* and *lex*.

As Tuck (1979: 120) and Parkin (2007: 30-31) demonstrate, Hobbes's argument from *Leviathan* was influenced by Dudley Digges's reading of *Elements of Law* that emphasised the distinction between *ius* and *lex*. Digges's derived his argument from Hobbes's earlier piece and put it forward against Henry Parker, a famous Parliamentary pamphleteer who during 1640s moulded his attack on Royalists around a notion of natural law by which "the origins of power lay in the people". (Parkin, 2007: 27) However, it is very important to stress that Hobbes's attack was primarily aimed at the problem located *within* the classical foundations of the Parliamentary argument, rather than its superstructure. Hobbes discovered that there were fundamental problems with the account manifested both in the classical view of liberty and in the ancient Roman relationship between *lex* and *ius* that, in his view necessarily, led to political instability. This problem was inherited along with the classical doctrines of which it was a part, as Hobbes was quick to observe. He suggested that: "by reading of these Greek, and Latine Authors, men from their childhood have gotten a habit (under a false shew of Liberty,) of favouring tumults" and argues that "there was never any thing so deerly bought, as these Western parts have bought the learning of the Greek and Latine tongues". (Hobbes, 1651: 111)

The conceptual ambiguity of the terms *lex* and *ius* came from the way the Stoic ideas of natural law and justice were incorporated into the Roman political and legal thought. These ideas introduced a new source of law to the Roman legal system, a source of law that was often in conflict with the existing *ius civile* and *ius honorarium*. (Mousourakis, 2007: 121) Slavery is perhaps the most illustrative example since it shows how an idea that is contrary to natural

law was “still perceived as perfectly justified and legal.” (Mousourakis, 2007: 125) The Roman jurists chose not to grant natural law supremacy over the civil law. As Georgos Mousourakis (2007: 124) argues, “Cicero’s and the Stoics’ philosophical views on the ideal law or the ultimate nature of justice apparently had no profound effect on the way the Roman jurists executed their traditional tasks.”³³ Instead, they used the term “nature” to predicate existing legal practices, so “[t]hey developed the content of *natura* in close connection with the practical aspects of legal life and always in response to concrete needs and problems emerging from actual cases.” (Mousourakis, 2007: 124)

Cicero’s theory is also, although in a limited sense, indicative of such an approach. In the considerably fragmented fifth book of *De Re Publica*, Cicero discusses the importance of practical experience for a leader (*rector*). He argues that “the leader we are talking about will have been eager to learn about justice and laws and will have given close attention to their sources”. (Cicero, 1999a: 88) It is worth noticing that the *rector*’s knowledge of justice and laws should not be derived from the analysis of their (natural and universal) sources. Cicero’s *rector rerum publicarum* is far from Plato’s philosopher – instead of being eager to know their universal foundations (and derive the particular laws from them), he should be primarily interested in the current notions of justice and law and their practical uses. Cicero’s (1999a: 88) book five of *De Re Publica* is also revealing of the particularistic understanding of different kinds of *naturae*, as he describes an “overseer” who “knows the nature of the land” [*naturam agri novit*]. This is similar to the accounts of Roman jurists’ for whom “the postulates of nature did not emanate from metaphysical speculation” and who “alluded to the nature of an obligation (*natura obligationis*), the nature of a contract (*natura contractus*) and such like.” (Mousourakis, 2007: 124)

There are some striking similarities between Hobbes’s strategy and the Roman jurists’ approach. Firstly, they are both tackling the same legal and political question (whether a factor external to civil law should be allowed

³³ Even the presentation of Stoic ideas by the Roman authors such as Cicero is not completely unproblematic. Schmitt (2003: 342) argues that much of the confusion comes with the translation of Ancient Greek terms into Latin: “Cicero translated the word *nomos* as *lex*. *Lex* belongs completely to the world of Roman law. But the consequences of this fusion with a Roman legal concept are still with us. A first-rate expert, the Spanish Romanist Alvaro D’Ors, rightly stated that the translation of *nomos* with *lex* is one of the heaviest burdens that the conceptual and linguistic culture of the Occident has had to bear.”

supremacy over it) that is originating from an acknowledged philosophical tradition (stoicism and, in Hobbes's case, the natural law tradition) and, finally, they are offering the same, negative, answer. Secondly, Hobbes and the Roman jurists are tackling this issue in a similar manner, by taking aboard the idea of naturalness and then reconceptualising it in a way that will underline rather than undermine the civil law.³⁴ Roman jurists' strategy turned *ius naturale* into *ius gentium*, while Hobbes's argument disarmed the universal *ius* of anything that goes beyond self-preservation and constrained these substantive elements in the domain of civil *ius* and *lex*. Obviously, unlike Hobbes's theory, Roman legal practice was far from systematic in its use of natural law, which led to this concept becoming more ambiguous. Mousourakis (2007: 122) suggests something similar: "the assumed connection between *ius gentium* and *ius naturale* is far from clear as no generally accepted definition of natural law is revealed in juridical literature. Further, the meaning of the term appears to vary depending on the perspective adopted for its contemplation." This fundamental ambiguity, as I have suggested, was still present in Hobbes's time.

Undoubtedly, Hobbes had recognised that the way in which some of his contemporaries were using the terms *ius* and *lex* was both theoretically problematic and politically unsettling. However, his strategy was different from the Roman one in one very important aspect. In *Leviathan* he openly criticises the classical approach that takes into account practices and not "Principles of Nature" in justifying rights (*jura*):

"In these westerne parts of the world, we are made to receive our opinions concerning the Institution, and Rights of Common-wealths, from *Aristotle*, *Cicero*, and other men, Greeks and Romanes, that living under Popular States, derived those Rights,³⁵ not from the Principles of Nature, but transcribed them into their books, out of the Practise of their own Common-wealths, which were Popular; as the Grammarians describe the Rules of Language, out of the Practise of the time; or the Rules of Poetry, out of the Poems of *Homer* and *Virgil*." (Hobbes, 1651: 110-111)

³⁴ On Hobbes's accounts of naturalness and artificiality see chapter 4 of this thesis.

³⁵ "*Jura illa*" in Hobbes, 1668: 107.

Hobbes's observation is very interesting. A reader that would follow Hobbes's interpretation would not even need an account of the Roman reception of Stoic ideas to see that there are tensions present even within Cicero's theory. If we read Cicero's *De Re Publica*, *De Officiis*, or *De Legibus*, one of the first things that come to attention is the abundance of historical examples that Cicero offers us. Hobbes seems to suggest that Cicero cannot present a coherent theory of natural law that is derived from a set of accounts of Roman history. Instead, the universality of natural law demands the explanation of such a theory to be derived from correspondingly universal, or "natural" principles. Although Hobbes's critique is undoubtedly true if applied to Cicero's account of the Roman Republic as the universally best kind of (mixed) constitution,³⁶ there is still a possibility that, in the case of natural law, Cicero's strategy was to provide a set of particular practical examples for his universal account of natural law.

Even if Hobbes's critique cannot be applied to Cicero, it should be noted that this criticism stands when pointed at the Roman juristic (re)interpreters of Stoic ideas. On the other hand, Hobbes's approach was much more systematic as it did not rely on applying the prefix "natural" to existing particular (good or desirable) legal or ethical practices, but on an attempt to trim the notions of natural law and natural right of the semantic baggage that the two ideas had accumulated over the centuries. Instead, he derived them from self-preservation as the fundamental axiom. It is interesting to note that such a strategy was also applicable in ancient Rome, since the universal urge for self-preservation was an idea that was famously advocated by the Stoic philosophers as a base for their ethics. As John Sellars (2006: 107-108) notes after analysing a Diogenes Laertius' passage: "[a]ccording to the theory of *oikeiosis* the basic desire or drive in all animals (including human beings) is for self-preservation. The one thing that is most important to us in our own existence and its continuation". Needless to say, Hobbes was very much aware of these and other Stoic ideas – he was even labelled as a Stoic by Bramhall. (Sellars, 2006: 146) This certainly is one of the aspects that make Hobbes's approach quite noteworthy – his

³⁶ For a discussion on the Roman constitution as a model for Cicero's account of the best constitution see Asmis, 2004, and for his use of historical examples in theoretical argumentation see Brinton, 1988.

attempt at solving a significant theoretical difficulty (made important by the potential political consequences of its interpretations) targeted the very foundation of the problem and utilised as a principle what was an agreed datum of all natural law thinking. Instead of engaging in the endless debates about natural law and natural right with his contemporaries, made unwinnable by the ambiguity of the terms, Hobbes turned to resolving this incursion of fundamentally Stoic ideas by stripping them down to a fundamentally Stoic principle.

Conclusion

In this chapter I have endeavoured to analyse the similarities and differences between Hobbes's and Cicero's accounts of personhood and, especially, their notions of the state (*civitas*) as a *persona*. It can be concluded that Hobbes's account matches Cicero's in at least three important aspects. The first is that they share an underlying idea of representation. The second is what seems to be a shared thought that this notion can be best described through a theatrical metaphor of *persona* as a mask. Finally, the third aspect is based on the two authors' shared assumption about *civitas* being an entity separate from the human being who bears its mask. However, Hobbes and Cicero offer different accounts of *civitas* and they seem to construct their accounts of personhood from slightly different perspectives. As Gill (1988: 171) argues, Cicero's develops his ideas about personhood "from a highly social perspective". This is evident since they are dependent on the concept of *decorum* that consists of a set of social standards for proper behaviour. On the other hand, Hobbesian account of personhood is much more reliant on the sovereign state because Hobbes believes that it provides a (legal) framework under which the underlying concept of representation can function. Furthermore, for Hobbes there can be no society outside the state. Cicero's account of personhood demands *decorum* as an ideal to which one should aspire and strive. On the other hand, for Hobbes there is nothing intrinsically valuable in assuming at least one out of many possible social roles, nor is there any rule describing the proper way of bearing such a *persona* that is outside the realm of legality. This also applies to the bearers of *persona civitatis*, as Hobbes's

sovereign, in contrast to Cicero's magistrate, is unconstrained by an ethical account of his duties.

The fact that "bearing" Ciceronian *persona civitatis* denotes a specific duty makes this notion dependent on a number of concepts that describe what such a duty entails. Hobbes's methodological approach led him to borrowing these notions (such as *utilitas*, *salus populi*, *ius* and *lex naturalis*) and modifying them and their mutual relations so that they would completely lose their potency as arguments in favour of seeing the sovereign's authority as limited by his duty to rule in a specific way, institutionally constrained by a mixed constitution or, later on, by popular sovereignty. This is why Hobbes reconceptualised *res publica* as *civitas* and stripped the Ciceronian accounts of *utilitas*, universal *ius* and *lex naturalis* to their counterparts that are based on the notion of self-preservation. Cicero's idea that bearing *persona civitatis* entails behaving in accordance with the independent set of ethical norms was thus radically transformed. Instead of denoting the standards of magistrate's proper behaviour, *persona civitatis* became a licence for absolute authority that subsumes the ethical and the political, *ius* and *lex*, under the sovereign's will.

It is also worth emphasising that Hobbes's account of (natural) law and his attempt at conceptual disentanglement of terms *ius* and *lex* should not be viewed only as an instrument aimed at criticising the Parliamentary authors of his time. This is also a perceptive remark on the ambiguity of the two terms that was introduced along with the juristic and philosophical reception of Stoic ideas in ancient Rome and grew increasingly complicated over the centuries. Hobbes argued in favour of an interpretation of the relationship between natural and civil law, according to which they "contain each other". (Hobbes, 1651: 138) The "Sovereign Power" makes a "proper" law out of a law of nature by enforcing it. Without the state and without being civil laws, these laws "are not properly Lawes, but qualities that dispose men to peace, and to obedience". (Hobbes, 1651: 138) Also, as there is no society outside the state, there can be no social roles for us to play in the state of nature. Therefore, we cannot assume any other *persona* except that of a belligerent, fearful and distrustful self-representing human being. On the other hand, within the civil context we are at liberty (*ius*) to assume any *persona* that is not forbidden by law (*lex*). And within the same context *persona civitatis* enables the sovereign to retain

absolute liberty, constrained neither by civil nor by natural law. Here we see how, like Cicero's, Hobbes's account of personation is immensely influenced by his take on law and justice.

Finally, a common feature of Hobbes's and Cicero's theories is the two authors' belief that the state has an important role in maintaining safety of its citizens. The members of a "*great Multitude*" transfer their authority to the Hobbesian sovereign "*for their Peace and Common Defence*". (Hobbes, 1651: 88) For Cicero, a magistrate is a procurator of *res publica* and his rule can be considered legitimate if he is able to "protect the lives and possessions of citizens under his authority". (Wood, 1988: 136) In both authors' accounts there is a right to disobey the sovereign if she or he is not willing or able to enforce order and security in the state. This is, however, the only place where Hobbes's and Cicero's legitimization formulas coincide. In contrast to the Hobbesian sovereign, in order for a Ciceronian sovereign's rule to be legitimate, he has to satisfy much more substantial demands of natural law and justice.

2. Hobbes's accounts of personhood and representation and their medieval theological and legal background

The medieval elements of Hobbes's account of personhood can roughly be divided into two streams of ideas. The first is related to the medieval development of Christian disputes over the concept of personhood, while the second is related to the medieval legal tradition and the idea of corporate personhood. These two aspects are closely intertwined. *Persona* played a prominent part in Tertullian's account of Holy Trinity, while Innocent IV's discussion on corporate (ir)responsibility for sinful actions blended the two aspects and laid foundations for the legal and political idea of a *persona ficta*. In Hobbes's day they remained conceptually linked in the form of a "corporation sole", a class of legal entities encompassing both the king and a parson. This concept also entailed representation, the idea that had already been made familiar in ecclesiastical circles by covenant theologians.

In the first section of this chapter I will discuss the theological background of Hobbes's account of personhood. As I will try to demonstrate, the layout of Hobbes's account of theological personhood leans upon a long tradition that started with Boethius and that was further developed during scholasticism. On the other hand, as George Wright shows, Tertullian's account of Trinity and his theory of divine corporeality are at the core of Hobbes's theological argument. This element is supplemented by Hobbes's account of representation which itself is strongly influenced by covenant theology. In this section I aim to show that there are significant similarities between the way in which Hobbes presents his theological account of personhood and the way in which Boethius offers what has become a classical Christian definition of a person. Finally, I will turn to discussing the theological aspects of Hobbes's account of representation.

In the second section of this chapter I will focus on the relationship between the influences of medieval legal tradition and Hobbes's account of corporate personhood. This section will consist of three parts, each dealing with a specific aspect of Hobbes's theory of corporations, from its contemporary

interpretations to its medieval roots. I will start with an analysis of recent interpretations that deal with the relationship between Hobbes and the theory of *persona ficta*. After that I will give an overview of Hobbes's own account laid out in *Elements of Law*, *De Cive* and *Leviathan* and compare it with the legal theory of Sir Edward Coke, probably the most prominent common lawyer of all times. (Cromartie, 1999: 84) Finally, I will discuss the applicability of two medieval notions (*persona ficta* and *persona repraesentata*) as models descriptive of Hobbes's theory. By discussing these three aspects I aim to follow Hobbes's theory of incorporation from its contemporary interpretations to its medieval foundations. In conclusion, I will show that the usual interpretation of Hobbes's theory as derived from the theory of *persona ficta* is in a number of ways contradictory to Hobbes's project and that it does not take into consideration a range of novel ideas Hobbes had introduced. On the other hand, I will try to demonstrate that the idea of *persona repraesentata*, developed by the legal school of Orléans in the 13th century, could explain an important element of Hobbes's account of group personality better than the theory of *persona ficta* does.

Theological background of Hobbes's account of personhood

The story of the evolution of the theological idea of personhood is long and complex. The classical theological notion of this concept can be traced back to Tertullian. Tertullian coined the Latin term "Trinity" and conceptualised it as "one substance, three persons". Wright (2006) examines the influence of Tertullian's ideas about "the Economic Trinity" on Hobbes's account. As Wright (2006: 198) demonstrates, besides *Leviathan*, "Hobbes also discussed his doctrine of the Trinity at length in *Answer to Bishop Bramhall*, briefly in *An Historical Narration* and *The Questions concerning Liberty, Necessity and Choice* and once in *Behemoth*." He notes that Tertullian "defend[s] the separate personality of the Son (and Holy Spirit) as distinct from the Father as person, though not as substance: the two constituted not one person (*unus*) but one substance (*unum*), distinguished not in essence (*statu*) but by grade or dignity (*gradu*)." (Wright, 2006: 187) Tertullian's conception of the Trinity, along with his account of God's corporeality, was incorporated into Hobbes's theology and

political theory and “[i]t seems more likely than not that he knew of Tertullian in 1651 and that he may have already espoused the corporeality of God in an exchange with Descartes”. (Wright, 2006: 188)

Tertullian’s account of holy personhood, however, was neither the only such conception, nor the dominant one. The second, later, and more dominant tradition was heavily influenced by Hellenic philosophy. As Wright (2006: 183) argues, “[o]ne result of the church’s encounter with the world of classical antiquity was the development of ‘natural theology,’ found for example in the work of the three Cappadocian Fathers, Basil of Caesarea, Gregory of Nazianzus and Gregory of Nyssa.” Basil, therefore, (re)interpreted the idea of Trinity in Greek philosophical terms as “one being or essence (*ousia*, οὐσία), three hypostases (ὑπόστασις)”. The problem of understanding these concepts properly was far from resolved in the Latin world. Although Augustine was uncertain about the differences between *ousia* and *hypostasis* (Lancel, 2002: 379), he favoured the term *essentia*³⁷ and Latinised the Greek formula into “one essence (*essentia*), three substances (*substantiae*)”. This was, according to Stephen Brown (1999: 276), an attempt at providing a translation that was more likely to resist Marius Victorinus’s modalist³⁸ interpretation of Basil’s formula. The return to Tertullian’s account was also unlikely. As Eric Osborn (2003: 138) argues, “[a]fter Tertullian, *persona* has a ragged history. Marius Victorinus does not use it in his account of the trinity. Hilary and Ambrose tell us little. Even Augustine is less than lucid on trinitarian usage.” Moreover, Tertullian’s conception of the Trinity, not unlike Hobbes’s, was criticised for subordinationism.³⁹ (Wright, 2006: 186; Osborn, 2003: 133-136)

Reintroduction of the idea of divine personhood came with Boethius, a theologian who, like Basil and Augustine, followed the doctrine of Trinity that was influenced by Hellenic philosophical concepts. In his *Treatise against Eutyches and Nestorius (Liber contra Eutychen et Nestorivm)*, Boethius (1918:

³⁷ And thus escaped the absurdness of defining the Trinity as “one essence, three essences”. (Lancel, 2002: 379)

³⁸ Modalism, monarchianism or Sabellianism, is an account that argues that the Father, the Son and the Holy Spirit are three consecutive modes of God’s existence. This view “exaggerate[s] the oneness of the Father and the Son” and reduces the Trinity to a single Person. (Chapman, 1907; Hamel, 2003a)

³⁹ Subordinationism teaches that the Son and the Holy Spirit are subordinate to God the Father. (Hamel, 2003b)

91) argues that *hypostasis* should be translated as “substance”, as the triune God has unique subsistence but three separate substances and three respective persons. Boethius’s account is significant as it reintroduces the idea of divine personhood: “there is one [*ousia*] or [*ousiosis*], i.e. one essence or subsistence of the Godhead, but three [*hypostases*] or substances. And indeed, following this use, men have spoken of One essence, three substances and three persons of the Godhead.”⁴⁰ (Boethius, 1918: 91) Along with this formula, Boethius had offered the definition of a person that became authoritative in Latin Christianity and was extensively commented on by Thomas Aquinas. (Emery, 2007: 104-107)

As Wright (2006: 183) rightly points out, Hobbes opposed this entire tradition. It is clearly so, as Hobbes’s mechanism and corporealism is in stark contrast to Boethius’s (1918: 9) notions of “the Divine Substance” as being “without either matter or motion”. More specifically, Hobbes is notorious for criticising the scholastic introduction of Aristotelian ideas, both in science and religion. In *Leviathan* Hobbes (1651: 59) accuses “the Schoole-men” of “bringing of the Philosophy, and doctrine of *Aristotle* into Religion”, “from whence there arose so many contradictions, and absurdities”.

However, although Wright convincingly argues that Hobbes’s theology bears uncanny similarities to Tertullian’s, there is more to be said about Hobbes’s presentation of the argument. Cees Leijenhorst (2002: 171-172) notes that “despite Hobbes’s mechanistic approach, Hobbes was still prepared to employ a classical vocabulary, and engage in scholastic debates”. The same can be argued regarding his treatment of theological concepts. Even though Hobbes was a sharp critic of “the Schoole-men”, he was attacking the scholastic position on its own terms, both terminologically and, as we will see, by framing his arguments in patterns that had been long established by the philosophers and theologians influenced by the Hellenic heritage and reinforced by the scholastic writers.

In his *Treatise Against Eutyches and Nestorius*, Boethius offers his classical discussion of the concept of person. It is striking that the structure of

⁴⁰ “Vnde etiam dicimus unam esse [*ousian*] uel [*ousiosin*], id est essentiam uel subsistentiam deitatis, sed tres [*hupostaseis*], id est tres substantias. Et quidem secundum hunc modum dixere unam trinitatis essentiam, tres substantias tresque personas.” (Boethius, 1918: 90)

Hobbes's argument in *Leviathan*, repeated in his reply to Bramhall, echoes the structure of the argument put forward by Boethius. Firstly, both authors' exposition encompasses the etymology of the word *persona* as designating a theatrical mask:

“The word Person is latine[.] [*P*]ersona in latine signifies the *disguise*, or *outward appearance of a man*, counterfeited on the Stage; and somtimes more particularly that part of it, which disguiseth the face, as a Mask or Visard.” (Hobbes, 1651: 80)

“[T]he word person seems to be borrowed from a different source, namely from the masks which in comedies and tragedies used to signify the different subjects of representation. Now *persona* “mask” is derived from *personare*, with a circumflex on the penultimate.”⁴¹ (Boethius, 1918: 85, 87)

This etymological analysis is not the only similarity between Hobbes's and Boethius's views. They both emphasise that “πρόσωπον” (*prosopon*) is the Greek translation of the word and discuss its use in the debates regarding the nature of Trinity:

“[I]nstead [of *persona*] the Greeks have πρόσωπον, which signifies the *Face*.” (Hobbes, 1651: 80) “πρόσωπον is properly a Face, and Metaphorically, a Vizard of an Actor upon the Stage. How then did the Greek Fathers render the word *Person*, as it is in the blessed Trinity? Not well. Instead of the word Person they put *Hypostasis*, which signifies Substance, from whence it might be infer'd, that the three Persons in the Trinity are three divine Substances, that is, three Gods.” (Hobbes, 1682a: 38)

“[A]lso all other men who could be recognised by their several characteristics were designated by the Latins with the term *persona* and by the Greeks with πρόσωπα. But the Greeks far more clearly gave to the individual subsistence of a rational nature the name ὑπόστασις, while we through want of appropriate words have kept a borrowed term, calling that *persona* which they call ὑπόστασις; but

⁴¹ “Nomen enim personae uidetur aliunde traductum, ex his scilicet personis quae in comoediis tragoediisque eos quorum interest homines repraesentabant. Persona uero dicta est a personando circumflexa paenultima.” (Boethius, 1918: 84, 86)

Greece with its richer vocabulary gives the name ὑπόστασις to the individual subsistence.”⁴² (Boethius, 1918: 87)

Like Hobbes, Boethius (1918: 87) goes on to address the terminological confusion on “matters which were first mooted by Greeks before they came to be interpreted in Latin”. The two authors seem to point to similar reasons for the use of “ὑπόστασις”. Hobbes (1682a: 38) argues that the Greeks could not use the word “πρόσωπον” “because Face and Vizard are neither of them honourable Attributes of God, nor explicative of the meaning of the Greek Church”. Comparably, Boethius (1918: 91) asserts that the Greeks thought of the term “ὑπόστασις” as more appropriate for describing Trinity since it “was applied to things of higher value, in order that what is more excellent might be distinguished”⁴³.

Boethius (1918: 84-85) defines a person as “[t]he individual substance of a rational nature” (“*naturae rationabilis individua substantia*”). This definition was discussed by Thomas Aquinas, who suggests that Boethius’s definition is applicable to God, although he believes that “intelligent nature” is more suitable for describing divine properties than Boethius’s “rational nature”. (Emery, 2007: 109) This modification corresponds with Hobbes’s account as set out in his *Answer to Bramhall*, where he defines a person as signifying “an intelligent Substance, that acteth any thing in his own or anothers Name, or by his own or anothers Authority.” (Hobbes, 1682a: 37)⁴⁴ The structure of his argument matches the layout of scholastic discussions of the topic and his theological corporealism corresponds with Tertullian’s views. Hobbes, therefore, offered an account of divine personhood that would structurally (but not semantically) correspond with the starting positions of his opponents’ arguments.

⁴² “[...] idcirco ceteros quoque homines, quorum certa pro sui forma esset agnitio, et Latini personam et Graeci [prosopa] nuncupauerunt. Longe uero illi signatius naturae rationabilis indiuiduam subsistentiam [hupostaseos] nomine uocauerunt, nos uero per inopiam significantium uocum translaticiam retinuimus nuncupationem, eam quam illi [hupostasin] dicunt personam uocantes; sed peritior Graecia sermonum [Greek: hupostasin] uocat indiuiduam subsistentiam.” (Boethius, 1918: 86)

⁴³ “[...] quoniam nomen hoc melioribus applicatum est, ut aliqua id quod est excellentius [...]” (Boethius, 1918: 90)

⁴⁴ Hobbes’s account matches Boethius’s even without the Thomistic modification. Both Boethius and Hobbes accounts are founded on Ciceronian and Stoic concepts of a person. In this view, as I have shown in the previous chapter, personhood denotes a set of distinctive factors that comprise an individual – from her social status to psychological traits.

It should be noted here that it is of little consequence whether Hobbes modelled his arguments as a direct response to the original writings of the authors inspired by Greek philosophy and terminology or not. For centuries it was a commonplace to reiterate classical ideas and leave the original structure of the argument unchanged. This is especially true for scholastic theology. For example, in 1634, Claudius Tiphanius published his *De Hypostasi et Persona* in which he extensively quotes and discusses Boethius's etymological account, along with ideas of a number of other theologians, including Thomas Aquinas (Tiphanius, 1634: 18).

The theological aspect of Hobbes's account of personation and representation

The most important conceptual innovation in Hobbes's definition of a person is his account of representation.⁴⁵ Although Boethius (1918: 85-87) employs the verb *repraesentare* in noting that a "*persona*" (meaning "mask") is "used to signify different subjects of representation" and that "actors played the different characters represented in a tragedy or comedy", he does not extend this analogy to his account of divine personality. On the other hand, Tertullian would even consider such a connection as blasphemous, as he "forbade Christians to attend theatre performances" in his *De Spectaculis*.⁴⁶ (Bruch, 2004: 5) Tertullian indeed argues that Father, Son and Holy Spirit share the same substance but are different persons. This is, however, different from Hobbes's account by which Son and Holy Spirit are persons, *representatives* that bear God's *persona*:

"The true God may be Personated. As he was; first, by *Moses*; who governed the Israelites, (that were not his, but Gods people,) not in his own name, with *Hoc dicit Moses*; but in Gods Name, with *Hoc dicit Dominus*. Secondly by the Son of

⁴⁵ Karl Schuhmann (2004a: 14) notes that there are "roughly three elements which are unique to Leviathan: the development of the notion of the juridical person as connected with the idea of authorization (ch. XVI); a so-called materialistic theology (chs. XXXII–XLV), which centres on the notion of God's (past and future) kingdom on earth; and the polemics against Bellarmine (chs. XLII and XLIV), almost a book within a book." Hobbes's notion of representation would correspond to the first group of elements.

⁴⁶ There are, however, theologians who would have no problem such analogies, although it cannot be said that they drew them in Hobbesian sense. Such was Clement of Alexandria who "went so far as to call Christ the main *actor* in the drama of salvation". (Krahenbuhl, 2005: 24)

man, his own Son, our Blessed Saviour *Jesus Christ*, that came to reduce the Jewes, and induce all Nations into the Kingdome of his Father; not as of himselfe, but as sent from his Father. And thirdly, by the Holy Ghost, or Comforter, speaking, and working in the Apostles: which Holy Ghost, was a Comforter that came not of himselfe; but was sent, and proceeded from them both.” (Hobbes, 1651: 82)

Therefore, Moses, Jesus Christ and Holy Spirit represented God through their agency on Earth.⁴⁷ As Hobbes (1651: 268) argues,

“a Person, (as I have shewn before, chapt. 13.) is he that is Represented, as often as hee is Represented; and therefore God, who has been Represented (that is, Personated) thrice, may properly enough be said to be three Persons; though neither the word *Person*, nor *Trinity* be ascribed to him in the Bible.”

Although there is no mention of the word “person” in the Bible, in the *Appendix to Latin Leviathan* Hobbes (2006: 86) equates representation with “an image or stamp of the thing represented” and goes on to argue that “it is in this sense that our Savior is called the stamp of the substance of God by St. Paul (Hebrews 1:3).” For Hobbes, theatrical representation is descriptive of the Economic Trinity that, according to the Cappadocian Fathers, signifies, “God *ad extra*, God in connection with the world, God accomplishing the plan of salvation through history”. (Wright, 2006: 192-193) As in the theatre, this relationship of representation is possible only when the audience is willing to believe (and the theatrical audience is, at least for the duration of the act) that Jesus represents God. The same applies to the profane sovereign, as her reign is dependent on the subjects believing that she is their sovereign representative. Although Hobbes’s account of (basically theatrical) representation as descriptive of the (Economic) Trinity is a novelty, at least one of its elements reiterates the example that was given in a classical theological account. In *De Homine* Hobbes (1978a: 83) clarifies his views of personhood by giving an example of an actor playing the role of Agamemnon:

⁴⁷ Hobbes modified his account later by stating that God was represented “by ministry of Moses”. (Martinich, 1995: 231) He also offered an elaborate set of explanations for his theological argument as an appendix to the Latin version of *Leviathan*. For the English translation of the appendix and the commentary of this particular bit of Hobbes’s work see: Wright, 2006.

“[I]n the theatre it was understood that the actor himself did not speak, but someone else, for example Agamemnon, namely the actor playing the part of Agamemnon in a false face who was, for that time, Agamemnon. [...] And, on account of commercial dealings and contracts between men not actually present, such artifices are no less necessary in the state than in the theatre.”

Augustine gives the same example in the second book of his *On the Sermon on the Mount*:

“Now, it is manifest that hypocrites do not carry in their heart what they flash before the eyes of men. Hypocrites are pretenders, like mouthpieces of other persons, as in the plays of the theatre. For one who in tragedy takes the part of Agamemnon, for example, or of any other person involved in the story or myth being enacted, is not really the person himself, but impersonates him and is called a *hypocrita*.” (Augustine, 2007: 95-96)

Obviously, Hobbes and Augustine are discussing different things here. Hobbes is concerned about the social role-playing while Augustine is commenting on *Matthew 6:2*: “Therefore when thou doest [thine] alms, do not sound a trumpet before thee, as the hypocrites do in the synagogues and in the streets, that they may have glory of men.” (The Bible, King James Version) That being said, it is still noteworthy that Hobbes uses the same example as Augustine to explain his account of representation.⁴⁸ On the other hand, given his animosity towards theatrical spectacles,⁴⁹ no doubt Augustine would have considered Hobbes’s theatrical analogies at least unorthodox, if not outright blasphemous.

Hobbes’s claim that Moses, Christ and Holy Spirit represented God on Earth does not exhaust his account of divine representation. Christopher Hill (1979: 20-22) points out that Hobbes was influenced by the idea of the public person. This theological concept was present in 17th and 18th century England. As Hill (1979: 3) argues:

⁴⁸ Hobbes offers a very specific account of hypocrisy. In contrast to Augustine, Hobbes does not believe that simply playing a certain role makes one a hypocrite. Instead, since social roleplaying is a necessary part of the civil condition, hypocrites are those who play their roles with the intention to deceive others. For a discussion of Hobbes’s views on hypocrisy see Runciman, 2008.

⁴⁹ See Augustine’s (2006) *Confessions*.

“Adam was a representative of the whole of mankind; it was in consequence of his sin that all Adam’s descendants were condemned to eternal death. From this predicament some men were rescued by the second principal representative person, Jesus Christ, who paid the penalty due from all mankind for Adam’s sin. The idea that Adam and Christ were in this sense representative persons was shared by a large number of protestants from Luther onwards, though the phrase is not Biblical in any of its variants.”

Unfortunately Hill does not discuss the influence of the concept of public person on Hobbes’s theology in detail. Instead he focuses on the role of the profane sovereign and notes that “Hobbes steers very carefully round the covenant theology’s doctrine of the public person” and that the sovereign is “the only public person”. (Hill, 1979: 20-21) This is only partially true. For Hobbes (1651: 219) “the Kingdome of God is a Civill Kingdome” and he is explicit about the notion of a public person:

“Out of this literall interpretation of the *Kingdome of God*, ariseth also the true interpretation of the word HOLY. For it is a word, which in Gods Kingdome answereth to that, which men in their Kingdomes use to call *Publique*, or the *Kings*.

The King of any Countrey is the *Publique* Person, or Representative of all his own Subjects. And God the King of Israel was the *Holy one of Israel*. The Nation which is subject to one earthly Sovereign, is the Nation of that Sovereign, that is, of the *Publique* Person. So the Jews, who were Gods Nation, were called (*Exod.* 19. 6.) a *Holy Nation*. For by *Holy*, is alwaies understood, either God himselfe, or that which is Gods in propriety; as by *Publique*, is alwaies meant, either the Person of the Common-wealth it self, or something that is so the Common-wealths, as no private person can claim any propriety therein.” (Hobbes, 1651: 220)

The difference between the adjectives “holy” and “public” is not that the one distinguishes a non-public person and the other a public person. In both cases they designate the relationship between a sovereign and his people. The adjective “holy” thus designates God as the sovereign, while the adjective “public” is descriptive of the earthly sovereign. It is very important to note that *both* are sovereigns and representatives of their respective peoples. Therefore,

Hill is right to argue that the sovereign is the only public person, but he fails to note that Hobbes's class of sovereigns does not consist solely of the earthly sovereigns. The difference between "holy" and "public" is thus indicative of a difference in *kind* of sovereign.

While Hill does not press such conclusions, Martinich explicitly relates Hobbes's theory of representation in its general (political) sense to the covenant theology. Martinich (1992: 165) argues that: "Hobbes's idea that a person can represent the words and actions of another person is, I believe, derived from the covenant theologians, for whom the idea of a representative or public person was a key concept". He then goes on to explain the covenant theologians' views on the representative nature of Adam and Christ and Hobbes's distinction between an author and an actor. (Martinich, 1992: 166) Martinich's view on Hobbes being influenced by the covenant theology is very plausible, especially since Hobbes in *Leviathan* simultaneously introduced the idea of representation and for the first time discussed his religious views in great detail.⁵⁰

Hobbes's account of political representation shares an important feature with covenant theology. The usual notion of political representation (for example, when the members of parliament represent their constituencies) encompasses the representatives' responsibility to those whom they represent. Martinich (1992: 169) emphasises this when he argues that "if one person authorises another person, then the first person has authority over the second and does not give up his right to do what he authorises the second to do". For Hobbes, on the other hand, the represented person (the author) is responsible for whatever his authorised representative (the actor) does. There is just one side to this relationship, as the Hobbesian representative has no responsibility towards the authors of his actions. In a similar manner, Adam and Jesus Christ were representing mankind, but they were not responsible to mankind. Instead, they were considered as mankind's representatives because the *consequences* of their actions had been transferred to the represented: Adam's sin was transferred to his posterity and Jesus Christ's sacrifice redeemed it on behalf of mankind. Such a notion of representation matches Hobbes's. In contrast to the contemporary notion of representation, the actions of the Hobbesian sovereign

⁵⁰ For an alternative view, suggesting that Dudley Digges's *Unlawfulness of Subjects taking up Arms* (1643) is "a more likely source of [Hobbes's] inspiration", see Skinner, 2007: 169.

representative are unrestricted and she is considered a representative primarily because her actions are traced back to the represented. And the same applies to the understanding of representation that is a part of covenant theology.

It is somewhat unfortunate that Martinich seems to miss the fact that, as in covenant theology, Hobbes's account of representation is centred on the representative, rather than on the represented. He argues that Hobbes's account of authorisation comes as a result of a "semantic shift" by which the author becomes subordinate to the actor he had authorised to be his representative. Martinich (1992: 171-172) suggests that this account is "absurd" and that "this move *from authorised by to authority over* is illegitimate". Martinich neglects the fact that neither Adam nor Jesus Christ were subordinated to those whom they represented.

In contrast to this view, one could argue that there is no underlying account of authorisation in the case of Adam and Jesus Christ's representation. Adam's offspring did not authorise him to sin in their name and mankind did not authorise Jesus Christ to suffer in their name. Although this is true, there is one instance where Hobbes believes that the divine representative has to be "authorised" and that His actions can only be attributed to those who "authorised" Him. In order to be saved after the Second Coming of Christ, a person needs to be God's "loyall subject". (Hobbes, 1651: 274)

The same applies to the relationship between an earthly sovereign and her subjects: people acknowledge someone as their sovereign representative so that they can escape the miseries of the state of nature. The similarity does not end there, as both processes of authorisation are contractual in their nature. Those who exit the state of nature do so by contractually renouncing their rights to everything and authorising their sovereign representative, while those who expect to be "received into the Kingdome of God" enter a "Sacrament of Allegiance" by being baptised. (Hobbes, 1651: 274) For Hobbes (1651: 264) baptism signifies a pact between God and a Christian and without it one cannot hope to become a member of God's eternal kingdom. Finally, if none of the subjects *believe* that they had authorised their sovereign to act in their name, their commonwealth will relapse into the state of nature. Similarly, "beleeving that *Jesus is the Christ* is all that is Necessary to Salvation." (Hobbes, 1651: 176) As we see, although we do not need an account of authorisation to

consider Adam as the representative of his posterity,⁵¹ a number of parallels can be drawn between authorising a sovereign and becoming God's "loyall subject", not least because for Hobbes (1651: 219) "the Kingdome of God is a Civill Kingdome". Therefore, with respect to representation, the similarities between Hobbes's theory and covenant theology might be more extensive even than Martinich acknowledges.

Although he does not deal with Hobbes's account of representation, Frank Lessay's conclusions about the relationship between Hobbes and covenant theology match Martinich's. Lessay (2007: 265) emphasises the consistency of the relationship between Hobbes's political theory and his theology: "Not only was covenant theology as he employed it consistent with his political theory, but it also completed it, exhibiting the same formal structure as his social contract doctrine." Furthermore, Lessay (2007: 251-252) suggests that "[m]uch in Hobbes's doctrine is reminiscent of covenant theology in its most conventional versions." This includes a number of aspects of this doctrine: "the federal relations between God and man, the continuity between the two covenants, the substitution of faith in Christ for obedience to law, the restriction of the second covenant's benefits to the elect, and the typological approach to Scripture." Finally, he shows that Hobbes emphasises "the decisive role of the mediator in any process of contracting with God – a critical point on which all covenant theologians were agreed". (Lessay, 2007: 258) Such a mediator is primarily Christ, although a covenant with God can also be made through prophets such as Moses.

However, Edwin Curley (2004) argues that Hobbes's account of covenants with God is far from unproblematical. Curley's view is challenged by Martinich (2004) and discussion about the nature of the Hobbesian covenant with God is the topic of the exchange between the two authors. Curley (2004: 213) holds that there is a "tension in Hobbes's philosophy between the kingdom of God by nature and the kingdom of God by covenant". The kingdom of God by nature is defined by divine omnipotence and Curley believes that an additional contract between God and people is at least superfluous: "it is deeply

⁵¹ It can also be argued that Adam had paternal authority over his posterity. Such an argument is famously made by Robert Filmer and Hobbes (1651: 102) acknowledges paternal authority as "The right of Dominion by Generation". However, Hobbes does not make such an argument.

problematic that there should be any covenant between God and man, understanding a covenant as a mutual transfer of rights, given the absolute sovereignty Hobbes attributes to God when he analyses his kingdom by nature". (Curley, 2004: 212) In other words: "What could he have *after* the contract which he did not have before?" (Curley, 2004: 208) This is an important objection that could be damaging for any account that seeks to affirm Hobbes's connection to covenant theology. After all, there would be not much use discussing the influence of covenant theology on Hobbes's views if there was a deep inconsistency in Hobbes's account of covenants with God or if "[n]o such covenant [was] possible in Hobbes's philosophy" in the first place. (Curley, 2004: 216) In response to Curley's view, Martinich (2004: 238-239) rightly argues that it is possible to join a contract without ending up with more rights. This is obviously true for the people in the state of nature where "every person has a right to everything; but this does not prevent them from covenanting."

There is, however, significant evidence that Hobbes believes that both God and His chosen people actually do gain something by entering a contract. Firstly, for Hobbes it is not sufficient to be in one's power to be considered one's subject. Therefore God's power should not be confused with His kingdom,

"[f]or he onely is properly said to Raigne, that governs his Subjects, by his Word, and by promise of Rewards to those that obey it, and by threatning them with Punishment that obey it not. Subjects therefore in the Kingdome of God, are not Bodies Inanimate, nor creatures Irrationall; because they understand no Precepts as his: Nor Atheists; nor they that believe not that God has any care of the actions of mankind; because they acknowledge no Word for his, nor have hope of his rewards, or fear of his threatnings." (Hobbes, 1651: 186-187)

Hobbes here clearly states that there is a class of people that, even though they are within God's power, are not His subjects. God is surely able to determine the future of all of its creation and this includes animals and atheists, but this does not mean that they are His subjects. Since they are deaf to His *Word*, they are unable to comprehend His laws, either prophetic (mediated through a prophet) or natural (comprehended through reason). On the other hand, the class encompassing all human beings and the class of God's people are not mutually

exclusive. They relate as general relates to particular or, as Hobbes (1651: 218) notes: “the title of a *Holy Nation* confirms the same: For *Holy* signifies, that which is Gods by speciall, not by generall Right.”

Secondly, as there is a distinction between the all-encompassing class of those that are in God’s power and the subclass of those that are His subjects, there is a distinction between God’s natural and His positive laws. Hobbes discusses this distinction in the 26th Chapter of *Leviathan*. Hobbes (1651: 148) contrasts divine positive laws with natural laws and offers the following definition:

“*Divine Positive Lawes* (for Naturall Lawes being Eternall, and Universall, are all Divine,) are those, which being the Commandements of God, (not from all Eternity, nor universally addressed to all men, but onely to a certain people, or to certain persons,) are declared for such, by those whom God hath authorised to declare them.”

These laws obviously do not contradict natural laws. The two kinds of laws share their divine origin and the only difference lies in the particularistic nature of the positive laws. Therefore, it is quite possible, to stretch Hobbes’s (1651: 58) analogy,⁵² for a general to give a separate set of orders to the special company that is under his direct command while issuing general orders to the bulk of his troops. Both sets of orders lead to the same goal and the general, for example, can give orders to his special company to secure the bridgehead and ensure the safe manoeuvring of the bulk of the troops. It seems plausible that Hobbes wants to show not only that God can command a particular people without contradicting His authority over all human beings but also that He does that as a part of the same general divine purpose.

⁵² Curley (2004: 210) sees Hobbes’s comparison between God’s people and general’s special company as problematic. Martinich (2004: 238) does not discuss this analogy in great detail, although he gives an accurate response to Curley’s objection: “Curley’s incredulity is based on the fact that a general of an army might also command a regiment but that this command is not based on a covenant among the soldiers. This is correct but irrelevant. Analogies need to fit only as far as they are intended to fit. What Hobbes wants to show is that something can be F of the whole G and also F of a part of G: king of all people (all over the earth) and king of part of all the people (the chosen people). And his military analogy fits: a general may be general of the whole army and also general of a part of the army. So far from being meant ironically Hobbes’s analogy is clearly correct.”

Finally, the positive divine laws are promulgated by the mediator through whom the subjects had joined a covenant with God. Hobbes (1651: 69) suggests that:

“To make Covenant with God, is impossible, but by Mediation of such as God speaketh to, either by Revelation supernaturall, or by his Lieutenants that govern under him, and in his Name: For otherwise we know not whether our Covenants be accepted, or not. *And therefore they that Vow any thing contrary to any law of Nature, Vow in vain; as being a thing unjust to pay such Vow. And if it be a thing commanded by the Law of Nature, it is not the Vow, but the Law that binds them.*” (The emphasis is mine.)

The second part of this passage is revealing of the relationship between a covenant with God and natural law. Such a covenant cannot be contrary to the laws of nature, but neither should it be equated with any one of them. This effectively situates the covenant with God in the realm of positive, rather than natural law. Entering such an agreement entails taking on positive rights and/or obligations. This, however, does not relieve any member of the contracting people from the fundamental set of natural rights and duties. Comparably, being a member of God’s chosen people does not absolve one from being under divine power. Again, the relationship between natural and positive is not marked by contrast, but by the already discussed distinction between general and particular.

In summary, there are at least three distinctions relevant for Hobbes’s account of covenants with God: between people and God’s people, between divine laws and divine positive laws and between natural laws and a covenant with God. Hobbes (1651: 216) gives a detailed account of such a covenant when he discusses God’s covenant with Abraham:

“[I]t pleased God to speak to Abraham, and (*Gen. 17. 7, 8.*) to make a Covenant with him in these words, *I will establish my Covenant between me, and thee, and thy seed after thee in their generations, for an everlasting Covenant, to be a God to thee, and to thy seed after thee; And I will give unto thee, and to thy seed after thee, the land wherein thou art a stranger, all the land of Canaan for an everlasting possession. In this Covenant Abraham promiseth for himselfe and his posterity to obey as God, the Lord that spake to him: and God on his part*

promiseth to Abraham the land of Canaan for an everlasting possession.”

Here we can distinguish all the elements that are normally needed for making a contract. Most importantly, there is mutual transfer of rights, as Abraham agrees to obey God’s positive laws in exchange for “the land of Canaan”. Therefore, Abraham and his family became God’s people in exchange for a specific right (a right to land) that is not ordinarily granted to those that are simply under God’s power. This is why Curley’s objection that God as a contracting party has nothing to gain misses its mark and fails to damage the consistency of Hobbes’s account of covenants with God. *Contra* Filmer, (Curley, 2004: 207) it is clearly within the power of Hobbesian people to “choose whether God should be their God” as there are obviously some people that might choose differently (for example, agnostics or atheists). It seems that for Hobbes there are two tiers of obedience towards God. On the fundamental level there are general laws of nature that apply to all human beings, regardless of their faith in God, while on the second level there are particular positive laws that can be divine in nature, if they are promulgated by a Christian sovereign or one of the biblical prophets who themselves were nothing short of sovereigns.

Finally, Hobbes’s theology deviates from the works of a number of covenant theologians at least in one significant aspect. As Martinich (1992: 143) argues, Hobbes believed that “covenant theologians were perverting Calvinism”. This perversion was particularly significant in the case of Scottish Covenanters who provided accounts of covenants between the Scottish people (led by their nobility and clergy) and God that were “used by the Scots to justify their opposition to Charles I”. (Martinich, 1992: 143-146) For Hobbes, on the other hand, a direct covenant between God and people is highly unlikely, if not impossible. Instead, such covenants are usually made between God and the sovereign. This makes the sovereign a double representative. The sovereign represents God to her subjects and, at the same time, acts as their representative. Hobbes’s account of representation, as I will argue later, (re)defines the relationship between the subject, his sovereign and God.⁵³ The sovereign is responsible to nobody except God, while the subject answers to his sovereign first, and secondly to God, only in the sphere that the sovereign’s laws had left

⁵³ I will discuss this aspect of Hobbes’s theory in greater detail in chapter 5.

unregulated. The consequence is that the subject cannot sin by following his sovereign's orders – which is exactly what Hobbes argues in his account of Naaman's denial of God.

Parson as a person and a corporation

Apart from covenant theology, Tertullian's conception of divine personhood and its Scholastic formulation, Hobbes's account could also have been influenced by a special combination of legal and theological categories that resulted in the formulation of the legal notion of parsonage. In his *Repertorium canonicum* John Godolphin (1678: 185) defines a parson as “the Rector of a Parochial Church; because during the time of his Incumbency he represents the Church, and in the eye of the Law sustains the *person* thereof, as well in Suing, as in being sued in any Action touching the same”. Similarly, Thomas Blount (1670) in his *Nomo-lexikon* defines parson as “the Rector of a Church; because he for his time represents the Church, and sustains the *person* thereof, as well in suing, as being sued in any action touching the same.” These definitions match Hobbes's definition of a person in a number of important aspects: 1) they emphasise the representative function of a parson; 2) both Godolphin and Blount employ the same metaphor as Hobbes does: a parson “sustains” the *persona* of the Church, not unlike Hobbes's sovereign who sustains *persona civitatis*; 3) finally, in their own ways, both instances of representations are only plausible within the legal context of a commonwealth. These similarities become even more important if we have in mind that a parson was a “corporation sole”. This, combined with the obvious etymological connection between “parson” and “person”, makes parsonage a very interesting concept, since it combines the notion of a corporation with the idea of a person. A parson is a corporation *and* a person who “sustains” the *persona* of the thing or a person that he represents.

This class of corporations, defined by consisting of only one person, had one very important non-ecclesiastic member – the king. Such a parallel makes parsonage a suitable framework for thinking about political representation. In fact, the Crown was considered a corporation sole since the time of Henry VIII (Runciman & Ryan, 2003: xvii). Not unlike a parson taking care of church property, the king is responsible for taking care of the state. Similarly to church

property, the state cannot act on its own. Also, both king and parson have two capacities, “natural” and “public”: “in the first he may purchase Lands to him and his Heirs; in the later to him and his Successors. And a Parson hath the like.” (Blount, 1661: 60) Furthermore, as a parson represents his parochial church, the king represents the people. Finally, both are corporations due to their “permanent” nature: as it is the case with aggregate corporations, a corporation sole exists independently from the mortality of its members.⁵⁴ Although the king’s natural body is mortal, his office is not: *dignitas non moritur*. As Ernst Kantorowicz (1997: 382-384) notes,

“[t]he English lawyers adopted the essence of [*dignitas*] and, while making little use of the notion as such in the sense of a fictitious person, they ingeniously adapted all its characteristics to existing English conditions and transferred all its ingredients to the most prominent office, that of a king, and to his office’s symbol, the Crown”.

Although Hobbes did not think of the singular monarch as a corporation sole, it seems that he would be happy to draw many of these conclusions. Hobbes (1651: 95, 123; 2005: 138) himself distinguished between the sovereign’s public and natural capacities. There is, however, one notable exception: in Hobbes’s view, this distinction does not relate to the sovereign’s property. Although in *Leviathan* Hobbes (1651: 123) argued that the sovereign can have “divers Lands reserved to his own use”, he was opposed to differentiating between the sovereign’s private property and the property of the commonwealth. In *A dialogue between a philosopher and a student of the common laws of England* Hobbes (2005: 138-139) is explicit that “when the Sovereign power is in one Man, the Natural and Politick Capacity are in the same Person, and as to possession of Lands undistinguishable”. The distinction between the monarch’s two capacities thus only applies to his “acts and commands” and even then it is conditioned on us acknowledging that even “though they be made in his politic capacity, [these acts and commands] have

⁵⁴ Maitland (2003b: 32) considered such a claim a dangerous absurdity: “I ventured to say that this corporation sole has shown itself to be no ‘juristic person’, but is either a natural man or a juristic abortion”. He then goes on to argue that “we are plunged into talk about kings who do not die, who are never under age, who are ubiquitous, who do no wrong and (says Blackstone) think no wrong; and such talk has not been innocuous.” (Maitland, 2003b: 37)

their original from his natural capacity. For in the making of laws, which necessarily requires his assent, his assent is natural.” (Hobbes, 2005: 138-139) Unlike the monarch, sovereign assemblies can only possess land in their public capacities as their members as natural persons have no right to that land.

Although it shares a number of similarities with Hobbes’s account, the notion of a corporation sole alone cannot explain the exact nature of the relationship between the sovereign and the people that she represents. Furthermore, it tells us nothing about the status or the nature of the represented. While this is unproblematic for parsonage, it makes great political difference whether the people are to be considered a corporation on their own or not. It would be perfectly plausible to argue that there is a contractual bond and a mutual transfer of rights and duties between the two corporations: the sovereign and the people. This is exactly what Hobbes wanted to avoid, so the conceptual framework of a corporation sole needed to be amended.

Representation, as it is conceptualised within covenant theology, has only limited value in this respect. Although it shows us that one can be represented by accepting the consequences of his representative’s actions (and not *vice versa*), it fails to tell us anything about the status of the represented. Moreover, the fact that the class of those who are baptised (and, thus, represented by Jesus Christ in His Second Coming) matches the class of the members of the church might prove problematic for somebody like Hobbes (1651: 82), who argued that the represented cannot be incorporated in any way *before* actually being represented, “[f]or it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*.” If baptism makes somebody a member of a congregation, then we do not need to go very far to assert that he can be represented by Jesus Christ precisely because he was previously incorporated as a member of the church.

Analogously, being represented by the sovereign (a corporation sole) could require being a member of the people or the state (in Coke’s terms, a “headless” aggregate corporation). Hobbes strongly opposed such a view and his argument required an account of otherwise “imperfect” association that becomes a corporation only when it is being represented. Runciman (1997) and Brito Vieira (2009) argue that such a concept matches the notion of a *persona ficta* and that this is exactly how Hobbes conceptualises the state. This is

unfounded, as I will attempt to show in the next section of this chapter. This section will deal with Hobbes's account of the represented, its development throughout Hobbes's works, its relationship with the dominant legal account of corporations of Hobbes's time, and its possible historical influences.

Hobbes and *persona ficta*

In the 13th century pope Innocent IV was trying to establish whether various associations could, as groups of people, commit a sin and, thus, be excommunicated. His answer, based on an interpretation of Justinian's Code, was negative. A part of Innocent IV's decision was the fact that such entities do not have souls and that they cannot be *real* but only *fictitious* persons. (Kantorowicz, 1997: 305-306; Maclean, 1999: 12-13) This basic distinction was acknowledged by a number of jurists during the centuries and Innocent IV's conclusions have gradually developed into a theory of *persona ficta*, as they opened "the possibility of treating every *universitas* (that is, every plurality of men collected in one body) as a juristic person, of distinguishing that juristic person clearly from every natural person endowed with body and soul, and yet of treating a plurality of individuals juristically as one person." (Kantorowicz, 1997: 306) Although it was not unopposed,⁵⁵ the concept of *persona ficta* was widely accepted by the medieval jurists and it found its place in legal systems throughout Europe. The later reception of Innocent IV's ideas, as Robert Feenstra (1971: 128) argues, moved the focus from his original distinction between a human being and a *collegium* that is treated as a *single* person (*fiſgatur una persona*) to the one between a "*persona*" and a "*persona ficta*". In other words, the focus was shifted from a singular legal person (*una persona*) as a designator of a united multitude (*collegium*) to the fictitiousness of such a person. Although he considers Feenstra's interpretation "somewhat conservative", Manuel Rodriguez (1962: 312) acknowledges that Innocent IV "did not mean to say that a corporation has no legal existence except by

⁵⁵ One of the most famous opponents of the ideas of *persona ficta* and *persona repraesentata* was William Ockham who argued that the entities that are classified under these two categories have to be "creatures of fantasy" and have "no being in anything outside the mind". Corporations, as he argues, are not such entities. (Canning, 2007: 476; Quillet, 2007: 562)

fiction”. However, Innocent IV’s account set up a foundation for a very influential concept of a *persona ficta*.

The most thorough account of *persona ficta* and its place in Hobbes’s political philosophy was given by Runciman in his book *Pluralism and the Personality of the State* (1997).⁵⁶ In this book Runciman discusses the notion of *persona ficta* in two chapters. The first is related to Hobbes and his idea of “the Person of the Commonwealth” and the second is centred on Frederic Maitland’s influential analysis of personality. Runciman (1997: 16) seems to be relating a loose conception of *persona ficta* to Hobbes’s account of the personhood of the state:

“Hobbes's civil association is a person. It is not, strictly speaking, a *persona ficta* in Hobbes's own terms, for such persons must be owned or governed before they can be represented; nor, however, as Oakeshott admits, are any other states strictly equivalent to the fictitious persons of Roman private law, which could be created only by 'an already recognised superior legal authority”.

Even if we put aside the fact that Hobbes never actually used the term “*persona ficta*” in any of his major works (and so in this case there are no Hobbes’s “own terms” – “person by fiction” has, as I will argue in chapter four, a different meaning), it still does seem peculiar that Runciman (1997: 18) nevertheless goes on to attempt to salvage an account of Hobbesian personhood centred on the idea of *persona ficta*:

“We are left, then, with no recognisable world of actions in which to place the *persona ficta* of the state, and so with an altogether intangible fiction. But though it seems to lack any substantial presence in the world of Hobbes's political philosophy, still it is unquestionably there, haunting the pages of *Leviathan* like a ghost.”

What follows is an analysis of the “ghostly” passage from chapter 15 of *Leviathan*:

⁵⁶ In his recent book, *Hobbes and Republican Liberty*, Skinner seems to accept Runciman’s account. See: Skinner, 2008: 13, 190.

“the Injustice of an Action, (that is to say Injury,) supposeth an individuall person Injured; namely him, to whom the Covenant was made: And therefore many times the injury is received by one man, when the dammage redoundeth to another. As when the Master commandeth his servant to give mony to a stranger; if it be not done, the Injury is done to the Master, whom he had before Covenanted to obey; but the dammage redoundeth to the stranger, to whom he had no Obligation; and therefore could not Injure him. And so also in Commonwealths, private men may remit to one another their debts; but not robberies or other violences, whereby they are endammaged; because the detaining of Debt, is an Injury to themselves; but Robbery and Violence, are Injuries to the Person of the Common-wealth.” (Hobbes, 1651: 74-75)

Runciman (1997: 19) concludes that

“Hobbes's argument that there is nonetheless injury done to the person of the commonwealth (allowing the sovereign, its representative, to drop charges whenever he sees fit) now makes no sense, for it suggests that each subject has a covenant with the commonwealth itself, which is then master, and the subject servant. [...] So, to persist in such acts is an injury, not to the sovereign, nor to the person of the commonwealth, but to the natural persons who have agreed to renounce violence on condition that all others do the same”.

Runciman argues that in the quoted passage Hobbes considers robbery and violence only as injuries to the original contract that leads to the creation of the commonwealth. However, I believe that this is misguided, and not only because the subjects can actually make a covenant with the sovereign before entering a mutual contract, since “when subdued by the Sword they promise obedience, that they may receive life”. (Hobbes, 1651: 138) It is more important that Runciman does not seem to note that such a transgression breaks the civil law, which Hobbes (1651: 137) defines as: “not Counsell, but Command; nor a Command of any man to any man; but only of him, whose Command is addressed to one formerly obliged to obey him. And as for Civill Law, it addeth only the name of the person Commanding, which is *Persona Civitatis*, the Person of the Common-wealth.” Since for Hobbes (1651: 74) an injury is an “injustice of an action”, it is obvious that this term is operable only within the legal context because “where [there is] no Law, [there is] no Injustice”. (Hobbes, 1651: 63) Therefore, as the servant’s unwillingness or inability to

oblige is an injustice to his master, when a subject acts illegally (i.e. ignoring the sovereign's commands), his action is an injury to the person of the commonwealth. A corresponding account can be found in *Conflict of Laws*, a work by Bartolus de Saxoferrato, the famous medieval jurist and an early proponent of the idea of the represented group person (*persona repraesentata*), who considers "the crime [that] is committed in a place subject to the city" a crime "upon the person of its citizens". (Bartolus, 1914: 49)

The point of Hobbes's comparison between a debt and violence is in emphasising that the former can be remitted by the subject to whom the money was owed but that the latter cannot be simply forgiven by the victim. Obviously Hobbes does not want to allow the party who sustained the damage (a stranger in his master-servant analogy) to be the judge in a situation that concerns the legality of an action and what constitutes an adequate sanction or retribution. This is also why he presents his example in terms that do not leave any doubt about recognising the master as the person to whom the injustice has been done. The relationship between the master and the stranger is a non-contractual one so there is no "mutuall transferring of Right, [...] that which men call CONTRACT" (Hobbes, 1651: 66) and, therefore, no injustice done to *both* parties. Instead, all the relationships are based on a rather loose notion of a covenant.⁵⁷

The relationship between the master and the servant is such that there is no doubt that the master is the author and that the servant is the actor that has his "words and actions *Owned* by" his master. (Hobbes, 1651: 50) The fact that the master is *the only one* to whom the injustice has been done is there to emphasise that outside the state of nature the commonwealth (or, in fact, the sovereign) is *the sole* legislator and that breaking any of its laws comprises an injury to the state, regardless of the person who had sustained the actual damage. It is important to note here that in Hobbes's account of the legislator there is no strict distinction between the sovereign's *persona* and that of the commonwealth. In the Chapter 26 of *Leviathan* Hobbes (1651: 137) argues that "the Common-wealth is the Legislator" only to continue this thought by

⁵⁷ Hobbes (1651: 68) defines a covenant in a following way: "Again, 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; and then the Contract on his part, is called PACT, or COVENANT".

suggesting that “the Commonwealth is no Person, nor has capacity to do any thing, but by the Representative, (that is, the Sovereign;) and therefore the Sovereign is the sole Legislator.” There is another example that might indicate some kind of legal amalgamation of the two *personae* just a few pages after this passage where Hobbes (1651: 140) explicitly argues that, at least where legislation is concerned, the sovereign is identified with the person of the commonwealth: “[i]n all Courts of Justice, the Sovereign (which is the Person of the Commonwealth,) is he that Judgeth”. Similarly, in the Latin *Leviathan*, Hobbes (1668: 129) suggests that the commonwealth acts only by its person (“*per Personam ejus*”), i.e. by the sovereign (“*id est, per illum qui Summam habet Potestatem*”). From this it does not follow that the commonwealth is “noticeable above all by its absence”, as Runciman (1997: 20) argues. But even if I am wrong in my analysis and the Hobbesian state is not characterised by a legal amalgam of sovereign’s and state’s *personae*, its being “noticeable above all by its absence” or “a ghost [that] disappears if approached too closely” (Runciman, 1997: 19) does not make it a *persona ficta* in a literal sense.

What is, then, a *persona ficta* and why does Runciman believe that it is useful in explaining Hobbes’s views on the state? Runciman (1997: 91) argues, following Maitland and Otto von Gierke, that the doctrine of *persona ficta*

“allowed that groups of individuals might be possessed of their own personality, but only when they were incorporated; a corporation was capable of proprietary rights; it was not, however, itself capable of action ('knowing, intending, willing, acting'); instead, its actions had to be performed by individual corporators, acting on its behalf; thus the corporation itself could not be punished, because it could do nothing unjust (it could 'do' nothing at all); it was simply a person by fiction, to whom the legal capacity to 'own' actions was ascribed.”

Runciman (1997: 100-101) seems to see this idea as appealing to Hobbes since thinking about the state as a fictitious or, in Runciman’s terms “ghostly”, means that the sovereignty could not be attributed to the state as an abstract entity but only to the sovereign: “he could not allow sovereign right to reside in the commonwealth [...] because the commonwealth was no more capable of action itself than was a bridge”. Although this may very well be the right conclusion,

categorising the state as a *persona ficta* was exactly what Hobbes sought to avoid and, as I will show, managed to avoid. It is so for at least two reasons.

Firstly, Hobbes never uses the term *persona ficta*, either in the Latin or the English version of *Leviathan*. The same goes for the terms *universitas* and *societas* that in the Latin *Leviathan* are used to denote university and society (as in “civil society”), respectively.⁵⁸ Additionally, Hobbes is quite reluctant to use the term “corporation” in the English *Leviathan*. In the few instances when he does use the word he uses it in its strictest sense – to denote the associations of merchants or monopolies, (1651: 119-120) public schools, (1651: 370) and illegal associations such as “Beggars, Theeves and Gipsies” and those that “that by Authority from any forraign Person, unite themselves in anothers Dominion, for the easier propagation of Doctrines, and for making a party, against the Power of the Common-wealth.” (1651: 121) As we see, none of these examples can be linked to any of the defining features of the state. It is obvious that this was done on purpose, especially if we have in mind Hobbes’s writing style in respect of his use of synonyms. It is not unusual for Hobbes to employ extensive clusters of synonyms to make his argument as clear as possible. This is most obvious in his discussion of personhood in Chapter 16 where he writes about “Rector, Master, or Overseer” personating a bridge and notes that someone bearing someone or something else’s *persona* is also known “as a *Representer*, or *Representative*, a *Lieutenant*, a *Vicar*, an *Attorney*, a *Deputy*, a *Procurator*, an *Actor*”. (Hobbes, 1651: 80-81)

Secondly, Hobbes decided (1651: 115) to approach the issue by using “system” (“*systema*” in the Latin *Leviathan*) as a wider and more neutral term to denote “any numbers of men joyned in one Interest, or one Businesse”. He offers quite an elaborate classification of such systems. They can be regular or irregular, depending on whether a person or an assembly is representing such a system or not; regular systems are further divided into absolute (independent) and dependent (subordinate). Under Hobbes’s classification, commonwealths are the only regular absolute (independent) systems. Consequently, corporations

⁵⁸ Oakeshott discusses the concepts of *universitas* and *societas* in his book *On Human Conduct* and compares the two concepts with *persona ficta*. Runciman (1997: 13-14) also offers an overview of Oakeshott’s interpretation.

(the original *personae fictae*⁵⁹) are regular subordinate systems and they can be political (also called political bodies), if they are constituted by the sovereign, or private, if they are created by the citizens. Finally, systems of the latter kind can be divided into lawful and unlawful ones. Within this classification *personae fictae* are viewed exclusively in connection to the commonwealth's legal system, where they are defined by their (subordinated) relationship to the state.

What is striking here is that Hobbes's classification from *Leviathan* is centred on the *distinction* between commonwealths and *personae fictae*. *Persona ficta* is not a *genus proximum* of the state. This is not only true in the logical, but also in the generic sense: the transition from the state of nature signifies the creation of a regular absolute system but it does not introduce a corporation. Although a *persona ficta* is not (or should not be) a birthplace of a commonwealth, the opposite can be true in the case of regular subordinate public systems. This shows us that Hobbes goes to great lengths to demonstrate that associations (mainly political bodies) within the state should not be allowed to escape their subordinate status in relation to the commonwealth. He argues that "to give leave to a Body Politique of Subjects, to have an absolute Representative to all intents and purposes, were to abandon the government of so much of the Commonwealth, and to divide the Dominion, contrary to their Peace and Defence, which the Sovereign cannot be understood to doe". (Hobbes, 1651: 115)

Furthermore, as famously argued by Hobbes (1651: 174), the "infirm[ies] of a Common-wealth" rest in letting the cities (that are subordinate political bodies or systems) develop without control or allowing the number of corporations to grow. This is because the corporations are like "many lesser Common-wealths in the bowels of a greater, like wormes in the entrayles of a naturall man". (Hobbes, 1651: 174) This rather picturesque metaphor is not only revealing of Hobbes's suspicion of "subordinate" forms of human association; it also shows how far he is from defining the state as a derivative of a certain kind of a corporation. It is a corporation that is defined as

⁵⁹ I am using the term "*persona ficta*" in its usual, non-Hobbesian, meaning here in order to demonstrate why he would be hesitant to consider the state a *persona ficta*. As I will show later in the text, "*persona ficta*" is not the best term for a (subordinate) corporation in Hobbes's theory, either.

a “lesser Commonwealth” and not *vice versa*. For him, it is dangerous to think about the state as a “greater corporation” simply because this may provide a pretext for subordinate systems’ demands for (greater) autonomy, which might prove fatal in its turn to the unitary nature of the state’s sovereignty.

Finally, there is one more recent account of the place of the corporate theory of *persona ficta* in Hobbes’s theory that captures Hobbes’s lack of trust towards corporations. Brito Vieira (2009: 193) argues that:

“Hobbes’s account of subordinate group life has a strong parallel with the medieval counterpart of the theory of the *persona ficta*: the concession theory of juridical persons. This treated all manner of organisation within the state as a probable threat, except when deriving its power from an express grant of the state, and kept strictly under the state’s control.”

However, Brito Viera (2009: 160) is wrong when she suggests that “[f]rom the early 1640s onwards, [Hobbes] maintained that the state was a type of corporation, civil body or person in law, enjoying an existence distinct from that of its members”. Such a conclusion is based on the interpretation of a passage from Hobbes’s *Elements of Law* where he notes that: “though in the charters of subordinate corporations, a corporation be declared to be one person in law, yet the same hath not been taken notice of in the body of a commonwealth or city, nor have any of those innumerable writers of politics observed any such union.” (Hobbes, 1889: 172) Brito Vieira (2009: 160) claims that: “The astonishment is obviously feigned. Hobbes must have known that he was following in the footsteps of his medieval jurist predecessors when working out the state concept from the legal notion of corporation.”

However, Hobbes’s astonishment could be quite real, provided that he really believed that the legal notion of corporation was a true example of unity.⁶⁰ It seems that Brito Vieira does not take into consideration a sentence directly preceding the one on which she bases her interpretation: “The error

⁶⁰ Hobbes was probably aware of legal theories of his time that were not explicitly centred on a notion of unity. For example, Coke also considered a corporation to be a singular person in law but Hobbes could not have been happy with Coke’s definition of a corporation, not only because it failed to emphasise the aspect of unity that Hobbes considered crucial, but also because, according to Coke, it was not necessary for a corporation to have a head in order to be recognised as such.

concerning mixed government hath proceeded from want of understanding of what is meant by this word *body politic*, and how it signifieth not the concord, but the union of many men” (Hobbes, 1889: 172) As we see, what Hobbes is astonished about is not his predecessors’ and contemporaries’ inability to properly understand the medieval concept of corporations. Instead, he is *truly* astonished by what he sees as their habit of treating the body politic as a *concord* and not the *union* of many men. This is potentially disastrous to Hobbes’s mind (1889: 172) since he sees this “understanding of what is meant by this word *body politic*” as leading to a notion of mixed constitution and, eventually, to the division of sovereignty.

It is no wonder then that he places this discussion about corporations in the chapter titled “Of the causes of rebellion”. Hobbes wants to show that all human associations are united through their representative and not through their membership. We can find traces of this account in *Elements of Law* when Hobbes (1889: 63) argues that: “involving of many wills in one or more [is] called UNION”. Accordingly, “a person civil” is defined as “either one man, or one council, in the will whereof is included and involved the will of every one in particular”. (Hobbes, 1889: 124) This idea was, of course, more fully developed in *Leviathan* where it is integrated with Hobbes’s accounts of representation and personhood: “[f]or it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person One”. (Hobbes, 1651: 82)

It is, however, important to note that Hobbes’s account of corporations evolved over time. In *De Cive* Hobbes (1978b: 170) discusses the idea of a “civil person” as an overarching category that includes states (“cities” or “civil societies”), corporations, in the modern sense of the word, as well as families. He argues that, “although every city be a civil person, yet every civil person is not a city; for it may happen that many citizens, by the permission of the city, may join together in one person, for the doing of certain things”. (Hobbes, 1978b: 170) Such civil persons are “companies of merchants, and many other convents”. (Hobbes, 1978b: 170) The unity of a multitude of different wills is at the foundation of civil personhood and this is what the two kinds of civil persons have in common, “for when there is one will of all men, it is to be esteemed for one person, and by the word *one*, it is to be known, and distinguished from all particular men, as having its own rights and properties”.

(Hobbes, 1978b: 170) Finally, a civil person cannot sin: “the civil person, sins not, but those subjects only by whose votes it was decreed; for sin is a consequence of the natural express will, not of the political, which is artificial” (Hobbes, 1978b: 199).

Hobbes modified this account before *Leviathan*. In *The Elements of Law* he subsumes the two kinds of corporations under the term “body politic”. Structurally, his argument stayed the same. In *The Elements of Law* he identifies a body politic with a city or civil society, (Hobbes, 1889: 104) in exactly the same way he introduces the concept of a civil person in *De Cive*. (Hobbes, 1978b: 170) Secondly, both concepts are based on a union of a number of particular wills. Thirdly, Hobbes still emphasizes that those unions of wills that are not constitutive of states are subordinate to them. The notable difference is in the fact that Hobbes gives a distinctive name to such subordinate unions of wills. He notes that they are “usually called corporations”. (Hobbes, 1889: 104)

Furthermore, in *The Elements of Law* Hobbes (1889: 120) suggests that a body politic cannot be held responsible for breaking natural law for the same reasons as a civil person from *De Cive*, “[f]or a body politic, as it is a fictitious body, so are the faculties and will thereof fictitious also. But to make a particular man unjust, which consisteth of a body and soul natural, there is required a natural and very will.” Obviously, the state as a body politic or a civil person cannot break civil laws, either. Since the laws are the expression of state’s sovereignty and a consequence of the original contract between its citizens, the state cannot break a law by promulgating another one. Again, any misdoing of a group of people cannot simply be attributed to the corporation of which they are members. The fact that the responsibility lies with the natural persons absolves both states and subordinate corporate bodies from breaking natural law.

Finally, in *The Elements of Law* Hobbes describes the relationship between the sovereign and the people as between the head and the body. Even in the case of a group of rebels, their “one body of rebellion” is united by its head, that is “the unity [...] by which they are directed to one and the same action”. (Hobbes, 1889: 175) This image was far from uncommon in Hobbes’s time. Thomas Blount (1661: 88) in his *Glossographia* defines a corporation as: “a permanent thing, that may have succession; it is an Assembly and joyning

together of many into one fellowship, brotherhood and minde, whereof one is Head and cheif, the rest are the body.”

In *De Cive*, however, Hobbes (1978b: 188) suggested that the sovereign should be regarded as the soul and not as the head of the body politic, “[f]or it is the soul by which a man hath a will, that is, can either will, or nill; so by him who hath the supreme power, and no otherwise, the City hath a will, and can either will or nill.” The soul is not mentioned in this context in *The Elements of Law*, but Hobbes returns to using this metaphor throughout *Leviathan* (Hobbes, 1651: 1; 144; 171-172; 174). It should also be noted that the distinction between the soul and the head in Hobbes’s theory is not indicative of any kind of a shift in his views. It is simply a consequence of his mechanistic anthropology in which the brain and nerves are “the necessary Organs of sense”, while the soul produces will, “immediately adhaering to the action“ (Hobbes, 1651: 6; 28), so “the office of the head is to counsell, as the soules is to command” (Hobbes, 1978b: 188). Thus, the unity of a (political) body is a reflection of an action stemming from the single and individual will. Furthermore, there is a possibility that, according to Hobbes, the soul is actually located in the head. Katherine Bootle Attie suggests otherwise, that in Hobbes’s anatomy the soul is located all over the body. She argues that this does “not only impl[y the sovereign’s] omnipresence throughout the body, it also implies his relative safety: a soul is an essence, not a part that can be cut off as a head can.” (Bootle Attie, 2008: 504) That being said, in *Leviathan* Hobbes (1651: 172) mentions that the soul is located in the head or, more precisely, in the brain.

Coke, Hobbes and the idea of corporate personhood

As we see, except by dubbing the subordinate unions of wills corporations, Hobbes did not significantly modify the structure of this aspect of his theory before *Leviathan*. Its most substantial remodelling came with Hobbes’s best-known work. Before we turn to analysing the novelties that Hobbes had introduced in *Leviathan*, let us briefly discuss Sir Edward Coke’s account. Comparison of the two accounts is not only revealing because Coke was a leading interpreter and a practitioner of English law, it is also significant because there is no doubt that Hobbes was acquainted with Coke’s theory, as he had referenced him twice in *Leviathan* (1651: 72, 140) and wrote *A dialogue*

between a philosopher and a student of the common laws of England in the later 1660s, a work in which he challenged Coke's account of law that had powered both radical and conservative accounts of the time. (Cromartie, 1999: 120) Lastly, Coke was an important codifier of legal regulations concerning corporations.

There are two primary sources that are indicative of Coke's theory of corporations: his ruling in the *Case of Sutton's Hospital* (1612) and his *Institutes of the laws of England*, published in the first half of the 17th century. Coke (*Institutes*: L1, 250.a.)⁶¹ refers to a corporation as "a body politike, [...] or a body incorporate, because the persons are made into a body, and are of capacity to take and grant, &c.", that is contrasted to "naturall men". He also notes that "this body politike, or corporate, aggregate of many, is by the civilians called *collegium* or *universitas*". (Coke, *Institutes*: L1, 250.a.) Although he does not usually use the term in his writings (he usually refers to a corporation as a "body politike, or [in]corporate"), he starts his *Commentary upon Littleton* (the first part of his *Institutes of the Laws of England*) by defining corporations as legal persons in a manner similar to Hobbes's:

"Persons capable of purchase are of two sorts, persons natural created by God [...] and persons incorporate or politique created by the policy of man (and therefore they are called bodies politique); and those be of two sorts, viz. either sole, or aggregate of many: again, aggregate of many, either of all persons capable, or of one person capable, and the rest incapable or dead in law."⁶²
(Coke, *Institutes*: L1, 2.a)

Such a definition became commonplace in English legal system. As Maitland (2003a: 9) argues, invoking Coke's work, this definition comprises a foundation of "an orthodox beginning for a chapter on the English Law of Persons". It is obvious that Coke's view matches Hobbes's pre-*Leviathan* account of corporations. When they are predicated by "corporate" or "politic", Coke treats the terms "body" and "person" as synonymous. Hobbes does the same by putting "body politic" and "civil person" in exactly the same context in *The*

⁶¹ I am quoting from the 1832 edition of the *Institutes*.

⁶² Coke's (*Institutes*: L1, 250.a) classification of corporations differs from Hobbes's, as he offers three main ways of classifying them: as "ecclesiasticall and lay", as "either elective, presentative, collative, or donative" and, finally, as "sole, or aggregate of many".

Elements of Law and *De Cive*. Coke's and Hobbes's accounts have one more important feature in common: Coke also denies that corporations can be held responsible and he also does that on the basis of their artificiality. Coke (2003: 371-327) therefore argues that:

“[c]orporation itself is onely *in abstracto*, and resteth onely in intendment and consideration of the Law; for a Corporation aggregate of many is invisible, immortal, & resteth only in intendment and consideration of the Law; [...] They may not commit treason, nor be outlawed, nor excommunicate, for they have no souls, neither can they appear in person, but by Attorney [...]. A Corporation aggregate of many cannot do fealty, for an invisible body cannot be in person, nor can swear, [...] it is not subject to imbecilities, or death of the natural, body, and divers other cases.”

For the same reason Coke and Hobbes believe that corporations cannot be held responsible. Hobbes attributes this to their artificiality or fictitiousness while Coke maintains that they cannot be considered responsible due to their abstract existence. So far, then, Hobbes's pre-*Leviathan* account does not differ much from the dominant juristic approach of his time.

Nevertheless, there are some important differences between the two accounts. Unlike Hobbes, Coke lists a rather elaborate set of conditions that a group entity has to fulfil in order to be considered a corporation. In the report regarding the *Case of Sutton's Hospital*, Coke (2003: 363-365) argues that the essence of a corporation consists of: 1) “Lawful authority of Incorporation”; 2) “persons to be incorporated, and that in two manners, persons natural, or bodies incorporate and political”; 3) “A name by which they are Incorporated”; 4) “a place”; 5) incorporation “[b]y words sufficient in Law, but not restrained to any certain, legal and prescript form of words”. The interpretation of Coke's conditions depends on what is regarded as law. Hobbes would probably agree with Coke if these conditions were situated within the context of the statutory law. In that case, they would be inapplicable to the state and restricted to those corporations or bodies politic that Hobbes calls “subordinate”. This is especially true for conditions 1 and 5 which would merely underline the corporations' subordination in relation to the state and the respective legal system.

However, Coke's "Lawful authority of Incorporation" was far from limited to statutory law, as it was to be obtained by four means: "*scil.* by the Common Law, as the King himself, &c. by authority of Parliament; by the King's Charter (as in this case) and by prescription" (Coke, 2003: 363). Clearly for Coke "the King himself" is a corporation whose authority is derived from the common law. He is a corporation sole, a class of corporations that was almost exclusively made of ecclesiastical persons. Maitland (2003a: 14) notes that "Coke knew two corporations sole that were not ecclesiastical[. T]hey were a strange pair: the king and the chamberlain of the city of London". He then goes on to suggest that "Coke himself was living when men first called the king a corporation sole, though many had called him the head of a corporation". (Maitland, 2003a: 13-14)

Either way, Hobbes could not have been satisfied with Coke's account. Although Coke's corporations that derive authority from the state institutions are undoubtedly subordinated to the state, the sovereign still remains a kind of corporation that derives its authority from the common law and not from natural principles, as was the case with the earlier Hobbes. This is highly problematic for Hobbes and the attack on Coke's account of common law as "the realization of natural law in English circumstances" was one of the main purposes behind Hobbes's *Dialogue*. (Cromartie, 2005: xxxi) Coke's views are problematic for Hobbes primarily because they establish the supremacy of common law. And even if one does not argue in favour of the rule of (common) law, it can be quite easily argued from Coke's standpoint that sovereignty is not exclusively vested in one body.

Coke's account is not less unlovable for Hobbes even if we put Coke's classification of corporations aside and regard it as a refined version of a more commonplace theory of that period, namely the theory that regarded the sovereign as the head of the popular body politic. Needless to say, the account by which the people are seen as a corporation that is run by the sovereign would be much more in accordance with Hobbes's project. However, the fact that Coke does not deny the status of a corporation to those groups of people that are "without a head" destroys even the possibility of reading his theory in the way to which Hobbes could be sympathetic. Coke (2003: 365) argues this in the

Case of Sutton's Hospital and points to the merchant guilds as the historical examples of headless incorporation.⁶³

“where the opinion of *Fineux* in 13 H. 8. 3. b. and of *Prisot* in 39 H. 6. 13. b. was cited at the barre, that a corporation aggregate of many cannot be a body only without a Head; the same was utterly denied: For at first most part of the Corporations were a body without any head by force of these words *Gilda Mercatoria*. And that a Corporation aggregate of many may be without a head, see 18 Edw. 2.”

On the other hand, Hobbes insists that the unity of a corporation is realised in its head. It is important to note here that Hobbes's objection is not aimed at the possibility of a group of people representing a corporation. What Hobbes argues for is the unity of the wills. Although it is easier to maintain such a unity if the representative is also a single natural person, it is not impossible for a corporation to be guided by a unified will of an assembly, encompassing some of its members, or even all of them.⁶⁴ What is impossible, however, is the existence of a corporation that has no representative. Therefore, even those corporations that could appear as headless on the first sight must have some kind of leadership. Even if all the members of a corporation are equals, it does not follow that there is no head, it is just that all of them constitute the representative.

As we see, Coke's theory of corporations was far from being acceptable to Hobbes. It was a theoretical reiteration of the late medieval accounts that emphasised the supremacy of natural law (which is in Coke's view embodied in the common law) and the juristic personality of the sovereign that is detached from the body of the people. Coke's view on corporations also grants the status of a body politic to various social groups without requiring “a head” or a representative, thus putting their joint interest before their unity. Coke's theory is in line with theories that, as Gierke argues (1958: 45) “explain the personality

⁶³ There is one earlier description of a headless incorporation. In the fifteenth century Sir John Fortescue in his *De laudibus legum Anglie* “criticize[d] Augustine's understanding of a people or body politic for being headless (*acephalous*)”. (Heyking, 1999: 550)

⁶⁴ Although Hobbes does not write about a corporation represented by the assembly consisting of all of its members, such a possibility should not be discarded since this is exactly how he defines democracy which is a no less a “kind of commonwealth” than, for example, an aristocracy. Cf. Hobbes, 1651: 94 and Hobbes, 1651: 116.

of the People as a corporate (and not a collective) unity”. Such accounts have been offered by the proponents of both popular and mixed sovereignty, as well as by the supporters of the idea of rulers’ limited sovereignty. (Gierke, 1958: 45) These are all views that Hobbes strongly disagrees with and tries to discredit. In contrast, he emphasises the union of the members of a body politic who are united through their leader (“by a common power”, Hobbes, 1889: 104), as well as the conceptual integrity of the sovereign’s person with the person of the commonwealth.

Two ways of describing Hobbes’s account of corporate personhood

Hobbes had an important theoretical challenge to tackle – the account of the people as a “headless” corporate unity whose existence is guaranteed by natural law. By the beginning of the 17th century it was common for scholars to speak of the corporate nature of the people and probably the most influential of these accounts was put forward by Parker who in 1642 wrote about the people as a “*universitas* or ‘politique corporation’” that was independent of and superior to the king. (Skinner, 2007: 162, 164) The view that the people have a separate group-personality was, as Gierke (1958: 44) argues, “universally held, until Hobbes dealt a death-blow to the idea”. Gierke suggests that Hobbes’s strategy was twofold. Firstly, he notes that Hobbes has replaced the theory by which there are two original social contracts (the one that establishes the body politic and the one that institutes the government) with the account of a single social contract, agreed between the subjects, in which the sovereign is not a party. (Gierke, 1958: 60) Consequently, Gierke (1958: 60) argues that:

“as there has never existed an original right of the People, so, when the State has been formed, it is equally impossible to think of any right of the People, even of the most modest description, as either surviving by reservation (since there was nothing to reserve), or as introduced *de novo* by contract, since a relation of contract between Ruler and people is inconceivable”.

Secondly, he points out what we have discussed earlier, that Hobbes views corporations as functioning in accordance with the same set of principles as the state, but that he insists on the corporations being subordinated to the state. (Gierke, 1958: 79-84) The basic principle or the basic property of any

incorporation, including the state, is its unity. (Gierke, 1958: 81) This unity depends on Hobbes's account of representation and personation laid out in *Leviathan*, an account that is a remarkable theoretical novelty *per se*.

Hobbes's account of representation serves a double purpose. Firstly, it relies on the representative's actions being authorised and "owned" by the represented, effectively shifting the burden of responsibility to the people being represented. Secondly, it destroys the idea of the people having a distinct and standalone corporate personality. It is crucial, then, that the state has a unified personality that encompasses both the sovereign and the people. This unified personality is the only way for the people to have group-personality at all, since their personality depends on their being represented by the sovereign. It seems that, to a certain extent, Hobbes has integrated his accounts from *De Cive* and *The Elements of Law* in *Leviathan*, probably in an attempt to put more emphasis on the unity of the sovereign and the subjects.

This is why the *persona civilis* from *De Cive* was, in the later text, "demoted" to *persona civitatis*, a mask (a *persona* in the original sense of the word) that the sovereign "carries" or "bears". Furthermore, in Chapter 16 of *Leviathan* Hobbes (1651: 82) clearly states that a multitude "are made *One* Person, when they are by one man, or one Person, Represented". Hobbes (1651: 116-117) gives an example of this relationship in his discussion of "bodies politique", as he calls subordinate corporations in *Leviathan*: "If the person of the Body Politique being in one man, borrow mony of a stranger, that is, of one that is not of the same Body, (for no Letters need limit borrowing, seeing it is left to mens own inclinations to limit lending) the debt is the Representatives". "The person of the Body Politique" is obviously a *persona* behind which is the representative. One might call this *persona* a *persona ficta*, but merely acknowledging that this entity does not exist outside a legal system and that it cannot sin would not do justice to the theoretical innovations that Hobbes introduced in *Leviathan*.

There is a slightly different legal idea that could match Hobbes's views better than the one centred on the notion of *persona ficta*. In the second half of the 13th century two jurists belonging to the legal school of Orléans, Jacques de Revigny (Jacobus de Ravanis) and Pierre de Belleperche (Petrus Bellapertica) introduced an account of *persona repraesentata*. (Feenstra, 1971: 129) This

account was incorporated in the works of famous Italian jurists from the University of Bologna, Cino da Pistola (Cinus de Sighibuldis) and his pupil Bartolus. The latter is the author with whom this idea is most commonly associated and the one whose use of the concept we will briefly discuss here.⁶⁵

Although a number of authors identify “*persona repraesentata*” with “*persona ficta*” by emphasising the fictitiousness of the former,⁶⁶ I would like to focus instead on the meaning of the qualifier “*repraesentata*” and the distinction between the two terms. Not unlike Innocent IV, Bartolus uses the term *persona repraesentata* to point out the contrast between an association and a singular person: “*quod est universitatis non est singulorum*”. (Maiolo, 2007: 246) He then immediately proceeds to argue that “*universitas est persona repraesentata per se*”. (Maiolo, 2007: 246) As Maiolo (2007: 247) notes, Bartolus considers the state (*civitas*) to be a kind of corporation: it is a *collegium* legitimised by *ius gentium*. And because he identifies *collegium* with *universitas*, there is little doubt that Bartolus would consider the state to be a *persona repraesentata*. It is important to note that Bartolus does not make a strict distinction between *civitas* and *populus* and that he also considers the latter to be a kind of *collegium*. He writes about the people of a state as an association: “*collegia quod appellat populus unius civitatis*”. (Maiolo, 2007: 247) This also makes the people a *persona repraesentata*.⁶⁷

Although the idea of representation, as Runciman and Brito Vieira (2008: 27-28) suggest, was not central to Bartolus, the word “*repraesentata*” qualifies *persona* in a way that anticipates Hobbes’s use of the term. “*Repraesentata*” is the perfect passive participle of the verb *repraesento*, *repraesentare*, *repraesentavi*, *repraesentatus* originally meaning, as Pitkin (1967: 241) suggests,

⁶⁵ For a more detailed discussion about Bartolus’s ideas, see Woolf, 1913.

⁶⁶ For example: Feenstra, 1971: 129; Maiolo, 2007; Brito Viera, 2009: 160, Kantorowicz, 1997: 306.

⁶⁷ Baldus de Ubaldis, Bartolus’s student, also argued that “[t]he king was [...] given the role of acting on behalf of the legal persons, the royal office and ultimately the kingdom itself.” (Canning, 2007: 475) Furthermore, he was a proponent of the idea of sovereign’s double personality as he “considered that the king housed two completely different kinds of person — his human mortal person and an abstract legal person (his *dignitas*).” (Canning, 2007: 475) For a detailed discussion about Baldus’s ideas, see Canning, 2003.

“to make [mainly inanimate objects] literally present, bring them into someone’s presence; accordingly it also comes to mean appearing in court in answer to a summons, literally making oneself present. It can also mean the making present of an abstraction through or in an object, as when a virtue seems embodied in the image of a certain face. And it can mean the substitution of one object for another, instead of the other”.

The perfect passive participle of the verb translates into English as “represented” or “having been represented”. Therefore, *persona repraesentata* is “a person by representation”. Of course, we cannot speak about Bartolus’s people or state as being represented in the modern sense of the word. However, neither would Hobbes, at least not exclusively.

There are a number of characteristics of Bartolus’s account that correspond with Hobbes’s theory. Bartolus’s definition of the people or the state as a “*persona repraesentata*” might suggest that they cannot be considered as a unified entity when they are not represented. For Hobbes, the people are just a multitude when they are not represented. They can be united only through representation, so “the Multitude so united in one Person, is called a COMMONWEALTH, in latine CIVITAS”. (Hobbes, 1651: 87) Therefore, a person in law can be considered as such only when its members are represented. This is in accordance with Pitkin’s (1967: 241) discussion of the meaning of *repraesentare* as “the making present of an abstraction through or in an object, as when a virtue seems embodied in the image of a certain face”.

The representative is the one who appears in courts in the name of the association she is representing. In doing so, she is putting on a *persona* of the represented multitude. She is, in Hobbes’s (1651: 80) words, a “Representer of speech and action, as well in Tribunalls, as Theaters”. Hobbes is eager to use theatrical metaphors (that correspond with the original meaning of the word *repraesentare*) in describing the nature of representation. The fact that a mask or a role is not by itself sufficient for a theatrical performance corresponds with Hobbes’s insistence on a multitude not having a corporate personality of their own. In the Latin *Leviathan* Hobbes (1668: 79) refers to the representatives as *personae repraesentativae*. The unity of a *persona repraesentativa* and a *persona repraesentata* describes the relationship between the sovereign and her

subjects, united in a single entity through representation. This, of course, is a fiction.

Not unlike *persona ficta*, *persona repraesentata* is not a real person, but the latter term is more specific about the kind of fictitiousness that has to surround a number of people in order for them to be viewed as a single person in law. This specific kind of fictitiousness, unity through representation, is what Hobbes demands and what the various proponents of the theory of *persona ficta* (such as Coke) do not consider as a necessary constituent of a legally acknowledged association. Furthermore, by providing an account by which the people cannot even be considered as such without the sovereign, Hobbes secured his flank from attacks that might otherwise come from a monarchomachian perspective or from the standpoint of double sovereignty, (Gierke, 1958: 45, 54) occupied by those authors who identified the people with the state. If Hobbes would agree that *populus* is identical to *civitas*, there would still be no real danger to his theory as he argues that without the sovereign there is no people, just a “multitude”. Comparably, there can be no *persona repraesentata* without a *persona repraesentativa*.

Even if Hobbes was, as Brito Vieira (2009: 160) argues, “following in the footsteps of his medieval jurist predecessors when working out the state concept from the legal notion of corporation”, he surely did not take the same path as Coke or most of his other contemporaries. As Gierke (1958: 84) rightly argues, Hobbes

“was the first to introduce into the theory of natural law a conception of Group-persons, which was *not simply borrowed from the civilian or Roman-law theory of corporations*, but was genuinely deduced from the actual principles of natural law; and he was the first to make such a conception the pivot both of public law and of the law of corporations”. (The emphasis is mine.)

Indeed, Hobbes has introduced a novel view in *Leviathan*. This novelty consists of an integrated account of personhood and representation. Hobbes needed such an account for two reasons: 1) recognising the legal person as a signifier of corporate unity and, therefore, of the unity within the state; and 2) making sure that the responsibility for the sovereign’s actions is traced back to her subjects,

thus effectively shifting the responsibility away from the representative to the represented. It seems that Hobbes wanted to argue in favour of an account more robust than the usual interpretation of the theory of *persona ficta* could offer. It is important to note that a great number of Hobbes's contemporaries (including Coke), as well as his predecessors, regarded the people as a corporation. This idea was far from exotic – it was not only a commonplace in the works of the supporters of popular sovereignty, but also in writings of “the champions of the absolute power of the Ruler”. (Gierke, 1958: 84)

While agreeing with the latter group of authors, Hobbes was obviously not satisfied with an account that would deny the sovereign's responsibility and reinforce the longevity of her office simply by claiming that she is a corporation sole. The problem with such an account, as we can conclude from Gierke's (1958: 44) interpretation, is that it requires us to consider the people not as a disjointed multitude, but as a corporate body that somehow relates to the sovereign, usually through a social contract. On the other hand, Hobbes emphasises the need for the existence of a unified will even in those associations that would otherwise appear to be “headless”. Like a state, any corporation can be represented by a single person or by an assembly. (Cf. Hobbes, 1651: 94 and 116) In the latter case, the representative can be an assembly made of a portion of the members, but it can also consist of all the members, as is the case in democracies that are “an Assembly of All that will come together” (Hobbes, 1651: 94). By emphasising this, Hobbes suggests that the notions of “headless” incorporations are simply false, because even for those corporations where all the members are equal there is a Hobbesian representative.

This chapter has drawn attention to a number of elements of Hobbes's account of corporate personhood that neither correspond with Coke's legally formative ideas, nor fit in the tradition revolving around the concept of *persona ficta*. These are as follows: 1) Hobbes never used the term in his writings; 2) he was very cautious not to categorise the state as a corporation, especially in *Leviathan*; 3) Hobbes denied the corporate nature of unrepresented groups, including the people without a sovereign; 4) he emphasised unity as a defining element of a corporation, a feature that was crucial for Innocent IV's introduction of the term, but neglected in the later development of the theory; 5)

he combined theatrical, theological and legal elements in his notion of representation as a unifying element and finally, 6) replaced the idea of the sovereign as a corporation sole with the account of representation that traces the responsibility for the sovereign's actions to the subjects.

Although Hobbes's discussion of corporate personhood can only roughly be subsumed under the theoretical framework of the theory of *persona ficta*, there is a variant of this theory that is more in keeping with Hobbes's account. That is Bartolus's theory of a represented person (*persona repraesentata*). Even though Hobbes does not write about a *persona repraesentata* any more than he writes about *persona ficta* and though this notion cannot fully describe Hobbes's theory of personhood (because it lacks the explicit notion of *persona repraesentativa*, among other things), it does correspond with Hobbes's account in at least two important respects. Firstly, the term *repraesentata* emphasises the (per)formative aspect of representation that is crucial for Hobbes's idea of a legal person. Secondly, it establishes a standard by which there is no unity without representation, contrary to accounts that allow the existence of "headless" corporations. Therefore, if indeed "the Commonwealth is no Person [...] but by the Representative", (Hobbes, 1651: 137) it seems that the notion of *persona repraesentata* captures the novelties of Hobbes's view of corporate personhood rather better than Runciman's account of "*persona ficta*".

3. Hobbes's definition of a person⁶⁸

The various elements of the two intellectual traditions merge in Hobbes's definition of a person. The idea of a person as defined by her *persona*, a mask or a (social) role, was made available and developed by Cicero. From the same tradition comes the notion of the person of the state, *persona civitatis*, as well as the idea of political authority as taking care of public affairs. On the other hand, the theological tradition of a public person offered a way of thinking about the represented being united through their representative. In contrast to the contemporary notions of representation, when Christ represented the people, He did not act in accordance with their wills. Instead, in His sacrifice, the results of His autonomous agency have been attributed to the mankind. One can thus argue, as Hobbes did, that representation is not about the representative being responsible to the represented, but about the representative acting freely and his actions (along with their consequences) being attributed to the represented. Finally, the theological question imposed onto an ancient Roman juristic tradition give rise to the legal notion of *persona ficta* and group personality. This idea was employed in the accounts of the people as a standalone group with an identity of its own that exists independently of their sovereign. Hobbes wanted to tackle this conception of "headless" popular unity and proposed an alternative account, the framework of which I will lay out in this chapter.

This account was not fully developed before *Leviathan*. Although in *The Elements of Law* Thomas Hobbes used the word "person" to denote a "person civill" (1889: 103), it was not before the English *Leviathan* that he introduced his definition of a person. In his subsequent works – the Latin *Leviathan*, *De Homine* and the *Answer to Bramhall* – Hobbes also provided definitions of a person. However, although his later works gave new variations of the definition from *Leviathan*, they did not succeed in clarifying his viewpoint on personhood. On the contrary, they seem to have obscured it even further.

⁶⁸ A shorter version of this chapter is accepted as a contribution to *Intellectual History Review* and it will be published in 2012. I am grateful to the journal's anonymous reviewers for their helpful comments on this piece.

As a result, few authors have dealt with this topic, and those that have done so have effectively limited their research to the 16th chapter of *Leviathan*, where Hobbes originally defined a person.⁶⁹ The scarcity of scholarship on this particular topic is not as problematic as the bland uniformity of interpretations in the existing literature. The 16th chapter is the final chapter of the first part of the book which connects the two most important parts of *Leviathan*: Hobbes's elaborate anthropological discussion titled "Of Man" and the succeeding examination of the creation, functioning and properties of the state, entitled "Of Common-Wealth". Hobbesian personhood is the first step to the seemingly oxymoronic account of an absolute monarch *representing* her subjects, taken in their totality,⁷⁰ in just about everything⁷¹ she does, effectively shifting the locus of responsibility from the government to the people it represents.

This can be problematic if the usual notion of representation is involved. In contemporary democratic societies citizens are able to remove their officials from power exactly because they think of them as their representatives. On the other hand, Hobbes introduces a seemingly ambivalent notion of representation or "personation" and insists on the inseparability of the represented from the representative. Therefore, we cannot speak of a united multitude without a representative, since "it is the Representer that beareth the Person, and but one Person: And *Unity*, cannot otherwise be understood in Multitude." (Hobbes, 1651: 82) For Hobbes (1889: 172), the state "signifieth not the concord, but the union of many men" and the only alternative to the sovereign's absolute authority and the underlying unity between the representative and the represented is the state of nature. Without a sovereign to represent them, the subjects are simply the members of a disjointed multitude in the state of nature. On the other hand, it is also clear that there can be no sovereign if there are no subjects to be represented. Either way, the separation of the representative from the represented within a commonwealth necessarily leads to "warre of every man against every man". (Hobbes, 1651: 63)

⁶⁹ As Runciman (1997: 6) argues, this chapter "continues to receive little attention in the growing mass of literature devoted to Hobbes".

⁷⁰ As Newey (2008: 168) notes, Hobbesian sovereign "does not represent each individual taken separately".

⁷¹ The exception to this would be the case when the sovereign attempts to hurt her subject.

Hobbes's idea of a person allows him to combine and unify the representative with the represented. Hobbes uses the term "person" chiefly to denote a mask or a *persona* (i.e. the represented) while he unequivocally defines a person as a representative. These two meanings are complementary as Hobbes's notion of a person combines and unifies "*persona*" with "intelligent substance", a concept that Hobbes introduces in his *Answer to Bramhall*. Although Hobbes did not employ the notion of "intelligent substance" prior to the *Answer to Bramhall*, the fact that he used it to clarify his position from *Leviathan* at least implies that he did not believe that it is incompatible with his definition of a person.

The idea of "intelligent substance" is revealing for at least two reasons. Firstly, this concept is useful because it designates the element of Hobbes's definition of a person that is usually blurred by his use of the pronouns "he" (in the English *Leviathan* and *De Homine*) or "someone" (in the Latin *Leviathan*). Therefore, "[a] *person* [...] signifies an intelligent substance [that...]" is more revealing than "A PERSON, is he [who...]". This is because we cannot obviously substitute "he" or "someone" with "person" or with "a human being". Hobbes's notion of a human being entails self-representation and "bearing" one's own *persona*. "A human being" therefore, would be synonymous with "a natural person" and substituting "he" or "someone" with it would lead to a circular definition. Secondly, "intelligent *substance*" is revealing of the post-Aristotelian framework of Hobbes's (political) philosophy and the use of word "substance" sheds some light upon his view of the relationship between an "intelligent substance" and a "*persona*". As I will argue, these two concepts parallel the Aristotelian notions of substance and form that are mediated through Hobbes's accounts of will and agency. Finally, Hobbes's notions of will and agency are also a consequence of his materialistic and mechanistic philosophy that provides a metaphysical argument for subsuming the represented under the representative.⁷²

However, there are at least two apparent problems with Hobbes's account of personhood that have been identified in recent scholarship. The first

⁷² My account of a post-Aristotelian framework that connects the elements of Hobbes's idea of a person is greatly indebted to Cees Leijenhorst's interpretations. Hobbes's account of a person is thus an example of Hobbes's "mechanisation of Aristotelianism". On this, see Leijenhorst, 2002.

is, as François Tricaud (1982) argues, that Hobbes uses the word person in a number of different contexts in *Leviathan* alone. The second, noted by Martinich, is that there are some substantive differences in Hobbes's definition in and after *Leviathan*. This particularly applies to Hobbes's account of a person from *De Homine*, which is discussed by Martinich (2005), Skinner (1999) and Runciman (2000). These authors argue that Hobbes in *De Homine* defines a person as the represented, which is at odds with his standard definition of a person as a representative.

In this chapter I will argue that if we want to understand the structure of Hobbes's account of personhood, we need to distinguish between a person and a *persona* as its component. As I will show, for Hobbes *persona* designates a certain way of thinking about the representative's actions. *Persona* connects the represented with the representative when we think of the representative as "bearing" the *persona* of the represented and, in doing so, acting in their name. Unity of the represented is thus realised by them complying to their representative's singular will and them considering the representative's agency as their own. This will be the topic of the third part of this chapter.

It is important to note that, although it is defined by it, a person is more than a *persona*. A mode of agency is inseparable from the agent, so the person also requires the "intelligent substance", a human being capable of acting. I will also suggest that these two main elements of a person (*persona* and "intelligent substance"), united through the notions of will and agency, correspond to a modified Aristotelian form – matter dichotomy. Finally, before moving to the discussion of the personality of the commonwealth, I will briefly address Hobbes's account of authorisation that is a prerequisite for any instance of representation, including the relationship between the sovereign and her subjects.

The distinction between a person and a *persona*: the relationship between the representative and the represented

Hobbes's account of personhood came to fruition within the framework of his wider political theory laid out in *Leviathan* and it "has no real precedent in Hobbes's earlier political works, *De Cive* and the *Elements of Law*." (Newey,

2008: 157) Hobbes gives four slightly different accounts of a person and representation in *De Homine, An Answer to Bishop Bramhall's Book: 'The Catching of the Leviathan'* and the Latin and English versions of *Leviathan*. Before we turn to examining and comparing these definitions, let us first examine the context in which the word “person” is used in *Leviathan*. This is particularly important because it shows us that for Hobbes there are two distinct and complementary meanings of the word “person”.

It would be very hard to say that the meaning of the word “person” is the same when Hobbes (1651: 80-81, 94) writes about “bearing” (“I beare three Persons; my own, my Adversaries, and the Judges”), “carrying” (“he that carryeth this Person, is called Sovereigne”) or “transferring” a person (“they [...] cannot without his leave [...] transference their Person from him that beareth it”) and *being* a person (“... then the Person is the *Actor*”; “... the Sovereign, or the Person representative). In the first set of uses, the word “person” can be substituted with “mask”, or “*persona*”, while in the second context a person is the one who carries such a mask. In the first set “person” is (something or someone) represented and in the second it designates the representative. It is worth noting that throughout *Leviathan* the word “person” is used more frequently to denote a *persona* than the one who “bears” it. In fact, the only time we see Hobbes consistently using the concept to denote an individual “actor” is when he offers a definition of a person: “A PERSON, is he, *whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction*” (Hobbes, 1651: 80); “A Person is someone...” (Hobbes, 1668: 79), “A *person* (Latin, *persona*) signifies an intelligent substance” (Hobbes, 1682a: 37).

Tricaud (1982: 91-95) also registers this aspect of Hobbesian terminology. Not unlike Skinner, Runciman and Martinich, Tricaud recognizes an artificial person as a represented entity and identifies person with *persona*. He initially distinguishes between the following main meanings of the word “person” across Hobbes’s work: 1) “‘human being’ in general”; 2) “the real self”; 3) “civil or artificial person” or “some corporate body”. The peculiarity of *Leviathan* is, as Tricaud argues, in introducing two more meanings. The first corresponds with “person” being interchangeable with “mask” and denotes “the

right of acting on someone's behalf", while the latter designates the representative, or "the man or assembly that is entitled to act on behalf of either the commonwealth or a subordinate corporation". (Tricaud, 1982: 96) Furthermore, Tricaud (1982: 93) notes that in *Leviathan* the "notion of the person as a role overlaps that of the person as a corporate body". I will briefly discuss Tricaud's classification in an attempt to show how, although being right to distinguish between the meanings of "person" and "*persona*", he was wrong to suggest five different uses of the word "person" because they can all be explained by one of two denotations I propose.

Although relatively scarce in *Leviathan*, the sense in which "person" connotes "a human being" is constant in Hobbes's work after the *Elements of Law*. Its scarcity, however, does not imply its irrelevance, since, as we have noted earlier, this is the exact meaning in which the word "person" is used in all of Hobbes's definitions of a person. Indeed, a person defined as "he, *whose words or actions are considered...*" undoubtedly is, in Tricaud's terms, a "'human being' in general". Furthermore, in Hobbes's *Answer to Bramhall*, "an intelligent Substance" that a person "signifies" is "one man". (Hobbes, 1682a: 37)

On the other hand, Tricaud's interpretation of a person as "the real self" is quite vague. He introduces three contexts from the *Leviathan* in which such meaning presents itself. Unfortunately, none of them seems to support his interpretation. Firstly, if we take a closer look at the wider context of the passage in *Leviathan* by which the Assembly residing outside the colony it governs "cannot execute any power over the persons, or goods of any of the Colonie", (Hobbes, 1651: 118) we can see that the persons are not to be considered "as opposed to the belongings" as Tricaud (1982: 92) argues. In fact, both persons and material goods are identified as potentially belonging under the rule of the sovereign body. Therefore, the question Hobbes is addressing here is not whether the goods are to be distinguished from the persons but under which circumstances authority over *both of them* can be exercised. There is no new meaning of the word "person" that emerges from this context.

The second of Tricaud's (1982: 92) examples points to "person" as "denoting one's own body": "So when a man compoundeth the image of his own person, with the image of the actions of an other man; as when a man

imagines himselfe a *Her[cu]les*, or an *Alexander*, [...] it is a compound imagination". (Hobbes, 1651: 5-6) As we see, Hobbes makes no explicit reference to any corporeal property. Although the man in question could desire to have a body of Hercules, he also might admire his strength or bravery. Moreover, it is clear that Hobbes is concerned about the way that "the image of the actions of another man" is presented in our mind because imagination is a crucial prerequisite of representation and, therefore, intrinsically linked to the concept of *persona*. Tricaud's final example relies on the following passage from *Leviathan*: "The observance of this law, from the equall distribution to each man, of that which in reason belongeth to him, is called EQUITY, and (as I have sayd before) distributive Justice: the violation, *Acception of persons*". (Hobbes, 1651: 77) Here I see no reason for introducing an interpretation by which "persons" refer to anything other than human beings, or natural persons. In order for the "acception of persons" to be contrasted with the "equall distribution to each man" it has to share its object, which is obviously a human being.

Tricaud's category of "civil or artificial" persons applies to persons as representatives that "bear" other people's *personae*. Accordingly there is no need for Tricaud to differentiate this category from one that designates a person as "the man or assembly that is entitled to act on behalf of either the commonwealth or a subordinate corporation". (Tricaud, 1982: 96) On the other hand, the meaning of person as "the right of acting on someone's behalf" is indeed contrasted with the latter and it does not only capture the contrast between person and *persona*, but it also emphasizes authorisation and agency as the main components of the concept of *persona*. In turn, as I have argued before, there are only two contexts in which Hobbes uses the word "person" – the first meaning "a mask" or a thing that is represented and the second designating "a human being that speaks or acts" or a representative. These two contexts, as I will argue, do not contradict each other. In fact, they are complementary. For the sake of clarity, from now on I will be using the word "*persona*" to denote "person-as-a-mask". "Person" used in this context is an element of "person-as-a-representative-that-acts".

Hobbes's definitions of a person

Let us now turn to Hobbes's definitions of a person. The way Hobbes introduces these definitions is consistent throughout all of his works. He always mentions the Latin etymology of the word and identifies a "*persona*" with a Greek word "*πρόσωπον*" (*prosopon*) meaning "countenance" or "mask". And in his works, from *Leviathan* to the *Answer to Bramhall*, Hobbes quotes Cicero and writes about "sustaining" (1682a: 37) or "bearing" (1651: 80) three persons (*personae*) while preparing for court – his own, his adversary's and the judge's. Although these supporting explanations are for the most part constant, the definitions are not as uniform. In the English version of *Leviathan* Hobbes introduces the following definition:

"A PERSON, is he, whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction. When they are considered as his owne, then is he called a *Naturall Person*: And when they are considered as representing the words and actions of an other, then is he a *Feigned* or *Artificiall person*." (Hobbes, 1651: 80)

Comparably, in *De Homine*, he defines a person as: "*he to whom the words and actions of men are attributed, either his own or another's*: if his own, the person is *natural*; if another's, it is *artificial*" (Hobbes, 1978a: 83),⁷³

while in the Latin version of *Leviathan* he offers the following definition:

"A Person is someone who acts either in his own name or in the name of someone else. If he acts in his own name, then the Person is his Own or a Natural one; if he acts in the name of someone else, then the person is Representative of the one in whose name he acts."⁷⁴ (Hobbes, 1668: 79; as translated in: Skinner, 1999: 12)

⁷³ The original definition in Latin is: "*Persona est, cui Verba et Actiones hominum attribuuntur vel suae vel alienae. Si suae, Persona naturalis est, si alienae Fictitia est*". (Hobbes, 1658: 84)

⁷⁴ I have borrowed this translation from Skinner (1999: 12) Hobbes's (1668: 79) original definition is: "*Persona est is qui suo vel alieno nomine Res agit. Si suo, Persona Propria, sive Naturalis est; si alieno, Persona est eius, cuius Nomine agit Representativa*".

In the Appendix to the Latin version of *Leviathan* from 1668, Hobbes clarifies his position on personhood by defining a person as: “a Latin word, meaning any individual thing, no matter whether acting in accordance with its own will or that of another.”⁷⁵ (Hobbes, 2006: 84) He then goes on to offer a definition of a person as synonymous with “*persona*” or “*πρόσωπον*” (*prosopon*):

“it means properly the face of a man, whether natural; artificial, as with a mask, and also representative of a face, not only in the theater, but also in legal action and at church. Again, what else is a representation of a face but an image or stamp of the thing represented?”⁷⁶ (Hobbes, 2006: 86)

Finally, in *Answer to Bramhall*, Hobbes (1682a: 37) notes that: “A *person* (Latin, *persona*) signifies an intelligent substance that acteth any thing in his own or another’s name, or by his own or another’s authority”.

As we see, after *Leviathan* Hobbes offers relatively more concise accounts of the concept of the person. It may also seem that there are no significant differences between the versions from the Latin *Leviathan* and *De Homine*. Indeed, they both differentiate between natural and artificial persons using the same criterion and they have both done away with the somewhat confusing distinction between acting truly and acting by fiction from the English *Leviathan*. The only apparently distinctive feature of the Latin *Leviathan* is that Hobbes used the phrase “artificial person” interchangeably with the word “representative”. In the Appendix to the Latin edition Hobbes makes “will or that of another” a part of the definition. Finally, in his *Answer to Bramhall*, Hobbes uses the phrase “intelligent substance” instead of “human being”. We will turn to discussing “will” and “intelligent substance” as parts of the definition of a person a bit later.

In each of the definitions Hobbes follows the same basic pattern: he 1) establishes a relation between a representative and the corresponding action (verbal or otherwise, or, in Hobbes’s own terms, “words and actions”); 2) introduces a distinction between natural and artificial persons (fictitious men in

⁷⁵ “Vox Latina est, significans rem quamcunque singularem agentem utcunque sua vel alterius voluntate”. (Hobbes, 2006: 85)

⁷⁶ “... nam significat proprie faciem hominis, tum natu- ralem, tum artificialem sive larvam, tum etiam faciem representativam, idque non modo in theatro, sed etiam in foro et ecclesia.” (Hobbes, 2006: 87)

the Latin original of *De Homine*, or representatives in Latin *Leviathan*) depending on whether the person acts by herself or the action is done in her name.

Structurally, all Hobbes's definitions of a person share the same formula: a person (a representative) is a human being ("he", "intelligent substance") who represents something or someone (including himself). In other words, a person speaks or acts behind the *persona* of the thing or a human being that she or he represents. The notion of a representative is inseparable from the idea of representation and, consequently, a *persona* is an element of a Hobbesian person. Such an interpretation resolves the tension between the two meanings of Hobbes's notion of a person.

As I have demonstrated, although he defines a person as a representative, the dominant context in which he uses the word implies that it means "*persona*" or "mask". The fact that Hobbes insists on such a contextualisation implies that he saw no contradiction in defining a person both as represented and as representative. The rationale behind this rests on his views on the inseparability of a person as a human being and a *persona* that he or she "bears" or "sustains". Hobbes introduced such a seemingly contradictory account for one very important reason: it enabled him to insist on unity between the representative and the represented without which the sovereign could not *represent* "a reall Unitie of [the subjects], in one and the same Person, made by Covenant of every man with every man". (Hobbes, 1651: 87)

In other words, without a *persona civitatis* to represent, the Hobbesian sovereign can only represent her natural self and without a sovereign representative there can be no state (or "*persona civitatis*"), "[f]or it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*". (Hobbes, 1651: 82) Therefore, Hobbes's insistence on the unity between the representative and the represented enables him to argue that "the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS" (Hobbes, 1651: 87) and to claim that a commonwealth "is no Person, nor has capacity to doe any thing, *but by the Representative, (that is, the Sovereign;)*" (Hobbes's, 1651: 137; the emphasis is mine). Breaking the unity between the representative and the represented would entail ascribing autonomy to the non-

represented multitude and that would be unacceptable for Hobbes, since he argues that there can be no civil society without a sovereign.

Before we turn to discussing the two remaining elements of a Hobbesian person (“will and agency” and “intelligent substance”), let us examine one possible inconsistency coming from Hobbes’s definition in *De Homine*. It seems that Hobbes’s use of passive voice (“*he to whom the words and actions of men are attributed...*”) has inspired commentators such as Martinich (2005: 113-114), Runciman (2000: 275) and Skinner (1999: 12) to assert that Hobbes defines the person in *De Homine* as the represented rather than the representative, which is at odds with any of the definitions in the English and Latin versions of *Leviathan*, as well as with the definition from his reply to Bramhall. According to these authors, an inanimate object from *De Homine*, such as a hospital, is an artificial person, “[s]ince words and actions are attributed to” it. (Martinich, 2005: 113-114) Therefore, instead of being considered as the subject, the word “person” becomes the object of representation.

The obscurity of Hobbes’s definition in *De Homine* is primarily a consequence of the ambiguous notion of “attribution”. Does Hobbes attribute “words and actions of men” to the representative, or to the represented, as Martinich and others have argued? On the face of it, both interpretations seem equally plausible. When X speaks in Y’s name, we can say that we attribute X’s words to Y. Also, since we treat X’s words as originating from Y, it is equally plausible to argue that we attribute Y’s words to his representative X. On the latter reading, the fiction of representation is not in the fact that we consider the represented Y to be speaking when she is, in fact, silent and her representative X is speaking in her name. Instead, the focus is on the representative and the representation is built upon the fiction that, while representing Y, the representative X is not uttering his own words but rather that Y’s words are coming out of his mouth.

This is underlined by the fact that Hobbes distinguishes between “ownership” and “attribution”: “words and actions” are “attributed” to the representative and “owned” by the represented. If a human being (and not an “inanimate thing”) is being represented, he “owneth his words and actions [and] is the AUTHOR”. (Hobbes, 1651: 81) Since this is how Hobbes differentiates

between natural and artificial persons and there are no persons outside those two categories it is obvious that the idea of *persona* is dependent on an underlying account of authorisation. The responsibility is, thus, shifted from the representative to the represented and this is exactly why Hobbes can ascribe responsibility to the subjects for everything their sovereign does as the representative of “*persona civitatis*”.

I believe that Hobbes’s definition in *De Homine* rests on an account of a person as a representative, not least because such an interpretation would render this definition consistent with his other definitions of a person. It is unlikely that Hobbes in *De Homine* proposed a different definition to the one in English *Leviathan* just to “revert to the theory of *Leviathan* in the late 1660s” in his reply to Bramhall, as Martinich (2005: 114) suggests. This is even more questionable as it would mean that Hobbes also “reverted” to his theory in the Latin translation of *Leviathan* from 1668. Furthermore, it is common to all Hobbes’s definitions of a person that they lean on the idea of theatrical representation. This means that, for Hobbes, instances of a person acting or speaking on her own behalf entail self-representation.⁷⁷ While we would normally simply perceive a human being speaking, in Hobbesian theatrical terms such a person would be a (self-representing) natural person who is “bearing” her own *persona*. For Hobbes personation even underlies self-representation. This means that representation is not defined as a special kind of human activity that is separate from, for example, speaking. Whatever a Hobbesian human being says or does, she says or does either in her own name or in the name of somebody else. Either way, that person’s words and actions are viewed through the lenses of representation. By leaning upon such a broad notion as “words and actions” (and not, for example, “words and actions in court”), Hobbes superimposes representation on virtually every kind of human activity.

Hobbes’s definition from *De Homine* should be interpreted from the same viewpoint. If representation is at the fore of Hobbes’s argument, a representative is its *conditio sine qua non* and this is evident from every Hobbesian definition of a person, except the one in *De Homine*. Moreover, the

⁷⁷ For some insightful comments on Hobbesian self-representation, see Newey, 2008: 163-166.

representative (and not the represented) is the obvious starting point because of her conceptual self-sufficiency. Every representative has her own *persona* and can represent herself while, on the other hand, the represented has to have a representative in order to be considered as represented in the first place. Therefore, Hobbes's definition from *De Homine* should be read as primarily concerning the representative and not the represented. On this reading, "words and actions" of the represented are attributed to the representative and not *vice versa*.

There is one additional element of Hobbes's definition of a person from *De Homine* that needs clarification and that is the qualifier "of men" in "*the words and actions of men*" ("*verba et actiones hominum*" in the Latin original). One possible reason behind using phrase "of men" is in the structure of the final chapter of *De Homine*. The chapter "On Artificial Man" rests on the same criterion that distinguishes Hobbes's works *De Homine* and *De Cive*. Unlike *Leviathan*, neither *De Homine* nor *De Cive* is a compendium of knowledge relevant to "the Seat of Power". (Hobbes, 1651: 5) Instead, the two latter works describe human beings in their two distinctive capacities, "[f]or man is not just a *natural body*, but also a part of the state, or (as I put it) of the *body politic*; for that reason he had to be considered as both man and citizen". (Hobbes, 1978a: 35) This is why the final chapter of *De Homine* is, almost in its entirety, dedicated to describing representation where a human being is the represented. It is not before the very end of this chapter that Hobbes writes that "[e]ven an inanimate thing can be a person" and that "such artifices" will be discussed in *De Cive*. (Hobbes, 1978a: 85) Therefore, it is no wonder that Hobbes centres his definition from *De Homine* around the "words and actions of men", as this piece was not meant to discuss the representation of inanimate entities (of which the state is the most important) but only other human beings. This is why this definition of a person is narrower than those in other Hobbes's works.

Will and agency

When he describes how an inanimate object can be represented, Hobbes (1978a: 85) suggests that "caretakers constituted by the state bear its person, so that it hath no will except that of the state". Therefore, since it can neither speak

nor act on its own, it is necessary to assign caretakers to the object that will act in accordance with what is considered to be its will. The ability to act is intrinsically linked with will and Hobbes (1651: 28) states that the will is “the last appetite, or aversion, immediately adhering to the action, or to the omission thereof.” Samantha Frost (2008: 90) comments on the relationship between will and agency by stating how for Hobbes “[w]illing is not a distinct antecedent to action; it is not sequentially and temporally separate from action, Rather Hobbes sees it as *a part of action*.” As we see from Hobbes’s definitions, the ability to act is a necessary prerequisite to being a person and each of Hobbes’s definitions of a person revolves around some notion of agency. In the English *Leviathan*, Hobbes considers one’s “words or actions”; in the Latin version a person is “someone who acts...” and in its Appendix a person is defined as “acting in accordance with its own will or that of another”; in the definition from *De Homine* Hobbes discusses “words and actions of men” and in his *Answer to Bramhall* Hobbes defines a person as “an intelligent substance that *acteth any thing...*” (the emphasis is mine).

Although it may seem contradictory to those who consider the idea of a “person” only as denoting a representative, a person’s will and agency are not an obstacle for considering non-sentient entities persons. Hobbes (1978a: 85) in *De Homine* explicitly states that an inanimate thing *can* act: “Even an inanimate thing can be a person, that is, it can have possessions and other goods, and *can act in law*, as in the case of a temple, a bridge, or of anything whatsoever that needs money for its upkeep” (the emphasis is mine). By considering it a person, we can attribute legally relevant properties to a specific thing or a class of inanimate objects.

When discussing the status of an inanimate thing that “needs money for its upkeep” in *De Homine*, Hobbes (1978a: 85) calls such properties “will”: “caretakers constituted by the state bear its person, so that it hath no will except that of the state”. There are two possible and, as I will argue, complementary readings of this passage. From the English translation it is not clear whether “it” in “it has no will except that of the state” applies to the person that caretakers bear or to the inanimate thing itself. Unfortunately, the Latin original provides us with no answers because both person (*persona*, -ae. f.) and thing (*res*, *rei*. nf.) either are or can be of feminine grammatical gender. Consequently, there is

no way to determine from the relative pronoun “*quae*” in “*quae voluntatem non habet praeter voluntatem Civitatis*” (Hobbes, 1668: 85) if this causal sentence relates to an inanimate thing or its person.

Nevertheless, if we suppose that the sentence refers to an inanimate thing’s person, we can see how the state has to create the role for a representative (an intelligent substance that acts) to play by constructing inanimate object’s “will”. The impersonator, in turn, acts according to what is *constructed as* a represented thing’s will. The will that is assigned to a specific thing becomes the mask, or *persona*, that the actor “bears” while representing it. As Pitkin (1967: 33) points out, the state is not entirely free to decide what inanimate objects’ wills should entail. The state cannot assume that any entity would voluntarily choose an action that is aimed against its own self-preservation. This is why Hobbes associates the representatives with the things that need to be represented in order to “procure their maintenance” (Hobbes, 1651: 81) or that need money for their upkeep (Hobbes, 1978a: 85). Pitkin (1967: 33) draws a parallel between this and the duties of the sovereign that “although they do not derive from his authorisation, nevertheless correspond to ‘procuring the maintenance’ of his subjects, at least in a general way”. This is correct because in both cases the state is the ultimate shaper of subjects’ wills and the creator of the will of those that do not have a will of their own. In a way, constructing a represented inanimate object’s will (at least in the form of the obligation to “procure its maintenance”) entails shaping the will of people who are, for example, disallowed to act destructively towards such an object.

Either way, the state is limited by the fact that no entity can will its own harm. In *Leviathan* Hobbes (1651: 66, 75, 132) repeatedly states that “of the voluntary acts of every man, the object is some *Good to himselfe*”. The same limitations apply to the associations of citizens that Hobbes (1978b: 170) calls civil persons in *De Cive*: “it may happen that many citizens, *by the permission of the city*, may join together in one person, for *the doing of certain things*” (the emphasis is mine). Here we can see that those citizens are limited by “the city” in creating the will of their joint person. This is also the case when an individual represents herself or somebody else. She either puts on her or another individual’s *persona* and her actions are either determined by the will of the

state and her own will or by the will of the state and the represented individual's will, respectively.

On the other hand, it also seems perfectly plausible that the problematic sentence emphasises the fact that inanimate objects do not have their own will and therefore cannot authorise anybody to represent them. Therefore, in both cases the role of the state is to construct their will, so that the process of authorisation becomes possible. Hobbes's (1651: 81-82) account of the representation of inanimate things from *Leviathan* opens up this possibility:

“But things Inanimate, cannot be Authors, nor therefore give Authority to their Actors: Yet the Actors may have Authority to procure their maintenance, given them by those that are Owners, or Governours of those things. And therefore, such things cannot be Personated, before there be some state of Civill Government.”

Therefore, if it owns the inanimate object, the state can transfer its will and use it to authorise the “caretakers”. If, however, the owner of the inanimate object is another person, then the owner can authorise somebody to take care of her property, but only in the context of a commonwealth.

Aside from the obvious fact that inanimate things' ability to act should not be taken literally and identified with a general or natural ability to act, it is quite important to note that inanimate things can act (or “speak”) only in a legal context.⁷⁸ Therefore, their ability is not simply a metaphor (a thing acts *as (if)* it was a rational human being) – it is situated in the legal context of a state and cannot exist outside of it. Consequently, such a person cannot exist in the state of nature which is inhabited only by those Hobbes calls natural persons. In the Chapter 6 of *Leviathan*, when discussing the idea of good and evil, Hobbes (1651: 24) argues that there is no absolute or intrinsic meaning of these

⁷⁸ On the other hand, in the state of nature, since everybody has a right to everything and there is no sanction for false (im)personation, there is no reason for us to believe that, for example, Peter acts in George's name or that Eleanor is the representative of Tower Bridge, even if they claim they are the legitimate representatives. Therefore, we can only safely assume that the individual in front of us represents him or herself. In contrast to this, if Peter fraudulently depicted himself as representing George in the legal context of a commonwealth, he could be prosecuted because his misdoings would be attributed to him and not to George. Peter would thus be considered an unauthorised artificial person. (Pitkin, 1967: 23) And finally, if George authorised Peter to commit a crime in the context of a commonwealth, George would not escape responsibility for his legitimate representative's actions.

concepts, outside those given by “the *Person of the man* (where there is no Common-wealth;) or, (in a Common-wealth,) from the Person that representeth it” (the emphasis is mine). Here we can see that only human beings that represent themselves are to be considered as agents in the state of nature. They retain their status after they form a commonwealth. Consequently, since there is a guarantee that pacts those persons make will be enforced, the concept of representation becomes possible, effectively allowing the existence of representatives (or artificial persons) and those things or people whom they represent.

The state plays a fundamental role in constructing the will of those entities that have no will of their own with a twofold result: 1) enabling the process of authorisation between the specific entity being represented and the corresponding representative (for example: Eleanor, not Paul, is to represent Tower Bridge and “bear” its *persona* because the state considers that to be in the best interest of its functioning and preservation); 2) offering a substantial account of what such a representation entails (for example: Eleanor has to represent Tower Bridge in a way that would “procure its maintenance”). In both cases, the will of the state is constitutive of Tower Bridge’s *persona*. The difference is, however, related to the fact that in the first case the state creates the (legal) framework needed for representation and establishes a set of criteria for choosing a suitable representative. In the second case, the state establishes the bridge’s *persona* by prescribing a certain set of actions that its representative is supposed to perform.

Intelligent substance

An interesting challenge to considering inanimate objects as persons is put forward by Martinich. Although he and some other commentators are wrong to assert that Hobbes’s conceptions of person in *De Homine* and *Leviathan* are at odds, Martinich directs our attention to a passage from Hobbes’s answer to Bramhall: “A *person* (Latin, *persona*) signifies an intelligent substance that acteth any thing in his own or another’s name, or by his own or another’s authority”. (Hobbes, 1682a: 37; Martinich, 2005: 114) Here Hobbes still defines a person as the one who acts and keeps the criterion for distinguishing between

natural and artificial persons. However, the notable difference is that he qualifies a person as an “intelligent substance”. It is clear that this definition is not applicable to the state of nature, since it deals with both natural and artificial representation, which is preconditioned by the existence of state. Therefore, we cannot ignore Hobbes’s definition simply by saying that it is differently contextualised than the ones we have previously discussed.

Instead, more attention should be given to the phrase “intelligent substance”. The relevant chapter of Hobbes’s answer is a theological discussion aimed at rebutting Bramhall’s accusation that he gives an inappropriate depiction of the concept of the Trinity. Hobbes had to defend *Leviathan’s* argument that God was represented through three different persons: “first, by *Moses* [...]. Secondly by [...] our blessed Saviour *Jesus Christ*. [...] And thirdly, by the Holy Ghost” (Hobbes, 1651: 82). The Hobbesian examination of the Trinity serves two purposes. Firstly, the general purpose behind Hobbes’s writing on religion is to reinforce his political argument. (Runciman, 2010: 15) The second general purpose behind Hobbes’s interest in religious concepts is “to remove remnants of classical thought and influence in Christian theology”. (Wright, 2006: 210)

Viability of Hobbes’s religious arguments aside, his account of Trinity is highly revealing of the concept of personhood. It establishes that “God cannot be a person, though He may be personated”, (Wright, 2006: 207) which entails that He is a substance, effectively defining a person through its form. This is of great importance because identifying a person with a(n) (intelligent) substance would suggest that nothing other than God, an angel or a rational human being can be a person. However, as we have seen from the passage from *De Cive*, Hobbes explicitly states that inanimate objects can in fact be *personae*. Moreover, in *Leviathan*, he often discusses the person of the commonwealth.

The inadequacy of identifying an intelligent substance with a person is further revealed by the fact that Hobbes does not say that a person *is* an intelligent substance, but intelligent substance *that acts* in specific manner. Hobbes (1682a: 37) clarified his idea by giving the example of Cicero who “was here the substance intelligent, one man; and because he pleaded for himself, he calls himself his own person: and again, because he pleaded for his adversary, he says, he sustained the person of his adversary: and lastly, because

he himself gave the sentence, he says, he sustained the person of the judge.” Here Hobbes suggests that Cicero was a person since he acted as a representative, either by representing himself or somebody else. It is worth noticing that Hobbes is dealing with four distinctive entities: Cicero as an intelligent substance, Cicero’s *persona*, the *persona* of his adversary and the *persona* of the judge. Consequently, intelligent substance only potentially constitutes a person. It needs to assume a specific form (i.e. Cicero’s or any other *persona*) in order to become one.

There is also a theological background to Hobbes’s distinguishing between a person and a(n) (intelligent) substance. In his account of the Trinity, laid out in the Appendix to Latin *Leviathan*, Hobbes argues that “if, with the Greek Fathers, we use the word hypostasis in place of person, since hypostasis and substance mean the same thing, in place of the three persons, we make three divine substances, that is, three Gods.” (Hobbes, 2006: 86) He then goes on to assert that:

“Bellarmine and almost all the other doctors define person as the first rational substance, that is, an individual substance that is single but intelligent, like God, Christ, the Holy Spirit, Gabriel, Peter. But, what are these first three substances, Father, Son and Holy Spirit, if not three divine substances? But, this is contrary to the faith. Bellarmine did not understand the force of *persona*, for, if it meant first substance, would not the Greek word πρόσωπον (*prosopon*) then mean the same thing? And, it surely does not, for it means properly the face of a man, whether natural; artificial, as with a mask, and also representative of a face, not only in the theater, but also in legal action and at church.”

From this passage we can clearly see that Hobbes does not identify an intelligent substance with a person (in either of its two contexts). Since Hobbes talks about God’s three persons, identifying a person with a substance would make Hobbes a tritheist. And this is precisely the problem that Hobbes wanted to solve by using “the force of *persona*”.

This “force of *persona*” comes from its theatrical etymology. We can consider somebody to be an actor only if he acts and he can only act if he has a role (a *persona*) to play. Following this analogy, we can see that, although there can be no person without it, intelligent substance is entirely impersonal.

Therefore, it is completely irrelevant if Cicero's person is personated by the corporeal entity we would recognize as Cicero or somebody else – the same way the audience does not care about the actor in a play they are watching, as long as he is a good actor. The only relevant property of an actor is his ability to act. The concept of an intelligent substance captures this idea quite well. So, in this context, the only relevant property of an intelligent substance is its *ability* to assume the role of a specific person. Since an intelligent substance has no other qualities that would prevent it from personating an inanimate object, there is no reason to think that Hobbes's definition of a person in his answer to Bramhall is incompatible with the idea that such objects can be persons.

Unity of the three defining elements of Hobbesian person

So far we have established that Hobbes's idea of a person comprises three elements: 1) *persona*, 2) intelligent substance, 3) will and agency. The first two elements are mediated and intertwined through the third one. Also, as I have previously argued, Hobbes's notions of will and agency are intrinsically linked. Hobbes's emphasis on agency and its link to the will are understandable, given the mechanist nature of his psychology. Since the will is “the last appetite, or aversion, immediately adhering to the action, or to the omission thereof” (Hobbes, 1651: 28), the defining element of the will is its relation with the corresponding action.⁷⁹

Will and agency are the two concepts that link Hobbesian intelligent substance to *persona* and both of these concepts to personality. “Intelligent substance” connotes an entity with the ability to will and act. When an individual acts, she is a person and has a certain role or *persona*. Accordingly, a sovereign is enabled to act as one when the subjects “reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to beare their Person”. (Hobbes, 1651: 87) Subjects' “submission” of wills, therefore, creates a specific *persona* (*persona civitatis*) and enables a certain individual (intelligent substance) to become the sovereign by “bearing” it. The relationship between a person and its two defining elements can also be captured through the dichotomy of actuality and

⁷⁹ According to Hobbes, when deciding about her or his actions, a human being deliberates through the alternate succession of appetite and aversion. (Overhoff, 2000: 15)

potentiality. However, intelligent substance and *persona* are characterised by their potentiality in a different manner: the first is marked by the ability to will and act *generally*, whereas the latter is connected to the potential to will and act *in a specific way*. An intelligent substance's general ability presents itself in the ways I have already described and that allows the human mind to create *personae*, distinguish between them and decide which one to put on by inducing the mode of agency that fits the chosen *persona*.

Such a use of Aristotelian categories is well within the scope of Hobbes's wider philosophy.⁸⁰ Cees Leijenhorst (2002: 139) clarifies Hobbes's position by noting that "Hobbes retains basic elements of hylomorphic vocabulary, while simultaneously criticising its scholastic interpretation". Therefore, it is not surprising that in *De Corpore*, Hobbes (1656: 85) relies on a similar set of Aristotelian concepts while stating the following:

"Now that Accident for which we give a certain Name to any Body, or the Accident which denominates its Subject, is commonly called the ESSENCE thereof; as Rationality is the Essence of a Man, Whiteness; of any White Thing and Extension the Essence of a Body. And the same Essence in as much as it is Generated, is called the FORM. Again, a Body, in respect of any accident is called the SUBJECT, and in respect of the Form it is called the MATTER."

Here we can see that Hobbes reduces the matter/form dichotomy to body/accident.

Since Hobbes (1656: 74-75; 1651: 207-216) discards the Aristotelian distinction between body and substance and identifies the two,⁸¹ there is no doubt that "intelligent substance" should be identified with "body". Therefore, it can be concluded that an intelligent substance is body/matter and that its accident/form is the *persona* that is constitutive of the corresponding person. However, this does not mean that *persona* can be regarded as separate from intelligent substance or as existing outside the concept of person. Doing that

⁸⁰ For a discussion about the specific similarities and differences between Hobbes's and Aristotle's political philosophy, see Schuhman, 2004b: 207-218.

⁸¹ "... this is the very thing which is customarily called *body* on account of its extension; *self-subsistent* on account of its independence from our thought; *existent* because it subsists outside us; and finally *substance* or *subject* because it seems to support and underlie imaginary space, so that it is not by the senses, but only by reason that we understand that something is there." (Hobbes, 1656: 74-75) See also Leijenhorst, 2002: 146.

would be analogous to imagining *persona* as a kind of “incorporeal substance”, which Hobbes (1651: 40) considered to be a contradiction in terms, a “kind of Absurdity”. Comparably, when Hobbes uses Aristotelian dichotomies, he does not treat the concepts to which they are applied as separate. For example, when he defines accident as the “*Manner by which any Body is conceived*”, (Hobbes, 1656: 75) it is clear that Hobbes does not imply that body and its accidents are two separate things. The argument behind the inseparability of a body from its accident(s) is also an important argument in favour of unity between the representative and the represented, and, consequently, between the sovereign and the people she represents. This is also in accordance with Hobbes’s answer to the problem of individuation: “Also if the Name be given for such Form as is the beginning of Motion, then as long as that Motion remains it will be the same *Individual* thing; as that Man will be alwayes the same, whose Actions and Thoughts proceed all from the same beginning of Motion”. (Hobbes, 1656: 101)

Hobbes’s account of authorisation and responsibility

For Hobbes’s unifying account of personhood to work, however, the represented have to authorise their sovereign to act in their name, or, at the least, to tacitly acknowledge the sovereign as their representative. In theatrical terms, a member of the audience sees the actor as a person defined by the corresponding *persona*. While the actor moves and speaks as if he was Hamlet, Hamlet’s *persona* becomes the essence of the body observed by the audience, an “Accident which denominates its Subject”. In other words, when an intelligent substance (a body) acts in a specific way and “*works in us a Conception of itself*” (Hobbes, 1656: 75) the observers become aware of it through its *persona* and see it as a person. As a result, the body is seen as Hamlet, and the intelligent substance is perceived as a person. For the actor, Hamlet is one of his many *personae*, while for the audience Hamlet is a person, since it is a sensuous representation of intelligent substance that bears a singular *persona*. What is required here, however, is the audience’s willingness to accept the person they see as Hamlet and not as somebody else. An audience goes to the theatre with that intention because it makes their theatrical experience more enjoyable and fulfilling. On the other hand, the Hobbesian subjects have to be

informed that there are benefits to accepting someone as their sovereign representative and this is what Hobbes argues throughout *Leviathan*. This is emphasised by Hobbes's insistence on the educative role of the sovereign as, "it is his Duty, to cause them so to be instructed; and not onely his Duty, but his Benefit also, and Security, against the danger that may arrive to himselfe in his naturall Person, from Rebellion."⁸² (Hobbes, 1651: 177)

The sovereign's success in such a project depends on how plausible the account of authorisation is. After sketching out the distinction between natural and artificial persons, Hobbes (1651: 81) establishes a connection between such ownership and authority:

"Of Persons Artificiall, some have their words and actions *Owned* by those whom they represent. And then the Person is the Actor; and he that owneth his words and actions, is the Author: In which case the Actor acteth by Authority. For that which in speaking of goods and possessions, is called an *Owner*, and in latine *Dominus*, in Greeke κύριος; speaking of Actions, is called Author. And as the Right of possession, is called Dominion; so the Right of doing any Action, is called AUTHORITY. So that by Authority, is alwayes understood a Right of doing any act: and *done by Authority*, done by Commission, or Licence from him whose right it is."

In other words, an author is an individual who owns both the right to act and the actions consequent to the exercise of that right. Or, as Pitkin (1967: 19) defines it: "ownership of actions is authority, which is the right to do the action".

Right, on the other hand, "consisteth in liberty to do, or to forbear"⁸³. (Hobbes, 1651: 64) Hobbes examines rights primarily in the context of the "transfer" or "renouncement" of rights from the people in the state of nature to the individual who effectively becomes the sovereign by keeping her natural right "to every thing; even to one anothers body". (Hobbes, 1651: 64) The

⁸² This aspect of Hobbes's theory will be discussed in greater detail in the chapter five.

⁸³ For a discussion on the place of natural rights in Hobbes's political theory, see: Brett, 1997 and 2011; Tuck, 1979. There are also a number of authors who view Hobbesian rights as liberty rights. For example, see: Hampton, 1986 and Gauthier, 1969. Relatively recent alternatives to these views are presented by Malcolm (2003b) and Eleanor Curran (2007). Malcolm sees Hobbes's natural liberties as imposing duties on their very bearers, particularly the duty not to harm oneself. On the other hand, Curran argues that the Hobbesian rights entail duties to others: the sovereign *qua* sovereign has a duty to protect the citizens, while the citizens have duties towards each other. (Curran, 2007: 112-117; 182)

process of authorisation is irreversible and irrevocable, because the individual who “lays down” a right has a “[d]uty, not to make voyd that voluntary act of his own” that is enforced by the law of the commonwealth. (Hobbes, 1651: 65) This makes the transgression “*Sine Jure*” which, in turn, brings legal sanctions into play, since the obligations that an individual assumes by entering civil society “have their strength, not from their own Nature, (for nothing is more easily broken then a mans word,) but from Feare of some evill consequence upon the rupture.” (Hobbes, 1651: 65) The legal nature of the obligation is further emphasized by the fact that such a consequence can only be rationally expected within the legal context of a commonwealth, where the sovereign is the sole legislator and has the power to punish transgressors of the law.

Hampton (1986: 114-131) argues that the process of authorisation can be understood in at least two different ways: as “borrowing” or as “surrendering” ones natural rights.⁸⁴ The first understanding is exemplified by Gauthier’s (1969) account, according to which the authorisation process does not lead to establishing a master-servant relationship between the sovereign and her subjects. Instead of “surrendering” their natural rights through the authorisation process, Gauthier argues, Hobbesian subjects “lend” them to the sovereign in exchange for their safety. This makes the sovereign an “instrument of the subjects’ wills” (Hampton, 1986: 116) and puts him in a position similar to the position John Locke prescribes in his *Second Treatise*. According to this interpretation, subjects not only keep the right to defend their lives if they are in any way endangered, they also reserve to themselves a residuum of their original authority that entitles them to claim their rights back and de-authorise the sovereign. Furthermore, if the sovereign acts as the people’s agent, everything she does in her official capacity is subjected to the people’s judgment at all times.

⁸⁴ Some commentators, such as Murray Forsyth (1994: 35-51) have criticised Hampton’s emphasis on the difference between “surrendering” and “borrowing” rights by a social contract. Forsyth, for one, disagrees with Hampton’s criteria for differentiating between alienation and agency social contract theories and argues for distinguishing between those interested in creating a “political body capable of meeting man’s practical, earthly, political needs” and those that aim to institute “the body politic subordinate to the realm of morality, or the ‘kingdom of God’”. (Forsyth, 1994: 39) However, such an account has no bearing on Hobbes’s concept of authority because it acknowledges that Hobbesian social contract presupposes some sort of self-subjection and, at least on this account, falls in one of Hampton’s categories.

The second understanding is advocated by Hampton. In response to Gauthier, she offers evidence that Hobbes indeed advocates a master-servant relationship between the sovereign and the subjects. Hampton argues (1986: 124-128) that there are four major problems with Gauthier's view. Firstly, Hobbes explicitly denies the subjects' right to judge their sovereign's actions, so there is nothing to suggest that they own any kind of "golden share" in regard to sovereign's decisions. The second of Hampton's objections is that there can be no real contract between the people and the sovereign. In fact, the only covenant that Hobbes (1651: 88) speaks of in relation to establishing a commonwealth is a covenant (or covenants) between subjects, i.e. the members of the "great Multitude" that enter "*mutuall Covenants one with another*".

Since the Hobbesian authorisation process relies on the voluntary repudiation of each person's natural rights, there is nothing that would compel the sovereign to act in any way that is not in accordance with her will. In fact, the main feature of what Hampton calls the regress argument is exactly that it does not produce any kind of responsibility on the sovereign's side. A sovereign "*may use the strength and means of*" her subjects "*as [s]he shall think expedient, for their Peace and Common Defence*". (Hobbes, 1651: 88) Consequently, since there is no contract between the sovereign and her subjects (either considered individually or in their totality), the sovereign cannot be responsible to her subjects in any.

Hampton's third objection is based on the idea that the sovereign cannot be the agent of a people since such a notion would require establishing an independent arbiter who would decide when the agreement is being breached. Since there is no scope for such a body in Hobbes's theoretical framework, it follows that, if anybody performs this role, it must be one of (1) the people or (2) the sovereign. But then the notion is beset by the same set of problems described in Hampton's first two objections or else it is nugatory: for it is for the sovereign to decide whether her actions are in accordance with her agreement with the subjects or not.⁸⁵ Accepting the latter interpretation would

⁸⁵ This is related to what Hampton sees as one of the biggest problems with Hobbes's authorisation theory. She argues that some of Hobbes's contemporary critics were right to recognise subjects' inalienable right to self-preservation as problematic because it is solely dependant on them deciding whether the sovereign is putting their lives in danger or not. Consequently, a group of people that comes to such a conclusion has a right to team up and

presuppose identifying authorisation with subjugation and not with the process of lending authority to the sovereign. This is indeed what Hampton suggests in her fourth and final argument against Gauthier's interpretation of the authorisation process.

Hampton argues that some of Hobbes's contemporary critics were right to recognise subjects' inalienable right to self-preservation as problematic because it is solely dependant on them deciding whether the sovereign is putting their lives in danger or not. Bramhall criticised Hobbes's account of the right to self-preservation and characterized *Leviathan* as "a Rebel's Catechism". In Hampton's view, this is one of the biggest problems with Hobbes's authorisation theory since a group of people that comes to a conclusion that their preservation is threatened have a right to team up and attempt to overthrow the sovereign. (Hampton, 1986: 197-207 and Hampton, 1997: 52) There is, however, at least one argument to be made against such a challenge. As I have argued in the first chapter, although a Hobbesian subject's decision on the matters pertaining to his self-preservation is final, he cannot make this decision entirely arbitrarily. When Hobbes discusses the radical insecurity of the state of nature, he notes that in such a condition:

"there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society". (Hobbes, 1651: 62)

From this passage we can conclude that there can be no commerce, industry, art, society, et al. in the (natural) condition of radical insecurity in which one's self-preservation is threatened. Analogously, if there is evidence of activities that are preconditioned by the existence of safe societal surroundings, one can never claim that he is living in a threatening environment and that his sovereign is not fulfilling her purpose as a guarantor of peace and safety. Therefore, unless the sovereign is behaving irrationally and intentionally harming his loyal

attempt to overthrow the sovereign. This is why Bramhall characterized *Leviathan* as "a Rebel's Catechism". On this, see Hampton, 1986: 197-207 and Hampton, 1997: 52.

and peaceful subjects, the Hobbesian right to disobedience can only be exercised in such cases where it does not really matter whether one will chose to exercise it or not: 1) in the case of a total breakdown of societal security followed by a relapse into the state of nature or 2) in the case of the sovereign's exercising her right to punish a subject in a life threatening way. In the first case there is no reason to follow anybody's orders, as everybody is equally self-interested in the state of nature. In the second scenario, although legitimate, individual resistance against the sovereign's carrying out the sentence is almost always bound to fail due to the sovereign's overwhelming power. If this is true, then *Leviathan* can hardly be considered "a rebel's catechism".

Those commentators who write about the Hobbesian concept of authority and authorisation rarely fail to mention its relationship with responsibility.⁸⁶ This is far from surprising. Ever since this idea was codified in Justinian's *Digest*, authorising somebody to act in our name entailed us being responsible for his actions. The default assumption among commentators of Hobbes's account of authorisation is that Hobbes was trying to provide a rationale for disallowing any sort of dissent from the sovereign's actions, by portraying her as acting in accordance with her subjects' wills. He explicitly states this: "he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth". (Hobbes, 1651: 90) Therefore, since the subjects are the authors, the sovereign becomes the actor, which means that the subjects are ultimately responsible for whatever their sovereign does: "For that which the Representative doth, as Actor, every one of the Subjects doth, as Author". (Hobbes, 1651: 99) It is important to remember, however, that, by contract, the subjects are individually responsible to each other and that the sovereign is not responsible to them, since her position emerged as the consequence of other people's mutual agreements, rather than from any agreement between her and her subjects.

So far we can see that the sovereign's responsibility is asymmetrical: the subjects are responsible for her actions, whereas she is in no way responsible to them. This asymmetry goes even further. By entering the "social contract", the subjects renounce ownership over their property, actions, autonomy of will and

⁸⁶ For example, see Runciman, 2000 and Pitkin, 1967: 18-23.

natural *personae* in the interest of their self-preservation, while the sovereign gets to keep all of these. On the other hand, they own all the sovereign's actions. However, since they are not participating in the decision-making process, they can only own sovereign's actions *after* they take place. The actions have to be attributed to them *a posteriori*, because otherwise there would be nothing to "own". This is in perfect accordance with Hobbes's technical account of responsibility. For Hobbes, responsibility is not a subject of ethical disputes; it is descriptive and not prescriptive. When discussing responsibility, for example responsibility for a debt or crimes, the only thing Hobbes (1651: 117) is interested in is to whom those actions can be traced. Accordingly, the subjects are not the ones to question whether the sovereign is acting (ir)responsibly. Since only the sovereign can be the judge of that, the question is irrelevant.

There is one important challenge to the seemingly simple relationship between the sovereign and her subjects. As we have seen, Hobbes explicitly states that the sovereign represents her subjects, so they are responsible for whatever their sovereign does. This relationship gets a bit more complicated when Hobbes (1651: 123) explains the function of "publique ministers". A public minister is someone who is "employed in any affaires, with Authority to represent in that employment, the Person of the Common-wealth". (Hobbes, 1651: 123) These persons represent the sovereign in her public capacity and, therefore, the subjects have a duty to follow their commands as if they came directly from the sovereign. In Hobbes's (1651: 124) words, "they serve the Person Representative, and can doe nothing against his Command, nor without his Authority: Publique, because they serve him in his Politicall Capacity."

A public minister is responsible to the sovereign since she is the person who authorised him. There can be no direct transfer of authority from the people to the minister because that would circumvent the sovereign's authority. The minister is thus granted a right to bear a part of the *persona* of the commonwealth and such a right can be given only by the sovereign, the person to whom this right was originally transferred in its totality. It can thus be said that the subjects indirectly take responsibility for the minister's actions. This is a two-stage process, as the "ownership" of the minister's action is first traced to the sovereign and only then back to the people. The public minister, on the

other hand, is relieved of any responsibility to the subjects, as long as his actions remain within the boundaries of the authority he has been entrusted with. He is contractually bound to the sovereign and, thus, responsible only to her. In other words, from the subjects' perspective, since a minister by definition acts only in a public capacity, he cannot be held responsible for anything he does in this capacity. As we will see in the final chapter of this thesis, this distinction between natural and public capacities is very important because it also relieves from their responsibility those who commit a sinful act when ordered to do so by their sovereign. In both cases the responsibility for an action depends on whether the person in question acted in their natural or in their public capacity. If the action was done in one's public capacity, the responsibility for it should be traced back to the only and immediate source of public authority. That source is the sovereign and not the subjects considered as the people who had originally authorised her.

Conclusion

In this chapter it was argued that in *Leviathan* and in his subsequent works Hobbes had offered an internally coherent account of personhood that is comprised of two basic defining elements: "intelligent substance" and *persona*, related through will and agency. Therefore, a Hobbesian person can be defined as a representative, an "intelligent substance" that acts in a way that corresponds to the *persona* she bears. If we consider these concepts as a part of Hobbes's post-Aristotelian philosophical framework, we can conclude that "intelligent substance" is body/matter, depending on the context, whereas *persona* is accident/form and, thus, corresponds to the other part of the Aristotelian dichotomy. Such a contextualisation is important as Hobbes's views on the inseparability of body and accident reinforce his political argument by which the unity of represented (people) rests in their (sovereign) representative.

Hobbes's account of personhood serves an important purpose by uniting the represented with the representative and, in a way, by subsuming the former under the latter. By moving the emphasis away from the represented and disallowing its conceptual autonomy from the representative, Hobbes

formulates an argument in favour of absolute sovereignty that puts only two options before a citizen: he can either choose to obey his sovereign unconditionally or face radical insecurity in the state of nature. This choice is at the heart of Hobbes's account of authorisation. In order for Hobbes's accounts of personhood and representation to have political significance, it is important that the subjects accept these accounts, *a posteriori* assume ownership over their sovereign's actions and, thus, take responsibility for them. This establishes a relationship of asymmetrical responsibility between the sovereign and her subjects that is only constrained by the subjects' inalienable right to self-preservation.⁸⁷

⁸⁷ Examining mutual relations between the sovereigns, subjects and God will be the topic of the fifth chapter of this thesis.

4. The personality of the state⁸⁸

The analysis of the 16th chapter of *Leviathan* is at the core of the debate between Quentin Skinner and David Runciman about Hobbes's conception of the commonwealth as a person. Skinner (1999) argues that Hobbes thinks of the state as a "purely artificial person", whereas Runciman (2000) proposes a slightly different interpretation by which Hobbes sees the state as a "person by fiction". There are at least three focal points in the Skinner-Runciman dispute. In this chapter I will address both authors' positions regarding the distinction between persons and non-persons, as well as the plausibility of their main ideas – Skinner's classification of the state as an artificial person and Runciman's reply to this account by which the Hobbesian state is a fictitious one. Lastly, I will argue that, although some of the conclusions the two authors come to are valid, there is a very good reason to believe that their underlying positions, in fact, rely on a similar set of premises which are, as I will attempt to prove, mostly wrong.

The most problematic of such premises is their shared belief that the interpretation of Hobbes's account of personhood can be built upon the dichotomy between the commonsensical artificiality of the state contrasted with the naturalness and "realness" of living men and women. This is a recurring theme in both authors' interpretations of Hobbes's work. Therefore it is no wonder that Skinner could elegantly modify his interpretation of Hobbesian personhood laid out in the paper to which Runciman was replying and reiterated in the third volume of his *Visions of Politics* (2004: 192). In *Hobbes and Republican Liberty*, Skinner (2008: 188) seems to accept Runciman's correction: "This is not of course to say that the Person engendered out of the union of the multitude is a real or substantial one. Rather it amounts, in Hobbes's words, to nothing more than a Person 'by Fiction'."⁸⁹ Here I would like to challenge Skinner's and Runciman's accounts in their most complete forms and suggest that 1) the differences in their interpretations are not as

⁸⁸ I am grateful to Glen Newey for a number of useful comments on an early draft of this chapter which was primarily dealing with the Runciman – Skinner exchange.

⁸⁹ Skinner (2009a) also reiterates this acknowledgment in his British Academy Lecture, given on 13 May 2008.

substantial as they might seem and 2) their shared grounds make them susceptible to criticism that puts the emphasis on a more literal reading of Hobbes. This is why I will put aside the fact that Skinner has modified his interpretation and take into consideration his paper *Hobbes and the Purely Artificial Person of the State* published in 1999 and Runciman's reply from 2000. Finally, I will give a brief account of Hobbes's definition of the commonwealth and argue that the person of the state cannot be identified with the commonwealth, although it is its essential element.

The distinction between persons and non-persons

Runciman (2000: 270) claims that in his analysis of Hobbes's account of personhood Skinner "does not recognise the initial distinction between persons and non-persons" and that "[h]e argues that a person in Hobbes's terms is anyone or anything capable of being represented, and that it is therefore incorrect to assume that individuals or things which are incapable of action which requires consideration of responsibility are not persons." Establishing the distinction between persons and non-persons is important for Runciman's argument because it describes a way in which an entity that could not normally be considered a person becomes one. The need for such a metamorphosis comes from Runciman's (2000: 269) assumption that (1) "the world can be divided into persons and non-persons" and the idea that (2) personhood is dependent on one's ability to act and take responsibility for those actions. Runciman's account depends on two key claims.

Runciman argues, first of all, that Hobbes is developing his conception of personhood within the context of "the world". Of course, this is true in the broadest terms, but there is something specific about the Hobbesian world. That world is not just marked, but *defined* by the existence of the sovereign state. Hobbes's political project absolutely depends on establishing a clear distinction between the state of nature and civil society. Everybody's right to everything that one needs to preserve one's life that defines the state of nature ceases to exist within the civil society and *vice versa*. The two are not only contrasted but also mutually exclusive: one cannot simultaneously live in the natural and in the civil condition. The shift from the former to the latter condition and the

emergence of the state is a radical transformation that calls for a reinterpretation of otherwise noncontroversial and straightforward concepts, including the idea of the person. There can hardly be a more dramatic emphasis on this transformation than Hobbes's (1651: 87) metaphor that relates the emergence of the state to the generation of nothing less than a "Mortall God". Such a change leads to the introduction of the "civil" or legal account of personhood that replaces the natural one.

The fact that Hobbes's notion of personhood is fundamentally contextualised and thus variable entails that this concept cannot be synonymous with its colloquial meaning. One of the problems with the civil account of personhood which causes so much confusion is its dependence on the existence of rational entities of flesh and blood that are commonly called persons. Unfortunately the difficulties do not end there, since human beings called persons are not only a vivid part of civil personhood's etymology, but also comprise its very important category of natural personhood. Proper understanding of the concept, therefore, entails that the dominant notion of the person has to be seen as being re-evaluated within the radically "unnatural" setting of the state. Consequently, physical and mental traits stop being the defining factors that distinguish different kinds of persons while, as we will discuss later, a new dichotomy is being formed along the line that differentiates representation from auto-representation.

Runciman's account is therefore misleading since it confuses the colloquial and non-technical meaning of the word "person" with the legal one that is synonymous with Latin word *persona*. It is clear when Hobbes uses the word "person" in its latter meaning. As it was argued in the previous chapter, we can indirectly deduce that Hobbes (1651: 80) wants to introduce such a meaning by attempting to explain the etymology of the word person: "[t]he word Person is latine: instead whereof the Greeks have πρόσωπον which signifies the Face, as *Persona* in latine signifies the *disguise*, or *outward appearance* of a man, counterfeited on the Stage". This lexical definition points to the Latin word "*persona*" that denoted "mask", "social status" or "social role". And, as I have demonstrated in the first chapter of the thesis, this set of meanings is prominent in Cicero's works as well as in ancient Roman jurisprudence. Over time, the concept of *persona* was extended to denote legal

subjectivity, i.e. “being capable of legal rights and duties”. (Buckland, 1921: 175) The concept came to include corporate bodies which were considered as *personae fictae* and *personae repraesentatae* in the Middle Ages.⁹⁰ (Buckland, 1921: 176)

Pitkin (1967: 17-18), on the other hand, seems to suggest otherwise:

“A corporation, although not a human being, may be treated like one in law: it may be sued in court, and it is responsible for the authorised actions of its officers. But this is not the way in which Hobbes draws the distinction. If the treasurer of a corporation acting in his official capacity makes out a cheque, we would regard him as a natural person, and the corporation as an artificial one responsible for his action. But for Hobbes the treasurer would be an artificial person, his actions “owned” by the corporation. In modern legal terminology the fictive element in the idea of a fictitious person is that a group of men associated by a legal agreement are (like) a human being.”

This is misguided for at least two reasons. Firstly, it confuses person with *persona*. When a Hobbesian treasurer acts in his official capacity he puts on the *persona* of his corporation. This, of course, entails that the corporation is a *persona*, i.e. that it has a certain legal status. Secondly, the idea that a corporation is like a human being is not based on the “corporal” identification of the two. When “a group of men associated by a legal agreement” acts in a certain way the legal system does not recognise them to be “(like) a human being” in order to account for the fact that a multitude acts as a singular entity. Instead, it equalises their union as a human being because (some) human beings were the original bearers of legal rights and duties. Therefore, it is a *persona* as a legal status that is shared and, except etymologically, there is no direct connection between a human being and a corporation.

Furthermore, in the Latin version of *Leviathan*, Hobbes (1994: 102) explicitly makes a distinction between the two meanings of the word *person(a)*: “There are few things of which there cannot be a person [sic]. For although a person is by nature something which understands, still, that whose person is borne is not always necessarily so.”⁹¹ In his reply to Skinner, Runciman (2000:

⁹⁰ For a related discussion, see chapter two of this thesis.

⁹¹ “Paucae res sunt, quarum non possunt esse Personae. Quamquam enim Persona sit per

270) uses (only) the first sentence of this passage to reinforce his argument for the existence of Hobbes's distinction between persons and non-persons. For example, Runciman (2000: 270) argues, *contra* Skinner, that "what Hobbes does not say is that such capacity is always realised, and thus it follows that where unrealised, the thing in question is not a person". Therefore, according to Runciman's (2000: 270) reflection on Skinner's example, a madman is not a person "because he *may* be represented", but "a person by fiction when he *is* represented". Consequently, a madman is a non-person when he is not being represented.

If Runciman is right and there can really be a legitimate class of non-persons within the Hobbesian state, Hobbes's theory could be facing a very dangerous internal inconsistency. That would mean that sometimes there are people who are neither being represented nor able to represent themselves. Either way, this is problematic for Hobbes since the people that are sometimes neither represented nor auto-represented could not have consistently given "Authority to One man, to represent them every one" and, therefore, could not be a part of the social contract. (Hobbes, 1651: 95) This would effectively leave them in the state of nature whenever and for whatever reason they are not being represented by the sovereign.

That being said, there are entities such as inanimate objects and people without the full use of their rational faculties that are clearly unable to represent themselves, but, as I will argue, it is crucial for them to be considered to be represented by somebody else – at the very least by the sovereign. In that way they would not be excluded from the boundaries of the social contract. Otherwise, their lack of capacity for auto-representation combined with the imperative of not allowing them to be at full natural liberty within a commonwealth could only lead to them being held captive or *owned* by somebody. While for inanimate objects such an ownership is non-problematic as long as there is a legitimate claim on them belonging to somebody, owned people remain in the state of nature that grants them the right to absolute liberty – even if they cannot effectively exercise it. As Hobbes (1651: 104) suggests, *contra* the late Roman jurists, slaves "have no obligation at all; but may break

Naturam aliquid quod intelligit, id tamen, cujus Persona geritur, non semper necessario ita est." (Hobbes, 1668: 80)

their bonds, or the prison; and kill, or carry away captive their Master, *justly*” (the emphasis is mine). Therefore, considering somebody unfit for auto-representation and granting him only a possibility of being represented relieves that human being of a recognised permanent *persona* (such as a *persona* of a subject) and puts him in a state of nature whenever he is not being represented. If this were the case, it would be very problematic for Hobbes to consistently maintain that everybody has a lasting obligation towards the sovereign. Fortunately for the coherence of Hobbes’s theory, Runciman is misguided for at least two reasons.

Firstly, in arguing that “[*p*]aucae res sunt, quarum non possunt esse personae”, Hobbes (1668: 80) did not explicitly state that “few things” (*paucae res*) are not or that they cannot be persons. Instead, he used the pronoun in the genitive (*quarum*, gen. p. f. of *qui, quae, quod*), which is almost always, and in this example without a doubt, a qualifying case. Therefore we cannot safely attribute Hobbes’s use of the genitive to a possible stylistic preference and ignore its original meaning. Instead, the first sentence could be read as introducing the idea that there are some things out of which a person cannot be constructed. Furthermore, if we put the emphasis on “*paucae res*”, we come to a complementary conclusion – that there are “few things” that cannot represent themselves.⁹² Those “things” are persons in their potentiality; without “intelligent substance” they are just *personae* and, as such, they can only be represented by somebody else.

Secondly, from the second sentence of the passage we can deduce something important about Hobbes’s concept of personhood and see why the line between persons and non-persons cannot be drawn in a way that Runciman suggests. Hobbes (1994: 102) notes: “For although a person is by nature something which understands, still, that whose person is borne is not always necessarily so.” It is obvious here that Hobbes uses the word “person” with two different meanings; one to denote a complex concept of person that is inseparable from the underlying relationship based on representation and one to denote a *persona* as the defining element of such a relationship. Therefore, even though only rational human beings (“something which understands”) possess

⁹² I am grateful to Newey for an especially helpful comment on this point.

the natural capability of representing themselves, this fact has no bearing on their *personae*. The practical necessity by which only a fully rational human being can be a representative does not limit the number of entities “whose person[s] [are] borne”. One can “bear” a *persona* of just about anybody or anything that can be legally considered to have one. Going back to Runciman’s example, this does not only mean that any specific madman has a *persona*, but also that being considered a madman alone can be sufficient to construct a specific madman’s *persona* and the corresponding person, when it is being “borne” by a rational human being.

We can see how this minimal *persona* is created when we compare two examples in which someone who is mentally disturbed needs a representative. Let us attempt to clarify Runciman’s example and assume that X became mentally disturbed late in his life, after amassing a significant amount of property. At the same time another mentally disturbed person Y has neither property nor any other legally significant characteristic. By virtue of being mentally disturbed, both X and Y should have a caretaker, a rational representative who will look after their needs and, if necessary, in a way that will prevent them from harming anybody else by their erratic behaviour. However X’s caretaker could also be entitled to make decisions regarding his property, which means putting on a complex *persona* of the wealthy individual and taking care of his assets as well as his basic wellbeing. On the other hand, Y’s caretaker’s duties are constrained to the primary duty of representing him in the cases that demand the use of one’s rational faculties. This duty is common to X’s, Y’s and every other caretaker in a similar situation, which leads us to the conclusion that being considered unfit to make rational decisions (and having the need to make them acknowledged) results in the creation of a special status, which is, in fact, a *persona*.

If we agree that Hobbes’s definition is compatible with *persona* as a legal concept, we can see that Runciman’s distinction between persons and non-persons is unavailing even if we accept that being a *persona* does not really make a mentally disturbed individual a person. This distinction becomes pointless because the concept of a non-person is inoperable within the legal context that every state provides. As we see, for Runciman (2000: 270) a madman is a non-person when he is not being represented. However, in this

case, if any harm is done to him while he does not have a legal guardian, the perpetrator cannot be prosecuted since he had harmed a person who is practically exempted from the legal system. Hobbes (1651: 140) seems to suggest a similar idea when stating that “[o]ver naturall fooles, children, or mad-men there is no Law, no more than over brute beasts”. However, it should be noted that Hobbes is here primarily concerned about the role of the state as a legislator and the applicability of the brocard *ignorantia legis non excusat* (ignorance of the law does not excuse) in those particular cases. Therefore, he is not trying to deny a legal status to those individuals.

On the contrary, it is their special legal status that exempts them from the general rights and duties of a citizen. This is further reinforced by the fact that Hobbes (1651: 139-140) goes on to argue that in the cases when a law cannot be known, the people have to fall back on the laws of nature that “need not any publishing, nor Proclamation; as being contained in this one Sentence, approved by all the world, *Do not that to another, which thou thinkest unreasonable to be done by another to thy selfe.*” This surely includes the protection of those that are unable to take care of themselves, in a manner parallel to ensuring the preservation of the inanimate objects that need funds for their upkeep.

As we can see, there are at least two ways of overcoming this problem. The more elegant one is consistent with Skinner’s interpretation and demands us to acknowledge that being a legal subject makes the madman a *persona*. The other is to say that he is *always* represented since the state has both an interest and a duty to take care of him if nobody else is able to. Either way, the class of non-persons is empty and nobody can rightfully elude *being represented* by the sovereign, even if they lack the capacity to represent themselves and other people. In this way Hobbes’s theory can escape a damaging inconsistency by which, from the standpoint of legal subjectivity, deliberately distinguishing a class of non-persons puts its constituents outside the law, in a position equivalent to the Hobbesian state of nature. And having people with absolute freedom that rivals the sovereign’s or objects that anybody at any time can claim is exactly what Hobbes tries to prevent.

Artificial persons

The second major point of disagreement between Runciman and Skinner rests on Skinner's unwillingness to interpret Hobbes in a way that would identify representatives with artificial persons. Hobbes (1651: 80) seems to be clear about that: "when they are considered as representing the words or actions of an other, then is he a *Feigned* or *Artificiall person*." Skinner's argumentation against this idea is not very convincing. Namely, the first part of Skinner's (1999: 11) rationale depends on his assumption that "[i]f we adopt Hobbes's initial proposal and call representatives artificial persons, then sovereigns are artificial persons while states are not." Skinner (1999: 11) then goes on to argue how this is unacceptable "since states are obviously not natural persons, while sovereigns obviously are".

Skinner is here only partially right. The fact that, when being a single human being and not constituted by a group of people, the sovereign is a natural person does not mean that she cannot be an artificial one at the same time. To put it in forensic terms, a legal guardian takes on the appearance of her *protégé* every time she represents him in matters that are considered to be outside his abilities. At that time she does not cease to be a natural person since her ability to represent herself is in no way undermined by the fact that she is representing someone else. Hobbes (1651: 80) also asserts that different roles might (and frequently do) overlap: "he that acteth another, is said to beare his Person, or act in his name; (in which sence Cicero useth it where he saies [...] I beare three Persons; my own, my Adversaries, and the Judges;)" Later in his text Skinner (1999: 14) also acknowledges as much, which seemingly leaves his first part of the argument dependant solely on the viability of his main premise by which the state is an artificial person.

The other part of Skinner's argument relies on the interpretation of passages from *De Homine* and the Latin *Leviathan*. He quotes the following passage from *De Homine*:

"What concerns the civil use of the term person can be defined as follows. A *person* is someone to whom the words and actions of men are attributed, whether they are his own or those of someone else. If they are his own, then the person is

a natural one. If they are those of someone else, then the person is a *fictional* one.”⁹³ (Hobbes, 1658: 84, as translated in Skinner, 1999: 12)

The corresponding passage from the Latin *Leviathan* also deals with the definition of a person:

“A Person is *someone who acts either in his own name or in the name of someone else*. If he acts in his own name, then the Person is *his Own* or a Natural one; if he acts in the name of someone else, then the person is *Representative* of the one in whose name he acts”⁹⁴ (Hobbes, 1668: 79, as translated in Skinner, 1999: 12).

However, although Skinner (1999: 12) claims that “the persons whom Hobbes had initially classified as artificial are now contrasted rather than equated with representatives“, the passages he quotes do not back up his conclusion. The passage from *De Homine* establishes a natural person – fictional person dichotomy in a way analogous to the natural person – artificial person from the English version of *Leviathan*. When one’s words or actions are “are considered as his owne, then is he called a *Naturall Person*: And when they are considered as representing the words and actions of an other, then is he a *Feigned* or *Artificiall person*.” (Hobbes, 1651: 80) Similarly, in the Latin version of the book the word “artificial” was replaced by “representative”.

While Hobbes’s choice of words in *De Homine* is unrelated to Skinner’s argument since it tells us nothing about the relationship between artificial persons and representatives, the second passage actually proves him wrong since in the Latin translation Hobbes consistently substitutes the word “artificial” with “representative” while keeping the context identical to the passage from the English version. Therefore, there is no contrast with the concept of an artificial person, since the 16th chapter of the Latin version of *Leviathan* does not mention one. The term “artificial person” is invariably replaced by and thus equated with the word “representative”.

⁹³ “Quod autem ad usum Personae Civilem attinet, definiri potest hoc modo; *Persona est, cui Verba et Actiones hominum attribuuntur vel suae vel alienae*. Si suae, *Persona naturalis* est, si alienae *Fictitia* est.” (Hobbes, 1658: 84)

⁹⁴ “*Persona est is qui suo vel alieno nomine Res agit*. Si suo, *Persona Propria, sive Naturalis* est; si alieno, *Persona est eius, cuius Nomine agit Representativa*.” (Hobbes, 1668: 79)

Instead of Skinner's approach, on which the dichotomy natural *vs.* artificial is based on an intrinsic property of a certain kind of a person, we should turn to examining personhood externally, from the spectators' perspective. Hobbes's (1651: 80) use of passive voice suggests such an approach: "A PERSON, is he, *whose words or actions are considered...*". Theatrically speaking, the person is the actor who, for legal purposes, plays the role of the entity he represents. This entity can be the actor himself, as well as something or somebody else. Therefore, an actor is an artificial person when his audience is asked to treat him as if he were somebody else. On the other hand, he is a natural person when he plays himself and the audience is aware of that fact. (Pettit, 2008: 56-57)

From the audience's perspective, it is impossible to deduce anything about the nature of the specific role, i.e. the represented *persona*. The informed members of the audience can distinguish between the actor acting as himself and playing the role of Agamemnon, but this knowledge does not give them any insight into the artificiality of Agamemnon's or the naturalness of actor's own *persona*. Hobbes's distinction between natural and artificial, or real and fictitious, persons is not based on the artificiality or fictitiousness of a *persona*. Instead, it depends on distinguishing between (natural) auto-representation and (artificial) representation of somebody or something. In accordance with this, Hobbes identified artificial persons with the representatives whose distinctive property is only that they *represent* somebody or something, usually other than themselves. Hobbes is using the distinction between natural and artificial to describe the nature of representation, which is the defining element of a representative and not a property of the entity that is being represented. This is why, for example, we cannot infer that artificiality is a property of the state – it can only be a property of a *relationship* of representation that the state may be a part of.⁹⁵

Apart from distinguishing the ways a certain entity may be represented, Hobbes also suggests who or what can be represented. However, Hobbes's enumeration of different kinds of entities that can be represented, such as inanimate ones, tells us nothing about whether *they* are real or artificial. This is

⁹⁵ For an account that also fosters a relational approach to this aspect of Hobbes's thought see: Newey, 2008: 159.

why there is no way for Skinner to conclude *what kind* of person the Hobbesian state is, only the nature of the relation between it as the represented entity and the sovereign as its representative. He can only effectively argue that, from the perspective of its citizens, this relationship cannot be a natural one in the same way that the rational members of the audience think of a human being on the stage as the actor playing Agamemnon and not Agamemnon himself. Comparably, they can only draw conclusions that the actor is an artificial person when he represents Agamemnon's *persona* on the stage, just as the sovereign is an artificial person because she is representing the state.

Persons "by Fiction"

Runciman, *contra* Skinner, identifies artificial persons with representatives and offers an argument that rests on another criterion for differentiating the relationship between the actor and his role. He notes that: "[s]ome representatives 'truly' represent the owners of their actions; other representatives merely represent these owners 'by fiction'" and argues that these representatives (artificial persons) can be divided into two subgroups: "those who represent truly, and those who represent by fiction." (Runciman, 2000: 269-270) As we see by analysing the Latin translation of *Leviathan*, this interpretation is misguided.

Runciman (2000: 276) argues that: "[t]he Latin *Leviathan* abandons the contrast between true representation and representation by fiction, as well as that between natural and artificial persons. What remains is simply the contrast between persons who speak for themselves, and persons who represent others." The reasons for such a change, however, are purely technical and they do not represent a shift in Hobbes's understanding of person or representation. For Hobbes, "representing by fiction" is synonymous with "bearing a *persona*". In the Latin *Leviathan*, Hobbes (1668: 80) defines *persona* as *facies fictitia*, in contrast to the ancient Greek πρόσωπον, denoting the "natural human" face (*faciem hominis naturalem*). The same distinction can be found wherever Hobbes defines person: in the English *Leviathan* (Hobbes, 1651: 80), *De Homine* (Hobbes, 1978a: 83) and in his answer to Bramhall (Hobbes, 1682a: 37). In *De Homine* Hobbes (1978a: 83; 1658: 84) emphasises the distinction

between *facies* that signifies “the true man” (*homine vero*) and *persona* that denotes the fictitious one (*homine fictitio*).

Therefore, one of the defining elements of *persona* is its fictitiousness, which makes this concept much more abstract and enables it to have much wider application than would be possible with its Greek counterpart. This lack of intrinsic connection with the natural face allows Hobbes to use representation in *Leviathan* to define the relationship between a *persona* and the “external” impersonator and to redefine it when the *persona* is in fact the impersonator’s natural face. The impersonator is then a natural person that is representing herself and “bearing” her *true persona*. In this context, “true” is equalised with “natural” and “corporeal”. As we can see, Hobbes effectively puts the emphasis on the more complex (artificial) conception of personhood and uses it to (re)describe the simple (natural) one.

The introduction of self-representation as the underlying concept of natural personhood makes the commonsensical (or, in Hobbesian terms, artificial) representation conceptually superior in defining a person. This turn can perhaps be most clearly seen in the Latin version of *Leviathan* where Hobbes (1668: 79) explicitly uses terms *persona propria* and *persona representativa* for natural and artificial persons, respectively. In effect, by making it dependent on the idea of representation, Hobbes has made his concept of personhood dualistic. In the case of naturally singular human beings, the idea of self-representation demands considering what is in reality a single individual (a natural person) as representing and being represented at the same time. Since Hobbes effectively derives the concepts of natural personhood and (self)representation from their artificial counterparts, there is still a question about the character of *fictitiousness* in his account.

Hobbes’s definition of a fiction relies on it being considered an image. He argues that “[a]n Image [...] is the Resemblance of some thing visible” and that “there neither is, nor can bee any Image made of a thing Invisible”. (Hobbes, 1651: 358) Therefore, fictitious entities have to be derived from visible ones. They are the result of the visible objects being distorted or combined: “So when a man compoundeth the image of his own person, with the image of the actions of an other man [...] it is a compound imagination, and properly but a Fiction of the mind.” (Hobbes, 1651: 5-6) A fiction is also a

result of a similar process when: “man can fancy Shapes he never saw; making up a Figure out of the parts of divers creatures; as the Poets make their Centaures, Chimæras, and other Monsters never seen.” (Hobbes, 1651: 358-359) Accordingly, in order to be considered as fictitious, a person needs to consist of two separate entities. Since every Hobbesian person is composed of the representative and the entity that is being represented, if those two elements are not in fact the same entity they create a fictitiously singular person, otherwise the person is truly singular. Such an interpretation is further reinforced by the parallel that can be drawn between an image and a person, both comprising representation: “in a larger use of the word Image, is contained also, any Representation of one thing by another”. (Hobbes, 1651: 359)

If we reread Hobbes’s definition of a person from *Leviathan*⁹⁶ in this key, we will see that “*Truly or by Fiction*” does not have to apply only to artificial persons with their words and actions considered as representing “*any other thing to whom they are attributed*” as Runciman seems to suggest. Instead, it can be related to the first part of the definition: “[a] PERSON, is he, *whose words or actions are considered...*”. (Hobbes, 1651: 81) Hobbes’s distinction between “truly” and “by fiction” applies to us (either truly or fictitiously) *considering* somebody’s words or actions. It describes the spectators’ relationship towards representation. If “what we see is what we get”, i.e. if the person speaking to us is creating his own *persona* (either by representing himself or by representing something or someone that has no *persona* of its or his own), then this is the instance of true personation. On the other hand, if a person is not involved in the creation of a *persona* he sustains, the words that he is uttering can only be considered his insofar as his speech organs are producing the required sounds.

Fiction is involved when we know that person X is speaking and we choose to ignore the physical evidence and attribute the words to somebody else. Here I will try to present a possible reading that involves all three instances of representation (self-representation, representing another natural person and representing an “inanimate thing” and those “that have no use of

⁹⁶ “A PERSON, is he, *whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction.*” (Hobbes, 1651: 80)

Reason”). It should also be noted that this distinction remains far from being unproblematic, as except for the brief mention of “few things that are incapable of being represented by Fiction”, Hobbes (1651: 82) does not expand on his use of categories “true” and “fictitious”.

If one’s words or actions are considered as his own and they are indeed his own, there is no fiction involved because the spectators do not need to use their imagination to relate these words and actions to another natural person. They see a person acting or speaking and what they perceive by their senses exactly corresponds to what is happening. This is, then, an instance of true representation. True representation, thus, entails representation that originates from the representative himself: we see somebody speaking and we know that there his words are identical to his will.

On the other hand, if somebody is speaking or acting on somebody else’s behalf, the spectators have to use their imagination in order to conjure a fiction by which representative’s words or actions are to be attributed to the person that is being represented. These words and actions might be contrary to the representative’s will (i.e. to what he would normally say or do), but representation entails him acting in a specific way that is authorised by the person he represents. There are actually two instances of representation here. The first is the represented person’s self-representation and the second is based on him being represented by another person. The representative’s actions are determined by the will of the (self-representing) person that is being represented.

There is one more instance of representation and that is the representation of those things that cannot authorise a representative (ranging from the state to people that have little or no command of their rational faculties). In the English version of *Leviathan*, Hobbes opens up the discussion about such entities by arguing that “[t]here are few things, that are incapable of being represented by Fiction” (Hobbes, 1651: 81). Along with dropping the distinction between “truly” and “by fiction”, Hobbes (1994: 102) changed this sentence in the Latin version of *Leviathan*: “[t]here are few things of which there cannot be a person”. Since the content of the rest of the chapter remained faithful to the English version, this change is indicative of the shared function of the distinction from the beginning of Chapter 16 and the sentence that

introduces a “few things” that cannot be represented by fiction. This change might be attributed to Hobbes wanting to make his argument clearer by avoiding an unnecessary multiplication of concepts, since the fictitious element of representation was already recognised in “*facies fictitia*”, a Latin synonym for *persona*.

In English *Leviathan* Hobbes (1651: 81) goes on to explain how: “[i]nanimate things, as a Church, an Hospital, a Bridge, may be personated by a Rector, Master, or Overseer. But things Inanimate, cannot be Authors, nor therefore give Authority to their Actors.” The flow of Hobbes’s passage in English *Leviathan* suggests that the representation of “inanimate things” does not entail considering “words or actions” as their representative’s “by fiction”. This entails that they have to be considered “truly”. Furthermore, since Hobbes does not explain anything about fictitious representation outside the quoted passage, it is natural to assume that the text that precedes it (on authors and authorisation) discusses the situation where we “by fiction” consider the representative’s words to be the words of the person he represents. Therefore, it seems that, apart from distinguishing between natural and artificial persons, in the English version of *Leviathan* Hobbes also distinguishes between “true” representation (that includes self-representation and representing those that are otherwise unable to represent themselves) and representation “by fiction” (that includes representing other natural persons). What is the rationale behind that?

There is at least one shared criterion between the two instances of “true” representation that can be contrasted to the one instance of representation “by fiction”. What self-representation and representing “inanimate things” have in common is that the last arbiter on what is being said and/or done is the person who is uttering words and/or acting. In both cases the very act of representation is formative of the represented thing’s *persona*. In contrast to representing other natural persons, there is no transfer of a pre-existing *persona* from the represented to the representative. The representative’s task here is not to *imitate* another person by acting in accordance with his will. Instead, the representative’s will and his words and actions are involved in *creating* another person (“making it present”). The representative here provides both *persona* and “intelligent substance”. On the other hand, when he is representing another

natural person, the representative only provides the “intelligent substance” for a pre-existing *persona*.

There are a number of instances to which this applies. Hobbes (1651: 81-82) discusses personating “inanimate things”, those “that have no use of Reason”, idols, God and, what is most relevant for his political philosophy, “[a] Multitude of men” who “are made *One* Person, when they are by one man, or one Person, Represented”. The first three instances are marked by the fact that inanimate things cannot be represented / personated without authorisation. Since they are unable to give the authorisation themselves, they cannot constitute a person unless the authorisation is “given [...] by those that are Owners, or Governours of those things”, so they “cannot be Personated, before there be some state of Civill Government”. (Hobbes, 1651: 82) For Hobbes there can be no ownership outside the context of a commonwealth. Besides making ownership possible, within the commonwealth the sovereign is the ultimate owner of everything. For at least these two reasons Hobbes emphasises the relationship between ownership and “Civill Government”.⁹⁷

Finally, it seems that Hobbes wants to stress the difference between representing another natural person and representing a group of such persons. In the latter case, the representative takes on a single *persona*, and not as many *personae* as there are represented persons. The representative is thus involved in creating a new *persona* (the *persona* of the multitude, now united in that one *persona*) and not imitating the *personae* of those that he represents. This clearly applies to the sovereign who acts behind the collective *persona civitatis*, although the responsibility for her actions is traced back to her subjects individually, as they are the “many Authors, of every thing their Representative saith, or doth in their name” (Hobbes, 1651: 82). Like self-representation, all these instances of “true” representation presuppose the representative’s active role in creating and not imitating a *persona*.⁹⁸

⁹⁷ God’s personation is different. In the sense that it does not need external authorisation, this instance of personation is similar to natural (self-)representation. God chooses in what form He will appear and there is always a single will behind His *personae*. For a detailed discussion of the theological aspects of Hobbes’s account of personhood, see chapter two of this thesis.

⁹⁸ Newey (2008: 167) makes a stronger version of this claim by arguing that “since sovereign and people, representative and represented, are dual aspects of one and the same person, we can think of the people as represented by the sovereign as a natural person.” This is true if we understand “person” as meaning “human being”, or, in case of the Hobbesian state, as an “artificial man”. Also, as I will argue in the next chapter, this is correct from the perspective of

That being said, as Newey suggests (personal communication), it is important to note that the distinction between natural and artificial persons does not correspond to the distinction between true representation and representation by fiction. The artificial persons can represent natural persons as well as groups, inanimate things, etc. Hobbes's differentiation between true and fictitious does not introduce any new (sub)categories of personhood. Hobbes (1651: 116) gives one corresponding example in Chapter 22, when discussing "dissolution, or forfeiture of their Letters" and "pecuniary Mulct" as ways of penalising illegal actions of an assembly representing "any numbers of men joyned in one Interest, or one Businesse" within a commonwealth. He considers these penalties "capitall" to "such *artificiall, and fictitious* Bodies". (Hobbes, 1651: 116; the emphasis is mine) There is little doubt here that Hobbes thinks of artificiality and fictitiousness of a non-sovereign assembly as contrasted with the notion of natural. However, they are contrasted in a mutually nonexclusive way that corresponds with the representation as a fundamental part of their definition. Therefore artificiality corresponds with the representative function of such bodies and fictitiousness is related to their being incorporeal and, therefore, defined only by their role.

Here we can conclude that Runciman has mistakenly categorised inanimate objects and human beings that are unable to use their reason as things that are represented by fiction. But even if his classification is correct, that still does not entail that there is a distinct group of persons by fiction. Moreover, the distinction between true representation and representation by fiction is only a feature of the English version of *Leviathan*. More generally, fictitiousness is, as we have seen, also a defining element of the non-sovereign representative assemblies because they are defined only by their role and, thus, contrasted to natural (corporeal) representatives who can be penalised both "corporally" and by "forfeiture of their Letters" (Hobbes, 1651: 116). "Corporal" punishment of the members of an assembly that acted illegally cannot be enacted upon all of them *a priori*. Instead, it should be done individually, to those men and women who voted in favour of an assembly's illegal action.

those who are situated outside the commonwealth in question (other sovereigns, foreigners, etc.). However, it is crucial for the internal stability of the commonwealth that every individual subject conceives of his sovereign as his representative, i.e. an artificial person.

Finally, I would like to apply my account of fictitiousness of Hobbesian personhood to clarify Hobbes's argument from what Skinner (1999: 15) calls a "dark passage" in *De Homine*. According to the translation that Skinner (1999: 15) uses in his paper, an actor puts on "a fictitious mask of Agamemnon"⁹⁹ when he plays the role of the mythical king. Skinner (1999: 15) accurately describes that the actions the actor "perform[s] in the *persona* of Agamemnon will be taken by the audience to be Agamemnon's actions rather than [his] [...] 'by fiction' and a willing suspension of disbelief". However, he is wrong to assert that this passage introduces a class of persons whose actions can be attributed to them 'by Fiction' as a subgroup of artificial persons. The term "fictitious mask" cannot be used to distinguish any subgroup of persons, since it is nothing but a translation of "*facies fictitia*", which Hobbes (1668: 80) considers synonymous with *persona*. Therefore, when actor puts on Agamemnon's *facies fictitia* he puts on Agamemnon's *persona* and creates a fiction or artifice that he is Agamemnon. By representing the mythical king, the actor becomes an artificial Agamemnon. His "fictitious mask" cannot be used to differentiate a subclass of artificial persons, since *facies fictitiae* are "worn" by actors and other artificial persons in their usual capacity – when they represent something or somebody.

Person(a) of the state as a specific kind of person(a)

Relying on his interpretation of the "truly – by fiction" dichotomy, Runciman argues that states belong to the same class as bridges and other inanimate objects. That is because "they do not really own up in person for what is done in their name". (Runciman, 2000: 278) Therefore, he argues that: "[r]epresentation by fiction is the representation of what are otherwise non-persons, those who cannot themselves act responsibly. The fiction is that they truly are persons, truly capable of the actions that personal responsibility requires." (Runciman, 2000: 272) This is a turn from Runciman's earlier account laid out in his book *Pluralism and the personality of the state* (1997) where he argues that a commonwealth is a special kind of person(a). Runciman (1997: 16) suggests, following Michael Oakeshott that:

⁹⁹ "[...] *Faciem Fictitiam Agamemnonis induente* [...]" (Hobbes, 1658: 84)

“Hobbes's civil association is a person. It is not, strictly speaking, a *persona ficta* in Hobbes's own terms, for such persons must be owned or governed before they can be represented; nor, however, as Oakeshott admits, are any other states strictly equivalent to the fictitious persons of Roman private law, which could be created only by 'an already recognised superior legal authority'. [...] [A] state could never be a literal *universitas*, since corporations were always the creatures of the state themselves.”

According to Runciman's earlier view, the personhood of a corporation or a madman has to be substantially different than that of a state, because the state is needed in order to provide the legal framework required for establishing legal *personae*. This is misguided, since, in fact, the person of the state is a *persona*. We can see that from the way in which Hobbes (1651: 88) defines the sovereign - as the one who *carries* the person of the state: “he that carryeth this Person, is called SOVERAIGNE, and said to have Sovereigne Power; and every one besides, his SUBIECT”. The state's *persona* is placed within the legal framework in exactly the same way as other *personae* that are not a part of a self-representing natural person. For example, if a subject wants to sue the state, she will bring about a legal action against the sovereign as its curator – in the same way that she would start one against a representative of a corporation in his official capacity. Hobbes (1651: 113) explicitly mentions this possibility:

“If a Subject have a controversie with his Sovereigne, of debt, or of right of possession of lands or goods, or concerning any service required at his hands, or concerning any penalty, corporall, or pecuniary, grounded on a precedent Law; he hath the same Liberty to sue for his right, as if it were against a Subject; and before such Judges, as are appointed by the Sovereign. For seeing the Sovereign demandeth by force of a former Law, and not by vertue of his Power; he declareth thereby, that he requireth no more, than shall appear to be due by that Law.”

Although it seems that Runciman was right to modify his account in his reply to Skinner and to classify the state in the same way as an inanimate object, I believe he has done so for the wrong reasons. Runciman (2000: 272) suggests that: “[a]s such, the state cannot be said to be capable of truly responsible

action. Instead, the state has responsibility ascribed to it by the actions of a group of real persons ('the multitude'), who establish by covenant the conditions out of which the single person of the state emerges." In his view, since one of Hobbes's main ideas is that the sovereign cannot be held responsible for anything she does, the locus of responsibility is shifted to the state as a collective entity. This is misguided for at least two reasons, both of which Runciman acknowledges as potential challenges to his account. The first reason is that: "Hobbes explicitly states that representation by fiction must be authorised by the owners or governors of the thing to be represented" and the second is that his "complicated account of what the state is has to be inferred from the text of *Leviathan*." (Runciman, 2000: 273-274) Having these two challenges in mind, I will make an attempt at suggesting a less complex view that is also in accordance with Hobbes's account of authorisation.

One of Hobbes's main reasons for introducing authorisation as a necessary step in the creation of a *persona* is to provide an explanation for the situation where a person is responsible for the actions her representative does in her name: "Of Persons Artificiall, some have their words and actions *Owned* by those whom they represent. And then the Person is the Actor; and he that owneth his words and actions, is the Author: In which case the Actor acteth by Authority." (Hobbes, 1651: 81)

The sovereign is such an artificial person since she is the representative of the state, or, in Hobbes's (1651: 88) terms, the one "that carryeth" the *persona* of the commonwealth. The problem with Runciman's interpretation is that he believes that "[t]he state cannot itself be owned or governed in this sense, since the only governor of the state is the sovereign, who is also its representative." (Runciman, 2000: 273) The state, however, has to be owned in this sense since Hobbes demands that the responsibility for the sovereign's actions is transferred to "the multitude" of her subjects. This effectively removes the limits to a sovereign's power because "he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth". (Hobbes, 1651: 90)

Transferring the responsibility to the state itself would not be beneficial to Hobbes's case, since the commonwealth does not consist only of the multitude of subjects united in one *persona* but also of the sovereign as its

“bearer”. Without the sovereign to represent the subjects, they could never form a single entity, “[f]or it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*. And it is the Representer that beareth the Person, and but one Person: And *Unity*, cannot otherwise be understood in Multitude.” (Hobbes, 1651: 82) Ascribing responsibility to the state would thus damage Hobbes’s argument because it would fail to ascribe the full responsibility to the subjects as well as it would fail to fully relieve the sovereign from her responsibility.

Therefore, it is crucial to assume that the multitude of subjects own and authorise the sovereign’s actions so that they cannot have any reason to rebel against her. This is precisely what Hobbes (1651: 88) suggests in his definition of a commonwealth as a person “*of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author*”.¹⁰⁰ As we can see, a straightforward interpretation of Hobbes’s ideas entails that the multitude of subjects and not the state should be considered as the owners of their sovereign’s actions. The state can thus be easily classified in the same way as the other entities that are unable to represent themselves.

The underlying consensus in Skinner-Runciman debate

At the very core of Runciman’s and Skinner’s conflicting views there is an underlying idea that a state cannot be categorised in the same manner as natural persons. According to Runciman’s (2000: 269) interpretation, Hobbes defines a person¹⁰¹ as “capable of speech and action”. Runciman then goes on to establish a connection between this capability and the responsibility of its possessor. The solution seems to be quite straightforward: a person is the one who is able to “own up” to his or actions done on his behalf. That leads him to conclude that an inanimate object or an individual unable to assume responsibility for his own words and actions can be considered neither a natural nor an artificial person. In order stay within the boundaries of Hobbesian terminology, Runciman suggests that state should be considered to be a person by fiction. Skinner is following a similar pattern when he argues for labelling

¹⁰⁰ What the multitude actually owns and contractually transfers is, in fact, the natural right of every individual to govern himself.

¹⁰¹ “A PERSON, is he, *whose words or actions are considered [...]*” (Hobbes, 1651: 80)

the state as an artificial person. His main reason for classifying states in that way is also a negative one: “states are obviously not natural persons, while sovereigns obviously are”. (Skinner, 1999: 11) This is also the reason why he rejected the idea that representatives should be considered as artificial persons. However, Skinner does not follow Runciman in his attempt to prove that, apart from natural and artificial, there is a class of fictitious persons. Instead, he treats “persons by fiction” as a sub-class of the artificial ones. (Skinner, 1999: 15)

Although they arrive at different conclusions, both Skinner and Runciman think of artificial and fictitious as contrasted with natural in the same sense as living is contrasted with inanimate. Therefore, since a state cannot be a living person, it has to be either artificial or fictitious. This is misleading. As Pitkin (1967: 15) phrases it, the question is: “what is ‘artificial’ about an artificial person?”, or, in case of Runciman, what is fictitious about a fictitious person? Both Skinner and Runciman seem to think that their qualifications describe an intrinsic property of such a person. Instead, as I have argued, artificiality and fictitiousness should be considered as properties of the relationship of representation and not the entities that are being represented.

Furthermore, at the end of his response to Skinner, Runciman (2000: 277-278) argues that Skinner was wrong to assert that the Hobbesian state was a “purely artificial person” for three reasons: 1) “ ‘purely artificial person’ is not a phrase that Hobbes uses”; 2) “the phrase itself, understood in its own terms, is either too weak or too strong to convey accurately what Hobbes seems to have had in mind” and 3) “[t]he third reason for preferring Hobbes's own phrase, ‘person by fiction’, is that the account in which it comes seems to me best to conjure up the kind of state we actually encounter in the political world we do inhabit.”

Although he had correctly identified the artificiality as a property of the representative, rather than of the entity that is being represented, Runciman does not seem to have a conceptual objection to Skinner ascribing artificiality to the state; his first objection to Skinner’s account is a technical one, while the second tackles the imprecision of the term, rather than its theoretical soundness. It seems as if Runciman was generally agreeing with Skinner on the state being an artificial person, although having some doubts about the terminology. This cannot be correct, unless Runciman considers the state either to be a

representative or in some way belonging to the same group as representatives. However, he explicitly denies such a possibility when arguing that artificial persons are representatives, and not persons being represented: “the only governor of the state is the sovereign, who is also its representative.” (Runciman, 2000: 273)

This inconsistency drives Runciman toward another consensus with Skinner when they both seem to search for a Hobbesian qualifier that would properly describe the nature of the state. The focus of their disagreement is thus shifted from the conceptual plane to the semantic one. This is best seen when they both try to link Hobbes’s state to the contemporary one. Runciman’s (2000: 278) reason for preferring the phrase “person by fiction” is that such an account “seems ... best to conjure up the kind of state we actually encounter in the political world” while Skinner (1999: 2) compares Hobbes’s ideas with the contemporary notions by which “the state is the holder of sovereignty” although it “amounts to nothing more than an artifice”. One way to reconcile this tension, as Skinner (1999: 3) seems to suggest, is looking into Hobbes’s argument which “may turn out to be of far more than purely historical interest”. It seems that the two authors take some sort of artificiality or fictitiousness of the (contemporary) state as given and that prevents them from considering these terms in a more technical way.

The final and more fundamental reason behind Skinner’s and Runciman’s underlying consensus is that Hobbes most of the time uses the terms “artificial” and “fictitious” as synonymous. Both terms describe the notion of *persona* in its most frequent use in Latin. In *Leviathan* an artificial person is contrasted with the natural one in the same way as *facies fictitita* is contrasted with *facies* or Greek *πρόσωπον*. Also, the terms serve the same purpose. From the same, spectators’, perspective they both describe the character of the relationship that defines the terms they designate: the artificiality or fictiveness of the fact that words and actions of a representative should be ascribed not to her, but to the entity that she represents. The representative can thus be metaphorically said to be wearing a mask and so we do not consider her words as coming from her, but from somebody or something else. This is clearly a fiction and the represented entity’s appearance that is being presented in front of us cannot be natural – it has to be artificial.

However, the confusion with Hobbes's terminology arises when he uses "person" as an umbrella term for both dominant Latin usage of the word *persona* (fictitious appearance) and the more literal Greek one (natural face or appearance). The ambiguity comes from the use of the word "person" in English and in Latin languages where the concept has evolved so that it can denote both *facies* and *facies fictitia*. This is a problem of the English as well as the Latin version of *Leviathan*. However, Hobbes resolved this issue more elegantly in the Latin by distinguishing between *persona propria* and *persona representativa*, as well as connecting the first to πρόσωπον and the second to *facies fictitia*. In the English version Hobbes had to deal with two semantic layers, so the structure is necessarily more complex: a person can be a natural or an artificial one; to the natural one we attribute words and actions truly while we attribute them by fiction to the artificial person. Finally, just as in the Latin *Leviathan*, πρόσωπον corresponds with the natural person and *persona* denotes "the *disguise*, or *outward appearance* of a man [...] and [...] a Mask or Visard". (Hobbes, 1651: 80)

The defining elements of commonwealth's person(a)

At the root of the underlying consensus between Skinner and Runciman is their mutual reluctance to view the state as a non-fictitious entity. This seems to me mistaken. Hobbes's commonwealth should not be stripped down to its immaterial *persona* and represented as a purely artificial person; nor should the person of the state (*persona civitatis*) be taken to be identical with the state itself (*civitas*). It seems clear that the Hobbesian commonwealth should rather be viewed as an "entire cause" of "Peace and Common Defence", the unity of the matter ("men") and the form (*persona civitatis*) which make it up.

Hobbes's (1651: 87-88) definition of the commonwealth as it is developed in *Leviathan* consists of four related claims:

- 1) "Multitude [...] united in one Person, is called a COMMON-WEALTH, in latine CIVITAS";
- 2) "... [I]n [Leviathan] consisteth the Essence of the Commonwealth";

- a. Leviathan is “called a COMMONWEALTH, or STATE, (in latine CIVITAS)” (Hobbes, 1651: 1)
- 3) “[T]he essence of the Commonwealth [...] is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one 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 Defence*”;
- 4) “And he that carryeth this Person, is called SOVERAIGNE, and said to have *Soveraigne Power*; and every one besides, his SUBIECT”.

It is immediately apparent that Hobbes’s definition of a commonwealth is genetic. There is no appropriate *genus proximum* for the commonwealth, since there is “*nothing [...] on earth, to be compared with [it].*” (Hobbes, 1651: 167) Indeed, the state as a “*Mortall God*” is comparable only to the true God (its *differentia specifica* being its mortality). However, this is not particularly helpful, as the state can hardly be a “most pure, simple, invisible Spirit Corporeal”. (Hobbes, 1682a: 40) It might be suggested that another possible *genus proximum* would be a corporation.

However, this would be unacceptable for Hobbes, for the following reason. For him a state cannot be a particular sort of corporation because the state is the primary human association. As I have demonstrated in the second chapter of this thesis, corporations are subordinate to the state in both the logical and the generic sense. The only remaining way to define the commonwealth, then, is to invoke its efficient cause in describing its generation. Or, as Malcolm (2003c: 155) notes, for Hobbes “to know the *meaning* of the word ‘circle’ was to know what sort of motion of a point was the *cause* of a circle”. And, as I will argue here, this is the procedure Hobbes is following when he derives the definition of the commonwealth from the account of its creation.

Let us start by parsing Hobbes’s argument and setting out the relationship between the four claims itemised above. We should leave aside the first claim for now and focus on the obvious first step, which is eliminating the second claim as redundant. The supporting claim 2a reminds us that “Leviathan” *is* the state and, therefore, the second claim should be read as

“there is an essence of the commonwealth”. Or, in a more precise but less rhetorically appealing way of reading this sentence: “[I]n [Commonwealth] consisteth the Essence of the Commonwealth”). The third claim follows this introductory sentence and explains what this essence is.

At the first glance it may seem unfortunate that Hobbes insisted on comparing the state to Leviathan in this particular part of his argument, as that added an unnecessary piece of convolution to its exposition. However, it is very convenient that he did so, as this makes it possible for us to identify the place of the concept of a person within the definition of the state. This helps us see how the second part of the third claim (“*to the end he may use the strength and means of them all...*”) relates to its first part (“[T]he essence of the Commonwealth [...] is *One Person...*”). The text of the English version of *Leviathan* is imprecise here, as the word “person” may be of masculine grammatical gender. Therefore, we cannot know whether “he” in “he may use...” refers to the state or to its person, or, in fact, whether it signals that the state itself is a kind of a person. The Latin version of *Leviathan* is more helpful in this regard. The fact that Hobbes used the masculine noun “Leviathan” to replace feminine nouns “*civitas*” or “*respublica*” makes the pronouns relating to the state distinguishable from those relating to the feminine noun “*persona*”. Since Hobbes (1668: 86) used “he” (“*eo*”) and not “she” (“*ea*”) in the second part of his third claim, we can deduce that “he” refers to “the commonwealth” (or, more precisely, to “Leviathan”) and not to “person”. Therefore, this claim should be read in the following way:

3) “[T]he essence of the Commonwealth [...] is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end [Leviathan] may use the strength and means of them all, as [Leviathan] shall think expedient, for their Peace and Common Defence*”;

This passage reminds us that there is no identity between “one person” and the state. Although this person is the essence of the commonwealth, we cannot simply elide the two by saying that the commonwealth *is* a person.

Caution is warranted in view of Hobbes's first claim. This is Hobbes's basic definition of a commonwealth as a "[m]ultitude [...] united in one Person". Read in isolation, this definition might too easily be construed as putting the emphasis on the multitude rather than their unity. This is why Hobbes immediately proceeds to point out that the essence of the state is not in the multitude, but in "*One Person*". The essence of the commonwealth, then, is its person. This person should not be equated with the state as an artificial man.

As the Latin version of *Leviathan* clearly shows, it is Leviathan and not the "one person" that uses the "*strength and means*" of the subjects. This "person" is, in fact, a "*persona*" and this conclusion is further reinforced by Hobbes's fourth claim, in which he talks about the sovereign who "carryeth" it. Therefore, the subjects are not protected by this *persona civitatis*, but by the entity that comes into existence as the result of otherwise equal, free and self-representing human beings thinking of themselves as being ruled and represented by their sovereign. In fact, they are protected by the consequence of their own imagination and by the very fact that they consider one of them as their superior and by treating her as such imbue her with the means of protecting them all. There is no middle way: either the individuals choose to ignore the natural face of one of their equals and instead of it see *persona civitatis*, or they relapse into the miserable state of mutual animosities that attends masterless men. Comparably, sovereignty cannot be conceptualised halfway: either the sovereign has effective power over the subjects or he is no sovereign. The commonwealth emerges "not by individuals contracting together and thereby bringing something new into existence, but by their ceasing to think of themselves as individuals at all, and acting accordingly." (Stanton, 2011: 165-166)

Here we can see the power of the idea of *persona civitatis*. Making somebody our superior by renouncing our natural right to "every thing" and seeing her actions as our own is all that it takes to conjure Leviathan up to guarantee our safety. And what really guarantees our safety here is our own particular "*strength and means*", united by the singular will of the sovereign. Seeing the relationships within a commonwealth in this particular way leads to tangible consequences, and that is why Hobbes insists on us masking the natural equality of one of our peers by *persona civitatis*. This idea marks the distinction

between a disjointed multitude of the state of nature and the commonwealth. As Stanton (2010: 115-116) argues, Hobbes believed that, if properly grasped and convincingly defined, a concept “affects conduct” and becomes a “cause of action”. This is what happens with *persona civitatis*, as the subjects start to “understand [...] that it was they who made and sustained the order that sustained them”. (Stanton, 2011: 164)

This is also a part of Hobbes’s rhetorical strategy. As Skinner (2009b: 116-120) notes, Hobbes’s education in the *studia humanitatis* generally, and rhetoric particularly, made him think of concepts as “verbal images” that *move* us to think and act in a specific manner. The vocabulary of “moving” or “swaying” that the classical orators employed to describe the effects of their rhetoric could be understood quite literally within Hobbes’s mechanistic worldview. *Persona civitas* is thus a verbal image that, if persuasively painted, moves the subjects into accepting the absolute and unitary sovereign authority.

Persona civitatis is also an “essence”. As in *De Corpore* Hobbes (1656: 85) identifies form and extension with essence, *persona civitatis* is also the form of the commonwealth. The multitude, on the other hand, corresponds with the other side of this post-Aristotelian dichotomy and it is therefore best understood as matter or a body. Hobbes (1651: 2) argues this in the Introduction to *Leviathan* where he remarks that “the *Matter* thereof, and the *Artificer*; both which is *Man*.” For Hobbes (1656: 85) the essence of something is also “the Accident which denominates its Subject” and, as Stanton (2010: 114) shows, essences are “nothing other than definitions – words that specify the way we thing about things which we take to embody certain properties”. In these terms, by being a form (i.e. a formal cause) and formal causes being “efficient causes misdescribed” (Stanton, 2010: 113), *persona civitatis* can also be viewed as an efficient cause to the commonwealth. The material cause on which this concept acts is, as I have argued, a disjointed multitude and this interaction creates and sustains the commonwealth, something that a multitude, as a mere mass of matter, could never do on their own.

We have now discussed the potency and the moving force of the idea of *persona civitatis* in uniting the subjects through unification of their perception. What is the place of the sovereign in Hobbes’s definition? Hobbes, in what I have designated as his fourth claim, defines the sovereign in the following way:

“he that carryeth this Person, is called SOVERAIGNE, and said to have *Soveraigne Power*”. As I have concluded in chapter 3 of this thesis, relying on Hobbes’s (1682a) definition of a person from his answer to Bramhall, a person is defined as an intelligent substance that “bears” a certain *persona*. The sovereign is, therefore, an intelligent substance that “carryeth” *persona civitatis*. In this definition, the material cause is “intelligent substance” and the essence or the formal/efficient cause of “sovereign” is “*persona civitatis*”. Furthermore, labelling the individual who “carryeth” the *persona* of the commonwealth as the sovereign emphasizes the obvious fact that “sovereign” is the name given to the individual with such a *persona*. If this is the case, then this *persona* is clearly the essence of the sovereign, as well as of the commonwealth.

The two definitions merge into one through their shared essence. The commonwealth is defined by *persona civitatis* in the same way that the sovereign is. *Persona civitatis* is the very same idea that both inhibits the natural freedom of the subjects and licences the sovereign to continue to act in an unconstrained manner. Acting behind *persona civitatis* gives one “*Soveraigne Power*” and makes “every one besides, his SUBJECT.” (Hobbes, 1651: 88) And sovereignty is the essence of a sovereign, not unlike “Humanity [that] is the Essence of man, and Deity [that is] the Essence of *Deus*”. (Hobbes, 1682a: 36) Commonwealth and the sovereign are therefore interdependent, as the commonwealth is “Multitude [...] united in one Person” that “is no Person, nor has capacity to doe any thing, but by the Representative, (that is, the Sovereign;)”. (Hobbes, 1651: 137) Therefore, the people without the sovereign (a multitude) can never be more important than their sovereign.

Hobbes (1651: 93) argues this much explicitly in Chapter 18 of *Leviathan*: “there is little ground for the opinion of them, that say of Sovereign Kings, though they be *singulis majores*, of greater Power than every one of their Subjects, yet they be *Universis minores*, of lesse power than them all together.” The subjects in their particularity (the disjointed multitude) stand contrasted to the commonwealth, a multitude united by the sovereign who “present[s] the Person of them all”.¹⁰² (Hobbes, 1651: 88) The most important property of this *persona* is its singularity that translates as the unity of the represented. And, for

¹⁰² Hobbes (1682b: 198) himself offers a good example in *Behemoth*: “King himself did then and ever represent the person of the people of England”.

Hobbes, the unity of the represented is a quality of the individual or the body that represents them. The commonwealth as the unity of the represented subjects is their sovereign's property: "[f]or it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person *One*" (Hobbes, 1651: 82). Therefore, the subjects are united because they are represented, not *vice versa*. In fact, not all of the subjects have to give the right to be represented to the sovereign in order to institute a commonwealth, only their "major part". (Hobbes, 1651: 88)

What is singular about the representative is her will and the related capacity to act or "doe any thing". As previously discussed, will is an element that is constitutive of both person and *persona*. This is further emphasized by the fact that Hobbes (1651: 87) identifies the sovereign's authorisation with people "reduc[ing] all their Wills, by plurality of voices, unto one Will". As this process leads to the creation of the commonwealth's *persona*, it is clear that will is an integral part of both the state and its *persona*. But this raises a question in its turn about the nature of the will of the state.

It seems that Hobbes wants us to believe that the will of the commonwealth is identical to the will of the sovereign – but with two significant caveats. Firstly, this identity is a consequence of the subjects' surrendering their wills in exchange for peace and safety, which makes them responsible for every action the sovereign does. Secondly, Hobbes's definition of the sovereign leads us to the conclusion that the sovereign and the commonwealth share *persona civitatis* as their defining element. However, if a Hobbesian sovereign can indeed exclaim "*L'Etat c'est moi!*", as Forsyth (1981: 193) puts it, what would prevent Hobbes from openly stating that? There has to be a reason why he did not resort to using Occam's razor when he could easily cut the two categories down into one.

If Louis XIV would indeed exclaim "*L'Etat c'est moi!*" in a Hobbesian commonwealth, that would mean that he considers his natural *persona* to be identical with the *persona* of the state. Although for him this might very well be true, his subjects would see another identity. They would see the *persona* of the *sovereign* (and not Louis XIV as a man behind it) as identical to the *persona* of the state. In this respect, although *persona civitatis* unites the office of a sovereign with the state, there is no organic unity between a specific sovereign

(Louis XIV) and the state.¹⁰³ From the subjects' perspective, there is no organic unity between the sovereign's natural *persona* (Louis XIV) and the *persona* of the state (France). Otherwise the right to rule would be contractually given to a specific individual and rescinded by the people if the sovereign is not able to fulfil her part of the agreement. Hobbes wants to refute this "monarchomachian" idea and that is precisely why the Hobbesian sovereign "has no name" and her subject "has no face". (Zarka, 2004: 167-172)

The dissolution of the commonwealth into the state of nature is the last thing that should be allowed. Therefore, *contra* the monarchomachs, the potential immortality of Leviathan has to be linked to the sustainability of *persona civitatis* and not to the natural mortality of any specific sovereign. For that reason the abstract concept of "intelligent substance" can be used to denote the matter of the person of the commonwealth. The artificial immortality of the state is ensured by the right of succession:

"Of all these Formes of Government, the matter being mortall, so that not onely Monarchs, but also whole Assemblies dy, it is necessary for the conservation of the peace of men, that as there was order taken for an Artificiall Man, so there be order also taken, for an Artificiall Eternity of life; without which, men that are governed by an Assembly, should return into the condition of Warre in every age; and they that are governed by One man, as soon as their Governour dyeth. This Artificiall Eternity, is that which men call the Right of Succession." (Hobbes, 1651: 99)

Without going into detail about different modes of succession and the corresponding forms of government, we can conclude that the immortality of the commonwealth is ensured by sustaining the distinction between *persona civitatis* and the flesh-and-blood sovereign and by the subjects' willing indifference to the fact that their sovereign is also a living and breathing natural person. As I have argued before, this does not mean that there is a distinction between the *actions* of the sovereign as a natural person and her actions done

¹⁰³ Skinner (1999: 21) makes a similar point in response to the commentators who, such as Forsyth (1981) and Baumgold (1988), argue that there is an "organic" connection between the sovereign and the commonwealth. I take it that Skinner argues against the notion of an organic connection between the state and the specific "flesh and blood" sovereign and not between the state and the *office* of a sovereign.

behind the public *persona*. The very purpose of Hobbes's notion of "intelligent substance" is to emphasise that a *persona* cannot act on its own and that the specific words and actions of its "bearer" are equally important. As *persona civitatis* gives absolute power to Louis XIV, Louis XIV gives life to a concept that would otherwise be confined to the realm of potentiality.

Finally, maintaining the *persona civitatis* sustains the state throughout the successions of both its sovereigns and their subjects. As long as our posterity and we sustain this image, our political system will be functional and our "artificial man" will be "alive", even though its particular "organs" might have been replaced. Therefore, it is not quite right to say, as Skinner (2009a: 364) for one has said, that the state "as a person" possesses "an artificial eternity of life". Instead, it would be better to say that the eternality of the state vis-à-vis its mortal sovereigns and subjects depends on maintaining the potentially eternal idea of *persona civitatis* across generations. This is an example of the problem of identity over time that Hobbes discusses in *De Corpore*. Hobbes (1656: 101) argues that

"if the Name be given for such Form as is the beginning of Motion, then as long as that Motion remains it will be the same *Individual* thing; [...] and that [will be] the same City, whose Acts proceed continually from the same Institution, whether the Men be the same or no".

In a like way, the form, "the beginning of Motion", the essence and the denominator of the state is its person, and this means that the state exists as long as its person is sustained.

In this brief discussion I have presented an account of the conceptual relationship between Hobbes's notions of the sovereign, the multitude of people and the commonwealth. Perhaps my most important claim here is that, by the time of *Leviathan*, the commonwealth (*civitas*) is not a person (*persona civitatis*), although it is defined by it. Before *Leviathan*, in *The Elements of Law* and *De Cive*, Hobbes referred to the state as a "civil person" ("*persona civilis*"). The emphasis here was on "a multitude of men, united *as* one person". (Hobbes, 1889: 104; the emphasis is mine). Like a natural person, a civil person is guided by a single will and denotes a legal status; or as Hobbes (1978b: 170) remarks

in *De Cive*, it has “its own rights and properties”. On the other hand, Hobbes’s account in *Leviathan* is more complex in at least three dimensions.

The first is that the term “civil person” is more or less abandoned.¹⁰⁴ Hobbes there refers to various human associations as “systems”, while the natural (self-representing) persons now stand contrasted to their artificial counterparts (representatives of something or somebody else). Secondly, the unity of the representative and the represented is now described in organic terms: the state is a Leviathan or an artificial man. The notion of a “civil person” that functions “as one [natural] person” is thus replaced by the notion of an artificial man that functions in a way comparable to the natural human being.¹⁰⁵

This enables the idea of a person to be even more clearly associated with the representative and to be clearly distanced from the represented multitude. And this is where the third important innovation comes into play, the invocation of the Ciceronian mask, role, office or a status, most notably as “*persona civitatis*”. As a concept, the person of the state is an invention of the subjects and, at the same time, the defining feature of their sovereign. *Persona civitatis* thus connects the representative with the represented within an artificial man, a material entity brought into existence and sustained by a certain way in which its “matter” and “artificers” think of themselves and of their mutual relationships. Or, as Carl Schmitt (1996: 34) notes, “[a]s a totality, the state is body and soul, a *homo artificialis*, and, as such, a machine. It is a manmade product.”

For Hobbes, as Stanton (2011: 164-165) suggests, “to understand something in one way may thus be to bring into existence what is understood, just as to forfeit a different understanding may be to prevent that which was so understood from coming to be.” For this to happen, the naturally free and equal human beings need to embrace the concept of *persona civitatis* that distinguishes between them and the one who acts behind this *persona*. They are thus unified in pretending that their sovereign’s actions are their own and that

¹⁰⁴ A notable exception can be found at the beginning of Chapter 10, when Hobbes (1651: 41) distinguishes between natural and civil persons in a way that corresponds to the use of these terms in *De Cive*.

¹⁰⁵ In similar terms, Newey (2008: 166) describes the Hobbesian state as an “amalgam, *the representative plus represented*, as a natural person – that is, *the-people-as-represented-by-the-sovereign*.”

they have relinquished their natural rights. This way they provide “*strength and means*” for implementing their sovereign’s will. For the subjects *persona civitatis* is a restraint and for their sovereign it is a licence for absolute power. Therefore, *persona civitatis* is the defining property of both the sovereign and the subject: it is what makes a sovereign sovereign and a subject subject. It might be thought of as sovereignty or “*Soveraigne Power*”.

Persona civitatis, not unlike sovereignty, is an integral and essential part of both the commonwealth and the sovereign that conceptually links them. It is absolute and singular and accepts no limitation: one can either have sovereignty or not be a sovereign at all. Sovereignty is also the soul of the commonwealth (Hobbes, 1651: 1, 114, 316) and “Seat of Power” to which Hobbes (1651: 4) refers in his Introduction to *Leviathan*. And like “[t]he *Soule* in Scripture, signifieth alwaies, either the Life, or the Living Creature; and the Body and Soule jointly, the *Body alive*” (Hobbes, 1651: 339-340), the idea that gives life to a commonwealth is the idea of *persona civitatis*. Those who challenge it and choose to see past the sovereign’s *persona civitatis* are those who fall outside the sovereignty and pose a danger to the commonwealth. Or, to use Oakeshott’s (2000: 159-163) terms, those who dispel the myth of Leviathan are bound to awake from the “collective dream” of civilization into the nightmarish reality of their natural condition.

Conclusion

As I have endeavoured to demonstrate, Skinner’s and Runciman’s accounts share an underlying presumption about the non-natural character of the Hobbesian state. This is problematic for at least two reasons. Firstly, Hobbes explicitly gives us reasons to think of the state as constituting an “artificial man” or, in a certain sense, a natural person.¹⁰⁶ The second, more fundamental, problem with Skinner’s and Runciman’s interpretations is that they do not devote enough explanatory attention to Hobbes’s account of transition from the state of nature to civil society. Although their end results may differ, both authors’ views portray the Hobbesian state as a non-natural entity that is sitting on top of “real” natural persons, human beings made of flesh and blood.

¹⁰⁶ I will discuss this aspect of Hobbes’s theory in the next chapter.

Therefore, for Skinner (1999: 11) “the states are obviously not natural persons, while sovereigns obviously are”. Runciman (2000: 278) also contrasts the state as a person with natural persons:

“Where the state is a fiction of this kind, real persons will frequently look for something tangible in the real world with which to identify it - whether territory, or religion, or language or history. When such an identification is lacking, they may start to invent their own stories about the state, turning it into a fiction of their own.”

In contrast to this view, if we follow Hobbes’s own strategy it becomes obvious that he is offering a far more sophisticated account than either Skinner or Runciman acknowledge, one situated between his own understanding of natural personality and its relation to artificial or fictitious personation.

Hobbes (1651: 1) opens *Leviathan* with the definition by which nature is “the Art whereby God hath made and governes the World”. For God, as Hobbes seems to suggest, the human notion of nature is not at all natural. This does not sound too outlandish if we have in mind that God is the creator of our “natural” world, even if the idea of artifice teleologically preceding nature might seem to affront our common sense.¹⁰⁷ However, the general flow of the Hobbesian method of transposition becomes evident when he goes on to argue that human beings are also capable of creating such artifices. In fact, through their joint endeavours, they create “that great LEVIATHAN called a COMMONWEALTH, or STATE, (in latine CIVITAS) which is but an Artificiall Man”. (Hobbes, 1651: 1) This is indeed such a great accomplishment that Hobbes (1651: 87) pushes the analogy further in Chapter 27 by calling the state a “*Mortall God*”. This is more than a metaphor, because it points to at least two vital features of Hobbes’s theoretical framework. The first is the immense importance of the sovereign state, further underlined by the drastic difference between the civil and natural conditions of mankind. This is reinforced by the second feature – Hobbes’s main transpositional methodology, by which men and women, as both “the *Matter* thereof, and the *Artificer*” create an artificial entity that is, in fact, a God. (Hobbes, 1651: 2)

¹⁰⁷ For a valuable discussion on Hobbes’s distinction between nature and artifice see: Newey, 2008: 53-54, 166.

What does this radical change entail in connection to the human understanding of the distinction between natural and artificial? If we return to the first sentence of the introductory chapter of *Leviathan*, we can see that Hobbes distinguishes artificial from natural along the line that differentiates the creator from the creation. Therefore, since God is the artificer and the world is the creation, human beings are a material part of what they perceive as the natural world. This idea is simple enough, but the situation becomes more complicated when the human beings are both the creators and the matter of a new artificial entity. Furthermore, being a part of that entity – the state – is mutually exclusive of the natural mode of existence: one can either be a member of a commonwealth or remain in the state of nature. Although the naturalness of the latter is indisputable, I believe that there is something more to be said about the artificiality of the former. If we follow the creator – creation dichotomy, it turns out that living in a commonwealth has to be both natural and artificial to the subjects that had agreed to create it. Being a member of a Hobbesian state creates an artificial context that introduces a novel perspective to one’s understanding of artificiality and naturalness and reconfigures their semantics.

This is most readily observed through Hobbes’s account of personhood. In contrast to “pure” natural personhood (i.e. within the state of nature), there is an additional ingredient of personhood as viewed from within a state: personhood is interlinked with representation. This means that it is not enough to observe a person who is doing something to securely attribute these actions to her. Unlike in the state of nature, naturalness is not presupposed and has to be proven by establishing whether this person is representing herself or not. The same test applies to artificiality; if a person is speaking or acting on behalf of somebody else, we can say that she is an artificial person. Either way, it is only within the state that this applies and where establishing whether one is an artificial or natural person matters. It is also important to emphasise that natural versus artificial is a binary distinction that can make logical sense only *within* the commonwealth. Since every person in the state of nature is a natural person, Hobbes can only speak of “natural” persons, implying the need to distinguish, in a civil context. Doing otherwise would be an example of “insignificant

speech”, comparable to the multiplication of words that leads to “multiplication of ambiguity” in laws. (Hobbes, 1651: 182)

The fact that Hobbesian subjects are both the creators and the matter of which a state is made is intrinsically linked with the expansion of the commonsensical account of personhood inside the civil framework. In turn, this leads to the introduction of essentially civil notions of natural and artificial kinds of persons. If this is true, any interpretation of Hobbes’s theory that rests upon the contrast between subjects’ naturalness and their commonwealth’s artificiality is bound to be deeply flawed and is fundamentally misguided. The same may be said of accounts that aim to prove what kind of *person* the Hobbesian state is. As it is described in *Leviathan*, a commonwealth is compared to an artificial man or an artificial God, but Hobbes never mentions it as an artificial person. Whether or not my own account is misguided in suggesting that Hobbes is treating fictitiousness and artificiality as complementing each other and that, therefore, there is no (sub)class of fictitious persons, it remains the case that he never mentions fictitious persons in the English nor *personae fictae* in the Latin *Leviathan*.

On the other hand, from the international perspective, the state can even be seen as a natural person. Such an account is in accordance with the fact that a Hobbesian commonwealth is comprised of the men and women who constitute it. One or few of them constitute the state by wearing it as a mask and she or they are the sovereign. In front of this mask are the subjects who suspend their wills and natural rights, but invest their “strength and means” in fulfilling the sovereign’s will. As with any other role, in order to be successful the role of a sovereign depends on the existence of an actor, as well as the audience’s willingness to surrender to the fiction. If one of these elements is missing, the play will be a failure. Without an actor there is nobody to guide the audience’s willingness to believe; without their readiness to accept the fiction as truth, no actor, however skilled, can convince them otherwise. This is why I believe that, at least within the commonwealth, the best way of thinking about Hobbes’s person of the state is as a *persona* literally meaning *facies fictitia*.

The commonwealth, however, should never be constrained to its *persona civitatis* since, besides its group personality, it also comprises “the multitude”, i.e. flesh and blood people disposed to act in a certain way. Its

group personality (*persona civitatis*) symbolises their unity through representation and it is essential that this unity exists – but this does not mean that we can simply identify it with the state. Hobbes’s state, therefore, should be defined as an entity that encompasses both material (“men”) and formal elements (*persona civitatis*).

Similarly, *persona civitatis* should neither be viewed as separated from the sovereign, nor from the multitude it transforms. These elements are inseparable. Just as Hobbes (1682a: 27) does not think that a chair is “compounded of the Wood and the Figure”, so he cannot possibly think that the commonwealth is “compounded” of “men” and “*persona civitatis*”. Instead, the commonwealth should be understood as the concept that entails and surpasses the multitude in a way that chair entails and surpasses the wood of which it is made.

Persona civitatis describes a way in which this transformation is made possible, as it is “the figure it hath apt for the intended use”. (Hobbes, 1682a: 27) Commonwealth is thus an “entire cause”, consisting of “Efficient and Material Causes” that “are both but Partial Causes”. (Hobbes, 1656: 82) As such, it is “sufficient for the production of its Effect”, which is “the conservation of Peace and Justice, the end for which all Common-wealths are Instituted”. (Hobbes, 1656: 88; 1651: 93) This means that, contrary to the influential accounts put forward by Skinner (2009a) and Runciman (2000), a Hobbesian commonwealth should not be considered as a person “by fiction”. Hobbes never referred to the state as a person by fiction, not at least because he never used the term “person by fiction” in his writings. In *Leviathan* he does not refer to the state *as* a person, but rather to the “person *of* the state”. To present matters in these terms confuses Hobbes’s notion of an artificial man with the notion of a fictitious person¹⁰⁸ and it does capture all the subtleties of Hobbes’s account from *Leviathan*, some of which have been addressed in this chapter.

¹⁰⁸ For example, Skinner (2009a: 364) talks about “the state as a person possessed, in Hobbes’s phrase, with an artificial eternity of life.”

5. Hobbesian personation applied: a multi-perspectival view of the relationships within and outside the commonwealth

Introduction

In the previous chapters I have argued that Hobbes's account of personhood is best understood as based on an underlying idea of representation. Hobbes's argument, therefore, should not be taken as genetic. It does not describe the evolution from natural personhood to its civil counterpart; instead of defining a civil person as an improved version of its natural counterpart that evolved with the notion of representation, Hobbes seems to believe that representation also defines a natural person. While an artificial person is defined as a representative, a natural person is defined as self-representing. This finding, of course, has not escaped contemporary commentators.¹⁰⁹

However, there is also a wider methodological perspective that the analysis of Hobbes's account of personhood and representation opens up. Apart from the relationship between the representative X and the represented Y, every act of representation involves a certain "audience", i.e. those to whom Y is being represented. This opens up a possibility of viewing the relationship between the same set of agents from different perspectives. For the audience, there is identity between the representative and the represented; the representative sees himself as detached from both the audience and the represented; the represented, on the other hand, is enabled to interact with the audience and sees his representative's actions as his own.

Perception is important for Hobbes. Its political importance is closely connected to Hobbes's anthropology and his view of will as "*the last Appetite in Deliberating*" that immediately precedes the action. (Hobbes, 1651: 28) An obedient subject, then, is the one whose "foresight of the good and evil consequences" points him to acting in a way that is not destructive of the commonwealth. (Hobbes, 1651: 28) One way to ensure this is to precondition

¹⁰⁹ For example, Newey (2008: 163-167) makes this argument.

subjects' deliberation by making them believe that living under the absolute unitary government is the only way to avoid the miseries of the natural condition. Therefore, the subjects need to think of themselves as being a part of their political community, although they have no say in governing it. They have to think of their own separate persons as a part of *persona civitatis*.

This idea took its graphical form as the frontispiece of *Leviathan*. Inspired by an optical device that was a “fashionable scientific-aesthetic toy” in the 1640's, Hobbes was trying to depict how a multitude of separate persons blend into the person of the state in a way similar to the observer “that looks through a short hollow pipe, upon a picture conteyning diverse figures, sees none of those that are there paynted, but some one person made up of their partes, conveyed to the eye by the artificiall cutting of a glasse.” (Hobbes, 1971: 55, cited in: Malcolm, 2003a: 202) The result is the famous frontispiece of *Leviathan* in which we see the gigantic sovereign ruling over cultivated lands.¹¹⁰ When we look closer, we see that his body is “made up of a mass of small figures who stand, hatted and cloaked, with their backs to the viewer, gazing upwards towards the head of the body which they compose.” (Malcolm, 2003a: 200) This design, as Noel Malcolm (2003a: 201) explains, replaced Hobbes's original design by which multiple smaller faces made up the body of the sovereign. Malcolm also rightfully relates the design of the frontispiece with Hobbes's (1651: 223, 225-226) introducing the notions of representation, personhood and “collective unity” in *Leviathan*.

Even if we put the discussion about Hobbes's iconographic preferences aside, it is clear that Hobbes was very interested in visual presentations of his account of personation and representation. It seems that even the very modification of the design is indicative of Hobbes's intention. The first design depicts the people looking towards the spectator, whereas the final one depicts them looking at the sovereign. The latter design is more in line with Hobbes's account of representation, as it clearly shows that there is no direct relationship between the represented people and the audience. Therefore, there is more to

¹¹⁰ The graphical presentations in Hobbes's work have been thoroughly discussed by a number of authors. For example, see Malcolm 2003a, Schoneveld 1982, Bredekamp 2007 and Skinner 2009b.

this image than “a graphic representation of [the subjects’] “obedience” to the sovereign, who in turn wields the sword of “protection”. (Newey, 2008: 41)

It is the sovereign representative who is facing the spectator while every single person that he represents is facing only him. This is indicative of Hobbes’s approach, as the final frontispiece alone shows us that there are at least three perspectives and at least two contexts involved. 1) There is the sovereign who is interacting with the spectator who looks at the commonwealth from the outside (i.e. from its natural context). 2) The subjects are clearly situated within the context of a commonwealth and their personal perspective does not stretch outside it. The only way for them to view the outside (natural) world is through the perspective of their sovereign. As they do not face each other, it is also quite probable that their perception of the life in a commonwealth is coloured by their sovereign. 3) The spectator can only see the sovereign’s face and it is not possible for him to interact with any of the subjects individually, as they all have their backs turned on him. The only way for a person who is situated outside the commonwealth to interact with a specific member of a commonwealth is through the sovereign. The relations between three kinds of agents (the sovereigns, the subjects and God) as situated in two contexts (civil society and state of nature) will be the topic of this chapter.

Although the idea that the state of nature exists in parallel with civility might seem counter-intuitive, it is perfectly in line with a significant feature of Hobbes’s theoretical approach. The Hobbesian state of nature is not, at least not primarily nor unequivocally, a description of a state preceding civility. It is, instead, an unwelcome alternative to the civil condition that, on the other hand, is not defined as a natural condition transformed by the emergence of a unified authority. Conversely, it is “that condition which is called Warre” that is defined negatively, as “the time men live *without* a common Power to keep them all in awe”. (Hobbes, 1651: 62; the emphasis is mine) Hobbes is quite clear about that, and the state of nature is a concept that arises when we imagine people living without a civil government: “it may be perceived what manner of life there would be, where there were no common Power to feare; by the manner of life, which men that have formerly lived under a peacefull government, use to degenerate into, in a civill Warre.” (Hobbes, 1651: 63)

Therefore, when Hobbes describes the transition from the state of nature, he is not concerned with the factual accuracy of the process. Instead, he argues that supporting a government endowed with absolute power is a preferred alternative to living in the radically uncertain natural world.

Hobbes (1656: 67) follows similar methodology in *De Corpore* when he constructs his argument “from *Privation*; that is, from feigning the World to be annihilated”. Comparably, when he describes the state of nature as logically preceding civility, Hobbes “feigns” the annihilation of government. Sorell (1996: 58) describes this analytical process:

“According to this suggestion, one starts with a conception of a "whole" body, either a natural body or an artificial body like a commonwealth; one then takes notice of its "parts" or properties,- by the method of analysis or resolution one arrives at the causes of the properties; and from the causes of the properties one reconstructs or "composes" in reasoning the "whole" one began with, the whole thereupon becoming more intelligible than it was initially.”

This model could be useful in investigating Hobbes’s account of personhood as applied to various agents within and outside the commonwealth.

Apart from Hobbes’s interest in perception and him offering his argument “from privation”, distinguishing various agents, their perspectives, relations and the two contexts they might appear in is important as it enables us to grasp the subtleties of Hobbes’s argument that we might otherwise miss. This is especially important for examining Hobbes’s ideas of personhood and representation and it is unfortunate that the most comprehensive recent study of Hobbes’s concept of representation and its relationship with Hobbes’s wider account of the state, Brito Vieira’s *The Elements of Representation*, is primarily developed along four different philosophical outlooks (aesthetic, theatrical, legal and theological) and not through mutual relations that these elements of Hobbes’s theory instigate.

This is not to say that such analyses cannot explain certain aspects of Hobbes’s theory correctly. A single-perspective approach could be suitable for discussing certain static aspects of Hobbes’s theory. However, even if such analyses are not fundamentally misguided, they are very likely to miss a more

complete answer to whatever question they are pursuing. Such a methodology is less sensitive to detecting connections between various aspects of Hobbes's philosophy that stem from Hobbes's various writings. More often than not, it deals with a single aspect of his theory as separate from all the others. The result is, for example, that we have numerous commentaries on Hobbes's political theory that ignore his theology and a number of papers on Hobbes's theology that either neglect its relation to the political or fully subsume it under a notion of Hobbes's political project. Finally, such an approach is destined to fail when one needs to resolve what appears to be an inconsistency in Hobbes's theory that is entangled in multiple contexts and multiple instances of representation.

A good example of such a problem is the Naaman dilemma and, at the end of this chapter, I will attempt to give a coherent interpretation of Hobbes's argument. Hobbes goes to great lengths to show how a person who by following his sovereign's orders denies God does no sin:

“whatsoever a Subject, as Naaman was, is compelled to in obedience to his Sovereign, and doth it not in order to his own mind, but in order to the laws of his country, that action is not his, but his Sovereigns; nor is it he that in this case denyeth Christ before men, but his Governour, and the law of his countrey.”
(Hobbes, 1651: 271)

This seems to be contrary to Hobbes's (1651: 109) claim that “every Subject is Author of every act the Sovereign doth”. If a subject indeed “owns” his sovereign's actions, then Naaman could never be excused for obeying his sovereign's command to deny God. This example is indicative of complexity of Hobbes's argument as it encompasses a number of different entities (a subject, the sovereign and God) that are all a part of multiple binary relationships between the representative and the represented. This is evident in the Naaman controversy, where what seems to be a paradox in relations of representation and personation threatens the coherence of Hobbes's wider political structure. Therefore, understanding these relationships might be invaluable for understanding the complex layout of Hobbes's political system. The aim of this chapter will be to investigate ways in which Hobbes's theory of personhood

could be considered as underpinning his account of political institutions. First I will set up the framework for dealing with these issues, and then I will turn to analysing particular relationships, starting from those that are situated within the commonwealth and then moving to the external natural context. In particular, I will discuss particular relationships from the perspective of the main agents in both contexts (the sovereign, a subject and God). Finally, I will turn to examining the Naaman issue, as an instance of the complex relationship between a Hobbesian subject and God.

Natural and civil contexts within and outside the commonwealth

Hobbes's account of personation and representation supports his account of political authority. This is not the only kind of authority that Hobbes speaks of, as God's authority over the subjects of His "natural kingdom" (which also includes the sovereigns) comes "from his *Irresistible Power*", while the sovereign's (artificial) authority "ariseth from Pact". (Hobbes, 1651: 187) Natural authority is a consequence of God's omnipotence. On the other hand, civil authority is artificial, since it establishes the relations of domination between human beings who are roughly equal in terms of their natural capacities.¹¹¹ Therefore, there are two contexts within which Hobbes's accounts of authority are situated: (1) natural and (2) artificial or civil context.

The distinction between nature and artifice, however, is not that simple. Hobbes argues that from the viewpoint of its creator, the creation is an artifice. Famously, for Hobbes (1651: 1) nature is "the Art whereby God hath made and governes the World". This entails that what is natural for us is, in fact, artificial from the perspective of our Creator. In a similar way, civil institutions that human beings create for themselves are artificial to them as their creators, but natural to them as their members. In Hobbes's (1651: 2) words, "the *Matter* thereof, and the *Artificer* [...] is *Man*." In the state of nature, then, there are two kinds of entities that are significant for Hobbes's account of authority: God as the artificer and human beings who live in what is, for them, natural condition.

¹¹¹ This distinction also holds when God becomes the civil sovereign by entering a contract with His chosen people. In this scenario God chooses not to rule by omnipotence. See Hobbes, 1651: 264-265.

This layout gets a bit more complicated in the civil context. God, of course, remains an agent after the creation of the commonwealth. Hobbes, however, limits the list of those who may be considered as interacting with God and/or being guided by (His) natural laws to the sovereigns, as they effectively remain in the state of nature. Subjects *qua* subjects, then, do not have to act in accordance with what *they* perceive to be God's will. Instead, they have to rely on their sovereign's judgment and this breaks the direct "natural" link between God and agency of those who had renounced their "right to every thing".

Therefore, with the creation of the state, the only natural relation of authority (God – man) gets suppressed in favour of the set of new ones (God – sovereign and sovereign – subject). The relationship between God and a sovereign is effectively the same as the relationship between God and any other natural person while the artificial relationship between the sovereign and her subjects is underpinned by representation. On the other hand, there are two kinds of relationships that arise with the forming of the state that are equivalent to the original (natural) relationship of equal entitlement (man – man): (1) the relationship between the sovereigns and (2) the relationship between the subjects of a single commonwealth. The sovereigns retain their equal rights "to every thing" since they had not renounced them by entering a social contract, while the subjects are mutually equal precisely because every one of them had renounced his own natural rights.

This renunciation of rights, however, is not absolute. In Chapter 21 of *Leviathan*, Hobbes (1651: 112) argues that a subject has the right to disobey the sovereign when he is ordered to hurt himself. The scope of this right extends also to those who refuse to fight due to their "naturall timorousnesse".¹¹² This is significant because it reminds us that, although Hobbesian sovereign authority is absolute, the subjects have a right to disobey the sovereign in a certain number of cases. In these situations, they cannot be held responsible for their sovereign's actions and this sketches out the boundaries of the civil condition as an ultimate instrument for self-preservation. If the sovereign's command harms the subject, then it is only the sovereign's power that might compel the subject to comply, and not the need to honour natural law and keep (the original)

¹¹² Hobbes's account of self-preservation and its relation to military service is discussed in Baumgold, 1983 and, more recently, in Sreedhar, 2008 and 2010.

contract. In order to demonstrate this, let us imagine that the commonwealth X were under attack by the army Y. The subjects of X have an obligation to defend their country and their sovereign has “double” legitimacy to order them to do so: 1) he has natural “right to every thing” and 2) he is their representative and this is a matter that falls within the reasons for which the commonwealth was instituted. Hobbes (1651: 112) argues that: “when the Defence of the Common-wealth, requireth at once the help of all that are able to bear Arms, every one is obliged; because otherwise the Institution of the Common-wealth, which they have not the purpose, or courage to preserve, was in vain.” The sovereign’s command to take up arms can be traced back to his subjects because it is in accordance with the purpose behind them instituting the commonwealth.

Let us suppose now that the invaders had successfully been repelled and that the sovereign ordered his subjects to set out on a dangerous retributory campaign. This is a legitimate command because of the sovereign’s all encompassing natural right, but now, since the context has changed, the subjects also have a natural right to refuse to participate in such a life-threatening endeavour. If they do comply to their sovereign’s orders, the subjects do so willingly, since “he that inrowleth himselfe a Souldier, or taketh imprest mony, taketh away the excuse of a timorous nature; and is obliged, not onely to go to the battell, but also not to run from it, without his Captaines leave.” (Hobbes, 1651: 112) If they, again rightfully, refuse to fight, the sovereign still has the right to punish them, no matter their “feminine courage”.

As we see, the sovereign’s command to obliterate the enemy is unprecedentedly justified only if it was issued in the interest of her subjects’ self-preservation. In this case, the responsibility for it is traced back to the subjects. On the other hand, in those cases that exceed this boundary, the will of each individual subject becomes relevant and this breaks the ties between the sovereign’s command and the subjects’ being responsible for it. For the same reason Hobbes cannot argue that the sovereign remains the representative of somebody he sentenced to death. In such cases the assumption that this particular sovereign’s command was issued “*for their Peace and Common Defence*” cannot apply. (Hobbes, 1651: 88) Therefore, both soldier who is about to embark on a dangerous campaign outside his country and a person sentenced

to death practically find themselves in the state of nature; they are not responsible for their sovereigns' actions and they have a right to everything that leads to their self-preservation.

It seems that Hobbes's idea of the subjects' responsibility for their sovereign's actions marks the borders of the civil condition. The civil state is thus confined to the context and purposes of establishing a commonwealth. Outside this context there is only (natural) force to compel subjects to act in accordance with their sovereign's will. This tells us that there are two distinct spheres in which the sovereign can exercise legitimate control. However, the grounds for legitimacy are not the same in these two cases. Within the commonwealth and in the matters pertaining to its and their own preservation, subjects are obligated by natural law to keep the original contract and, thus, follow the sovereign's orders. Compliance with the original contract is inseparable from obedience to the sovereign since Hobbes sees the sovereign's power as the guarantee without which any contract is void.

Although the third natural law stipulates that "*men performe their Covenants made*", this precept "found out by Reason" cannot be considered a law without the sovereign power "ty[ing the subjects] by feare of punishment to the performance of their Covenants. (Hobbes, 1651: 71, 64, 85) On the other hand, it is very much within the sovereign's power to legitimately command the subjects to interact with those entities that are outside her *potestas* and this may bring about harmful consequences to those involved. In this case, the legitimacy of the sovereign's actions simply comes from her not renouncing her natural "right to every thing" that includes a right to force other natural agents to act in a particular ways. But, as we have seen, in the matters that fall outside the context of a commonwealth, subjects are natural agents that also have a right to confront the sovereign.¹¹³

This shows us that the emergence of the commonwealth does not entail civil society *entirely* replacing the state of nature. After the institution of the commonwealth, the Hobbesian state of nature is not only present in its potentiality – as an anachronistic, albeit sinister reminder of our need for civil authority. The natural condition continues to exist outside the boundaries of a

¹¹³ For a similar point see Steinberger, 2002.

commonwealth, both geographically and conceptually. Outside the geographical borders of a commonwealth, the sphere of international relations corresponds with the state of nature. Accordingly, outside the purpose for which the commonwealth had been instituted, there is only the natural “right to every thing”. The dualism of nature and civility/artifice also encompasses Hobbes’s idea of the person. Every Hobbesian public official (including the sovereign) can act either in his public or in his natural capacity; every person can either represent himself or somebody else and thus be a natural or an artificial person; the conscience of every inhabitant of a commonwealth is split between public and private conscience.

Both natural and civil contexts, and its corresponding *personae*, ultimately concern the same “matter” or “substance”: God and human beings. The Holy Trinity shares the unique substance behind different *personae* and, comparably, behind any specific kind of human *persona*, there is always an “intelligent substance”. The natural relations of authority (God – man) and equality (man – man), as I have suggested earlier, are changed with the emergence of the commonwealth. The scope of the relationship between God and man is limited to the natural context. Since the sovereign (along with stateless individuals), as I will argue, is living in such a context, his relationship with God matches the original relationship between Him and natural man. The subject’s relationship with God, on the other hand, is constrained to those spheres of life that are outside the scope of civil government: this includes private conscience, the right to disobey harmful orders, one’s right not to participate in any endeavour outside the borders of his country, etc. With the creation of the state, the dominant relationship of authority becomes the relationship between sovereign and the subject. Additionally, the natural relationship of equality finds its natural match in the relationship between sovereigns and its artificial match in the relationship between subjects.

All of these relationships of representation and/or authority are direct. In other words, my representative’s representative is not my representative and me being a subject of the sovereign who is a God’s subject does not make me God’s “civil” subject. Therefore, for Hobbes, “publique ministers” are the representatives of the sovereign and they cannot be considered as the representatives of those who the sovereign represents. Comparably, the fact that

both my sovereign and me are subjected to God's power does not give me a right to rebel against my sovereign. God's authority over my sovereign does not diminish the sovereign's authority over me in any way. All of this rules out at least two indirect relationships: the relationship between a subject and a "publique minister" and the relationship between a subject *qua* subject and God. This leaves us with the following set of relationships: subject – sovereign, sovereign – sovereign (replacing man – man), sovereign – God and God – man (in what is left of his natural capacity after he entered the original compact). I will now turn to examining each of these relationships in somewhat greater detail and, finally, try to suggest a coherent answer to the Naaman controversy.

The relationship between the subjects and their sovereign

The subjects' perspective

As I have previously argued,¹¹⁴ a certain set of actions constitutes a *persona*, which, in turn, defines a corresponding person. For example, when Peter assumes the role of William Shakespeare's Richard III, he starts acting as a physically deformed villain. The way he moves and the words he says constitute the Shakespearian *persona* of Richard III. Peter, of course, has complete knowledge about the situation on the stage. He is well aware of the fact that he is not, in fact, Richard III and that he assumed that specific role and not, for example, the role of Romeo. The other actors are mindful of Peter's role within the play, but they have no insight into Peter's mental processes and whether and how far he has come to think of himself, at least for the duration of the performance, *as* Shakespeare's Richard III. Lastly, providing he offers a sufficiently good performance, every member of the audience that has some previous knowledge about Shakespeare's work will immediately recognise the *persona* Peter put on. On the other hand, those unaware of the context, such as small children, might think that there is an evil hunchback marauding before them.

From this example we can see that there are at least three different viewpoints and at least as many different levels of insight into one's will. The

¹¹⁴ See chapter 3.

same may be said, more or less, of the will constituting the *persona* and person of commonwealth. One notable difference is that the individual that everybody submits to as sovereign does not have to alter her natural *persona*. She plays the role of herself. That being said, she is aware of the fact that all the subjects are acting as she is their representative and as if her will is their own. This enables her to command them and ensures their obedience. The subjects, however, see the sovereign in a different light than she sees herself; they do not see a self-representing natural person, but a *persona* of the sovereign they constructed. This entails that there are two important prerequisites to the sovereign's ability to "*forme the wills*" of the subjects.

Firstly, the sovereign has to have a way of communicating her will to the subjects. After identifying will with the passion that directly precedes action ("the last appetite, or aversion", Hobbes, 1651: 28), Hobbes (1651: 29) briefly discusses the ways in which we are aware of its existence:

"These formes of Speech, I say, are expressions, or voluntary significations of our Passions: but certain signes they be not; because they may be used arbitrarily, whether they that use them, have such Passions or not. The best signes of Passions present, are either in the countenance, motions of the body, actions, and ends, or aimes, which we otherwise know the man to have."

It follows from this passage that there are two ways of knowing someone's will: he can express it explicitly or we can deduce it from the resulting action that individual undertook. Naturally, an individual has the best perspective on his own will, followed by the viewpoint of those who can witness the resulting actions. The sovereign therefore has to communicate her will in a specific form, through laws or other kinds of commands. This, however, is not sufficient since the subjects have to recognise the person in question as their sovereign for her words to be considered as legitimate commands.

The second prerequisite to the sovereign's effective rule, then, is that her subjects recognise her as a sovereign. This is particularly important for Hobbes as he distinguishes between one's "public" and "private" person by the "audience's" perception. He argues that "if a man be sent into another Country, secretly to explore their counsels, and strength; though both the Authority, and

the Businessse be Publique; yet *because there is none to take notice of any Person in him, but his own; he is but a Private Minister*” (Hobbes, 1651: 126; the emphasis is mine). What distinguishes between a public and a private emissary, then, is the former’s public recognition as such. This recognition is critical for the role of a sovereign, as having the supreme public capacity is one of the specific differences between the sovereign and a subject.

Meeting the second prerequisite is not very difficult for the people who are entering the civil condition from the state of nature. Recognising a certain person as sovereign is a part of Hobbes’s (1651: 87) “Covenant of every man with every man”, as there can be no civil society without everybody transferring his or her rights to the sovereign. Their motivation is also unquestionable, since they are certainly aware of the miseries that accompany the state of nature. The problem, however, arises with those who are born within the borders of a commonwealth. As they are “like clean paper” and have never experienced any alternative to their life within a state, they have to be socialised into recognising somebody as their sovereign and believing that that person has, and should have, absolute authority over them. (Hobbes, 1651: 176) To use theatrical terms, it is of little use if a person is acting as a sovereign if there is nobody to recognise her as such. It is, therefore, not enough for a sovereign to bear *persona civitatis* – her subjects have to acknowledge that it is borne.

Hobbes’s solution to this problem is to educate citizens into obedience. It is clear that Hobbes saw his own work as a part of this project of civic enlightenment. In his *Six lessons to the professors of mathematics* Hobbes (1845: 335-336) argues that *Leviathan* served a similar purpose as it “hath framed the minds of a thousand gentlemen to a conscientious obedience to present government”. Furthermore, as observed by Malcolm,¹¹⁵ it is possible that *Leviathan* had another educational purpose at least at one point during its creation and that is to serve as a *speculum principum*, a textbook instructing Charles II how to rule.

¹¹⁵ Malcolm made this point at the lecture “The Context of ‘Leviathan’: A New Interpretation”, delivered on 25 May 2011 in The University of York’s Centre for Renaissance and Early Modern Studies’ Research Seminar.

Hobbes's account of civic education was not less controversial than the rest of his political philosophy.¹¹⁶ Here, however, I will not discuss whether Hobbes's civic education has authoritarian implications.¹¹⁷ Instead, my aim is to stress the fact that Hobbes's account of personhood depends on the subjects' acknowledging a certain person as their sovereign. For this to work, their minds have to be "framed" in a way that would lead them to understanding the social relationships in a non-natural and a non-intuitive way.

For Hobbes the state is an artificial mechanism that is put in motion for the protection of its members precisely because of their intuitively unsociable, self-interested and fearful nature. Hobbes's men and women are naturally more inclined to violence than to cooperation and this is why their natural understanding of social relationships by which they have "a Right to every thing" (Hobbes, 1651: 64) has to be "framed" in a way that would enable them to view the sovereign in her public capacity, as their representative and the exclusive bearer of the *persona civitatis*. The obedience of "a thousand gentlemen" is "conscientious" because it is based on their observance of law (which is public conscience).

Their behaviour is not only caused by their fear of the powerful sovereign, but primarily by them knowing that the only alternative to subjecting to the absolute sovereign is the miserable existence in the radically insecure state of nature. Their behaviour is thus "formed" by them realizing that (1) there is "a common Power to keep them all in awe" and that (2) that power rightfully belongs to the sovereign. (Hobbes, 1651: 73) Their wills are limited by the will of the sovereign and, since for Hobbes will and agency are intrinsically related, their actions are also constrained to whatever is not prohibited by law,

"[f]or the use of Lawes, (which are but Rules Authorised) is not to bind the People from all Voluntary actions; but to direct and keep them in such a motion, as not to hurt themselves by their own impetuous desires, rashnesse, or indiscretion; as Hedges are set, not to stop Travellers, but to keep them in the way." (Hobbes, 1651: 182)

¹¹⁶ There is a significant body of literature on Hobbes's account of education. A very detailed account is given by Geoffrey Vaughan (2002) and a very recent discussion is presented by Teresa Bejan (2010). Other notable accounts include Tuck, 1998 and Lloyd, 1997.

¹¹⁷ For a reading of Hobbes's educational project as authoritarian see Wootton, 1997.

Recognising someone's *persona* as *persona civitatis* makes her words and actions authoritative. So when a multitude of persons recognise the words and actions of one of their equals as authoritative, not only do they (artificially) create the sovereign's *persona*, they also (not less artificially) recreate or reform their own *personae*. They are not natural human beings with absolute rights anymore; they become actors that play the role of subjects. This role of their own devising is defined in contrast to their natural absolute freedom that is, for the purpose of their safety, allowed to remain constitutive of the sovereign's *persona*.¹¹⁸ If the subjects fail to recognise themselves as such and deny that one's *persona* is *persona civitatis*, the pretender acting as a sovereign is more likely to be consigned to an asylum than crowned.

When these conditions are fulfilled, individuals join the original compact and willingly lose their "real" or "natural" personhood. By entering civil society they renounce their authority and render their wills heteronomous. After entering the civil state, the subjects' will and agency as constituents of their natural *personae* can only be considered in their potentiality. This void is then filled by the sovereign exercising her will. In Aristotelian terms, the subjects' will is stripped down to its material property, while the sovereign's will continues to exist as both form and matter. Such shifting of the Aristotelian categories might seem odd until we take Hobbes's psychology into consideration. If a subject's will and action is formed by appetite and aversion, and if the sovereign provides a framework for those "senses" through a legal system that punishes or rewards certain kinds of behaviour, it can be said that the sovereign forms the will of her subjects.

For example, one might feel a strong appetite towards a lavish lifestyle and try to find out ways to support it. In the state of nature, this individual's disposition might lead him to attack somebody who is wealthy and defenceless. Since peaceful coexistence of its citizens is the main principle on which Hobbesian commonwealth is founded, the sovereign's role is to impose legal sanctions that serve as deterrents to any activity aimed against the establishment and preservation of peace. Therefore, the aversion to unlawful behaviour comes

¹¹⁸ Stanton (2011: 164) makes a similar point, as he argues that "people had to understand themselves at once as free and bound, as both the makers and sustainers of authority and its subjects." It is through this shared understanding that the multitude becomes united as a people. (Stanton, 2011: 165)

from the fear of sanctions.¹¹⁹ Within the context of a civil society, a potential marauder's will will be changed when he develops an aversion to marauding by knowing that there are sanctions for such an activity. The sovereign has authority to define concepts and certain sanctions thus become the integral part of the concept of marauding (or of any other unlawful activity), so the subject that deliberates whether to engage in such an activity needs to consider the possibility of being punished by the sovereign. The likely prospect of being punished by somebody much more powerful thus creates an aversion strong enough to overcome any appetite for committing such a crime. Since it immediately precedes "the action, or [...] the omission thereof", this aversion becomes the will of the deliberator and that will is formed by the likely prospect of unfavourable consequences put forward by the sovereign.

Hobbes (1651: 88) explicitly states that the sovereign "forms"¹²⁰ the will of the subjects by imposing the fear of punishment on them.

"For by this Authoritie, given him by every particular man in the Commonwealth, he hath the use of so much Power and Strength conferred on him, that *by terror thereof*, he is inabled to *performe the wills of them all*, to Peace at home, and mutuall ayd against their enemies abroad." (The emphasis is mine.)

The last part of this passage explains the purpose of establishing a commonwealth and it is important to note that the fact that the Hobbesian sovereign's "only" task is to establish and maintain peace within the state does not limit her in any way. In fact, this is exactly why she should be given absolute power. So, allowing the Hobbesian subjects to "keep" their wills with regard to anything besides the (presumably passive) right to self-preservation would atomize the sovereignty of the commonwealth and put them all in danger. Providing that they are rational (i.e. not deprived of their "intelligent substance"), the subjects possess their own ability to will and only need an incentive from the sovereign's will to put it in motion, assume a *persona*

¹¹⁹ Fear is a very important motivating force in Hobbes's theoretical framework. In fact, it is fear that motivates people to renounce their natural authority and create the state in the first place. This is why Hobbes argues that "[c]ovenants entered into by fear, in the condition of meer Nature, are obligatory". (Hobbes, 1651: 69) For a good account of Hobbes's notion of fear see Blits, 1989.

¹²⁰ Word "performe" is corrected to "forme" in the "Head" edition's Errata.

moulded by the legal system and act accordingly. This way the *persona* of a subject replaces that of an autonomous natural man.

In Hobbes's terms, both *personae* can be classified as natural because they involve self-representation. The important difference is in the fact that the agency of the original natural person is constrained only by God's will while the actions of the subject's person are shaped by the will of the sovereign. This shaping of the wills, however, does not entail the sovereign forcing a certain set of rules how to behave on her subjects. Instead, the sovereign promulgates laws as rules how *not* to behave and prohibits undesirable activities within the commonwealth. The legal system of the Hobbesian commonwealth defines freedom negatively, so a "FREE-MAN, is he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to". (Hobbes, 1651: 108) Moreover, Hobbes (1651: 182) explicitly argues that "the use of Lawes, (which are but Rules Authorised) is not to bind the People from all Voluntary actions; but to direct and keep them in such a motion, as not to hurt themselves by their own impetuous desires, rashnesse, or indiscretion; as Hedges are set, not to stop Travellers, but to keep them in the way."

For example, when the Hobbesian sovereign promulgates a law banning hatemongering, she aims to affect the *personae* of all the hatemongers in the commonwealth. This is done only with regard to *one* of their personality traits and they can continue to pursue any other purpose that is not deemed illegal. The Hobbesian sovereign thus recreates the possibility of personhood within the commonwealth without enforcing any kind of uniform concept of personhood that would limit the subject's choice of *personae* to only one. There is one notable exception to this. As I have previously argued, for the commonwealth to function, the subjects need to accept the sovereign authority. In doing so, they put aside their natural *personae* that involve the right to "every thing" and put on the *personae* of subjects that presuppose obedience to the sovereign. This, however, does not mean that they cannot "bear" any other *persona* at the same time, provided that the other *persona* is not disallowed by the law.

What we can conclude from this examination of the relationship between the subjects and their sovereign is that the authority of the Hobbesian sovereign does not stretch as far as textbook interpretations of Hobbes's theory might suggest. Although the sovereign's authority is unlimited, Hobbes's

account of negative liberty makes it very hard for the sovereign to prescribe a specific *persona* (and the corresponding behaviour) to the subjects. That is one of the most important differences between Hobbes's and Cicero's accounts of personhood.¹²¹ For Cicero, *personae* are related to duties and they prescribe ethically preferable behaviour. They correspond to certain universal ethical standards that exist independently from the state and describe these standards in terms of vocations and other kinds of social relationships. These are the notions of a "good" ruler, doctor, soldier, husband, son, etc. There are no such independent external ethical standards in Hobbes's theory and all of these social roles are defined within the legal system of a commonwealth. They are, therefore, defined negatively, as guidelines or "hedges" that are set to prevent a subject from straying into the field of undesirable behaviour.

It is also important to note here that civic education is very important for Hobbes's argument, both in terms of subjects' internalising the more general arguments in favour of a civil authority and in terms of them being adequately acquainted with the laws of their commonwealth. Finally, an additional argument in favour of a non-totalitarian understanding of the Hobbesian subjects' position comes from the fact that Hobbes, this time following Cicero, complements his every definition of a person with a note that a person has multiple *personae*. This suggests that Hobbes might have been open to a theoretical outlook that favours different modes of living and wide possibilities for self-realisation or, at least, that he was more open to such an idea than the usual interpretations of his theory would acknowledge.

Still, this is not to say that the subjects do not give up their absolute natural rights to the sovereign. As discussed in the third chapter of this thesis, their liberty within the commonwealth is not a consequence of them "lending" their rights to their sovereign, as Gauthier argued. Hobbes's sovereign is not the people's employee. However, there is a good reason for the sovereign not to put too much restraint on her subjects' liberty. "[T]hose actions, which are the beginning of more Harme than Good" violate natural law and those who commit them are likely to suffer "Naturall Punishments". (Hobbes, 1651: 194) Therefore, "[n]egligent government of Princes [is punished] with Rebellion"

¹²¹ For a detailed comparison between Cicero's and Hobbes's accounts of personhood, see the first chapter of this thesis.

and it is this prospect that compels the sovereigns not to harm their subjects, nor to unnecessarily restrain their liberty.¹²² (Hobbes, 1651: 194)

The sovereign has, as Malcolm (2003b: 447) explains, a duty “to look after the interests of [her] people”. According to Malcolm (2003b: 446) this duty seems to override the fact that the sovereign remains in the state of nature after her subjects renounce their absolute natural rights because she is only “a third-party beneficiary of their mutual covenanting”. This is possible because the sovereign’s duty is the natural-right duty of “behaviour *towards*” and not “a duty *to*” her subjects. (Malcolm, 2003b: 444) The sovereign’s duty to treat the subjects in a particular way is her duty *to herself* (or her *best interest*) and flows from rationally grasped natural law. A similar duty, as Malcolm (2003b: 444) argues, would be “the natural-law duty to refrain from eating poisonous berries [as] a duty to behave in a certain way towards the berries, but not a duty to them”. This is a plausible account since it is in the sovereign’s best interest to keep her subjects loyal and the way to do that is to maintain their safety. Otherwise her “[n]egligent government” might be punished by rebellion. (Hobbes, 1651: 194)

The sovereign’s perspective

After the transfer of authority from the subjects to the sovereign takes place, the autonomy that the subjects have renounced gets reinstated and (re)shaped by the sovereign. Since the sovereign never actively participated in the creation of the commonwealth as a party to any kind of contractual agreement, she remains a natural person. When writing about the different types of government, Hobbes (1651: 95) acknowledges that: “whosoeuer beareth the Person of the people, or is one of that Assembly that bears it, [beareth] also his own naturall Person”. Therefore, her perspective on the functioning of the commonwealth has to be different than that of her subjects.

It would be irrational for the sovereign to behave in any way differently from what is rational in the state of nature. She cannot trust the people to uphold any agreement, especially one of which she was not a part. On the other hand, she has much to lose if her subjects stopped upholding their mutual agreement

¹²² It should be noted that this particular sentence is removed from the Latin translation of *Leviathan*. Cf. Hobbes, 1668: 172.

to keep her in power. Consequently, in the interest of her own self-preservation, she will do everything to prevent such a possibility. Hobbes (1651: 166) seems to be aware of this when he discusses the situation when the sovereign “in [her] naturall person, and not in the person of the Common-wealth” gives benefits to a subject she considers more powerful than her. Here it seems that Hobbes differentiates between the actions that the sovereign does in her name and the ones performed in her official capacity. However, thinking that there are two different classes of actions that belong either to the sovereign’s natural or to her “official” *persona* is misleading.

Hobbes offers a more telling account of the sovereign’s “double personality” when he suggests that there are comparative benefits to a monarchical rule. There he acknowledges that the personal and public interests do not always coincide, especially when the government is a democracy or an aristocracy. On the other hand, monarchy should be preferred because, among other things, the sovereign’s “private interest is the same with the publique”. (Hobbes, 1651: 96) Without going into the discussion about Hobbes’s underlying reasons for preferring monarchy over other forms of government, we can see that he considers the actions that the sovereign does in her official capacity a subset of her “natural” actions. This is because the sovereign can decide to do a specific thing from a wide variety of possible actions. Some of those decisions enhance security, increase wealth and promote the glory of both the sovereign and the subjects. Since in Hobbesian theory there is no place for a sovereign’s self-sacrifice, it is highly unlikely that the sovereign would choose to “publicly” act in a way that hurts her “natural” interests, regardless of the possible benefits to the commonwealth.

Hobbes (1651: 96) is explicit when it comes to a sovereign’s private interests trumping the public ones: “if the publique interest chance to crosse the private, [s]he prefers the private”. This leaves the sovereign only with options aimed at promoting her “natural” wellbeing. Among these, there can be only two types: actions that benefit both her and the commonwealth and actions that benefit her but are neutral or harmful with respect to the commonwealth. Therefore, the set of choices that constitutes the *persona* of a sovereign is made up only of the choices the sovereign would make while acting as the natural *persona*. Furthermore, Hobbes (1682b: 318) explicitly identifies the sovereign’s

natural and “politic” *personae* in *Behemoth*: “[The Parliamentarians] pretended that the King was always virtually in the two Houses of Parliament; making a distinction between his person natural and politic; which made the impudence the greater, besides the folly of it.” Hobbes (1682b: 318) derogatorily calls this “but an University quibble” as the Parliamentarians cannot argue that the king is present in the parliament while he is “in the contrary Army, and many times beating them from the Siege.” Clearly, it is argued here that one should not distinguish between the actions of a king as a natural person and his “politic” or public acts: it does not make much sense to assume that the king could be at war with himself, that he could lay siege in his private capacity and attack those who incite rebellion by calling upon his public capacity. As we can see from this passage, although Hobbes distinguishes between the sovereign’s private and public capacities, he argues that there can be no dissonance between the two.

Of course, this does not mean that Hobbes denies the possibility that the sovereign might act selfishly and against the common interest, the same as any of her subjects. The notable difference is that such behaviour does not break any contract. The corresponding action done by a subject would have to be considered as breaking the very foundation of the society and punished accordingly. This is why the subjects cannot consider themselves as unhindered natural persons and the sovereign can. The sovereign is also unhindered in a more literal, physical and materialistic, sense. Atomised individuals in the state of nature have their actions limited only by other individuals’ power. On the other hand, the sovereign’s agency, her “motion”, is unhindered by her subject’s power, although it is limited by the power of other sovereigns. Also the power of every sovereign’s “motion” is augmented by “*the strength and means of*” all of their subjects. (Hobbes, 1651: 87)

There is another reason why the sovereign in fact *cannot* act in any way different than in the state of nature. Since the essence of sovereignty lies in the sovereign’s supreme power, the sovereign cannot rely on anybody else to judge whether a subject broke the contract or not. And this is one of the main differences between the state of nature and civil society: the original natural *persona* assumes that its “bearer” is both the judge and the executor, while the “bearer” of the subject’s self-representing *persona* authorises the sovereign to

act in those capacities. Assuming that the sovereign is anything less than an unhindered natural person would mean that her power is not absolute and that she has to conform to somebody else's will, which would effectively de-authorise her. Therefore, in order to secure peace, the sovereign has to see herself as a *de facto* natural person, although, from the subjects' viewpoint, she always acts in her official capacity. Comparably, when the subjects think of themselves in their self-representing capacity, they have to see themselves as people who are mutually bound by the contract and who enjoy some of their natural autonomy, reversibly "given back" to them by the sovereign. On the other hand, the sovereign's rationality cautions her to see her subjects as fully autonomous natural persons.

The last point demands further clarification. Firstly, since "no man is obliged by a Covenant, whereof he is not Author", (Hobbes, 1651: 81) the sovereign has nothing to do with the fact that her subjects consider her their representative and themselves the authors of her actions. The sovereign has no reason to think about her *persona* as in any way derived from her subjects' wills. Instead, by exercising her natural rights "to every thing", the sovereign has to see herself as using her will to form the wills and actions of her subjects. This is necessary for the preservation of peace in a Hobbesian commonwealth, since any other arrangement would put the sovereign under the control of her subjects.

Secondly, preserving peace is preconditioned by the subjects' adherence to their mutual agreement to institute the commonwealth as well as the sovereign's actions against those who chose not to adhere to it. In parallel, peace depends on the subjects not falling back into the state of nature and the sovereign's hostility to anyone that decides to do such a thing. This is done most efficiently when the subjects presuppose that none of them wants to exit the civil society, while the sovereign presumes that there will always be some individuals ready to challenge her authority. In turn, this rules out any possibility for the subjects to consider themselves as fully autonomous natural persons (as they originally were), while introducing the requirement for the sovereign to (continue to) consider them as such.

The difference in perspectives thus becomes an important tool in maintaining peace and safety. The sovereign is more likely to protect the public

order if she is wary of her subjects' intentions and watchful of any sign of rebellion, while her subjects are less likely to rebel if all of them choose to see *persona civitatis* instead of the natural face of their flesh-and-blood sovereign and if all of them believe that they are the authors of their sovereign representative's actions. Such a conclusion also underlines the importance of the approach that takes different perspectives into consideration.

The freedom of a Hobbesian sovereign is far from enjoyable. Although she is vested with supreme power over her subjects, the sovereign, as Sorell (2004: 184) argues, "is a potential enemy of all of the men [s]he represents [and] an actual enemy of other sovereigns." This corresponds with thinking of the sovereign as of natural person, both domestically and internationally. The sovereign is a *potential* enemy of the people she represents only until they decide to team up against her. On the other hand, she cannot trust other sovereigns, as they are also in the state of nature. The only standard that the sovereign can turn to, both in terms of treatment of her subjects and the relationship with the other sovereigns is natural law. Malcolm (2003b) makes this claim. Although he also notes that is "[s]trictly speaking, an instituted monarch in Hobbes's theory remains in a state of nature vis-à-vis his own subjects", Malcolm (2003b: 448) argues that "it is in the sovereign's own interests to protect and promote the interests of [her] subjects". Indeed, as we have noted, injustice is to be punished "with the Violence of Enemies" and "Negligent government of Princes, with Rebellion". (Hobbes, 1651: 193) I will discuss the "Violence of Enemies" and the sphere of international relations in the following subsection. Here it will suffice to say that it is important for Hobbes to assert that, although she is very powerful, the sovereign needs to use means other than sheer power if she wants to maintain internal and external peace.

The relationship between the sovereigns (Hobbes's theory of international relations)

The dominant approach in the analysis of Thomas Hobbes's views on international relations is centred on his description of the state of nature as *bellum omnium contra omnes*. In this, Realist, view, the sphere of international

relations is seen as intrinsically anarchistic and consisting of states, purely self-interested agents that are always aiming to augment their power and influence. For example, Hans Morgenthau (1971: 219-220) focuses only on Hobbes's description of the state of nature as "war of every man against every man" and the Hobbesian "ubiquity of power drives as an ultimate fact of social life". Michael Doyle (1997: 111-112) argues that Hobbes "has given us a more theoretical – that is, a less historically or circumstantially contingent – treatment of Realist thought. Hobbes's *Leviathan* [...] began a strikingly different version of Realism, a Structural view that sees interstate anarchy as the defining cause of the state of war."¹²³ Frederick Schuman (1953: 247) begins the third chapter of his classic textbook *International Politics* with an extensive quote from the chapter 13 of *Leviathan* where Hobbes discusses the international relations as the state of nature and describes the sovereigns as being "in the state and posture of Gladiators". Raymond Aron (2003: 606, 72, 721) contrasts "Machiavelli-Hobbes-Austin tradition" with the idealism of Locke, Jefferson and Lincoln, emphasises self-preservation as the main Hobbesian motivator for "[e]very political unit" and argues that Hobbes "is prepared to accept this state of nature between states".

Although this account dominates the interpretation of Hobbes's theory in the scholarship on international relations,¹²⁴ it can be said that Hobbes's views on international relations have not claimed the attention of political theorists to the same degree. This "strange asymmetry", as Malcolm (2003b: 432) calls it, is also characterised by interpretations of Hobbes's theory within the scholarly field of international relations being "fixed and ossified, functioning at best as an 'ideal type' and at worst as a caricature". The situation gets even more complex if we keep in mind that Hobbes did not give any extensive account of international relations and that his writing on this topic is mostly fragmented, scattered throughout his voluminous scholarship, and sometimes inconclusive. Most notably, Hobbes discusses international relations as the state of nature at the end of chapter 13 of *Leviathan* (1651: 43) and later

¹²³ There are also variations of this view. Charles Beitz (1999: 36-66) considers Hobbes's ideas central to the Realist account of international relations and argues against the morality of state that "joins a belief in the liberty of individual agents with an indifference to the distributive outcomes of their economic interaction."

¹²⁴ Some additional works in the field of international relations that have been inspired by Realist reading of Hobbes include Kaplan, 2002; Booth & Wheeler, 2008.

mentions princes' obligation to keep "disadvantageous peace" agreements (1651: 70).

Finally, Malcolm (2003b: 454-456) notes that in *Behemoth* and his *Dialogue of the Common Laws* Hobbes discusses the benefits of international pacts for mutual protection, both against rebellions and foreign invasions. Malcolm compellingly argues that relying on simple parallels between international relations of the Realist model and the Hobbesian natural condition is grossly misleading. He argues, *contra* authors belonging to the Realist school of international relations, that Hobbes's account presupposes peaceful inter-state cooperation that is regulated by the principles of natural law.¹²⁵ Although I believe that Malcolm is right to criticise the dominant realist interpretations for oversimplifying Hobbes's theory, I have reservations about his conclusions about harmonious coexistence in the international sphere.

Since Hobbes sees natural laws as laws of the universal reason that are comprehensible by one's reasoning faculty, by putting a strong emphasis on the natural law, Malcolm has given preference to reason as the primary motivator of human (or, more precisely, the sovereign's) agency. This is unfounded, since it neglects the centrality of the passions in Hobbesian psychology and anthropology and their function as an equally important (if not the predominant) motivator for the sovereign's actions. And in *Leviathan* Hobbes (1651: 96) explicitly states that "the Passions of men, are commonly more potent than their Reason". In *De homine* he defines emotions as "perturbations of the mind" because they "[impede] the operation of reason". (Hobbes, 1978a: 55) These are exactly the same factors that lead to the prepolitical state of nature.

Individual human beings are not the only agents in the state of nature.¹²⁶ Hoekstra (2007: 117-120) notes that Hobbes mentions an array of natural agents, ranging from individuals and families to Roman Catholic Church, factions and states. "[W]arring families, civil wars, and international relations" can thus be considered as instances of the state of nature. Furthermore, this also

¹²⁵ Other non-Realist interpretations of Hobbes's theory include Hanson, 1984; Williams, 1996; Covell, 2004; Yurdusev, 2006. For a classical example of the "English school" of international relations, see Bull, 2002. For a brief overview of an array of different theories on Hobbes and international relations, see Newey, 2008: 257-260.

¹²⁶ Moreover, as Newey (2008: 259) points out, Richard Tuck (1999: 129) argues that Hobbes's account of individuals' position in the natural condition was derived from his views on international relations, and not vice versa.

applies to the state in which the Native Americans were living, as well as to the relationship between Cain and Abel (Hoekstra, 2007: 111). Hobbes's state of nature should not be constrained to the realm of the pre-political. In fact, Hobbes's starting point, the state of civil war, is better characterised as a postpolitical than prepolitical condition. (Hoekstra, 2007: 114) What is common to this diverse group of agents is that their actions are a consequence of singular unitary will. This is self-evident in the case of a natural person, who is by definition acting on her own behalf. The same applies to families, since Hobbes views the intra-family relations through the prism of (paternal) authority. Adam, for example, was such a patriarch. (Hoekstra, 2007: 114)

In each of these cases the entity that acts as a consequence of a singular will (be that family, commonwealth or an individual person) can be regarded as self-representing. As Newey (2008: 166) argues, this is indicative of Hobbes's account of natural personhood, by which "[w]hen [one's words and actions] are considered as his owne, then is he called a *Naturall Person*". (Hobbes, 1651: 80) The fact that the agents in the state of nature cannot be considered as artificial persons underlines this idea. A person in the natural condition is at the same time ignorant of, and deeply distrustful towards, the world that surrounds her, as well as fearful of the other entities that inhabit it. Her passions make self-preservation the absolute imperative, while her reason, if sufficiently developed, leads her away from trusting anybody and towards renouncing the absolute rights and submitting them to a sovereign in exchange for safety. In the state of radical insecurity, in both epistemological and existential terms, the only plausible representation is self-representation.¹²⁷

Analogously, by representing their subjects, "Kings, and Persons of Sovereigne authority" find themselves in:

"continuall jealousies, and in the state and posture of Gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons, and Guns upon the Frontiers of their Kingdomes; and continuall Spyes upon their neighbours; which is a posture of War. But because they

¹²⁷ One can, of course, claim that he represents somebody or something, but if there is no overarching (sovereign) authority to prohibit and punish false impersonation, there is no reason to trust that person.

uphold thereby, the Industry of their Subjects; there does not follow from it, that misery, which accompanies the Liberty of particular men.” (Hobbes, 1651: 63).

This is the natural condition that characterises the sphere of international relations. And the quoted paragraph is relevant for our enquiry in at least two ways. Firstly, Hobbes is unequivocal in claiming that it is sovereigns and *not* states that are “in the state and posture of Gladiators”. This is further reinforced by the fact that, although they represent the person of the *commonwealth* when they are assigned to public duties at home, “the publique ministers” represent the “Person of *their own Sovereign*, to forraign States”. (Hobbes, 1651: 123-126; the emphasis is mine)

This is particularly important, as it leaves no doubt that the authority is invested in the singular will of the sovereign whose decisions are shaped not only by reason but also by passions. An author who emphasises sovereigns’ “continual jealousies” as a factor in international politics leaves little room for *raison d’État* as an overarching and “objective” principle that could guide the sovereign’s rule. What is more, there is no mention of the security of the subjects or the existence of the state depending on the sovereigns being in “continual jealousies”. When he defines “the passion of love”, Hobbes (1651: 26) defines “jealousie” as “[t]he same, with fear that the love is not mutuall”. Non-mutuality is the key here, as it is exactly the *fear* that one’s good intentions would not be reciprocated that marks out life in the state of nature.

The second important element of Hobbes’s argument is that he suggests that such a state of affairs does not entail “that misery, which accompanies the Liberty of particular men.” This, however, does not mean that the sovereign’s position is in any significant way different from the situation one finds oneself in in the state of nature, nor that, as Sorell (2006) argues, “[i]nternational war [...] is not necessarily miserable” for the sovereigns. It is vital to note that Hobbes contrasts the “Liberty of particular men” with them living together in a commonwealth and that he does not compare the existential situation of the sovereigns with the circumstances they were in before they had been endowed with absolute authority. Therefore, we cannot say that Hobbes suggests that the sovereigns are much better off than they would be in the pre-political state of

nature.¹²⁸ What he is suggesting instead is that the subjects are better off when their sovereigns are distrustful towards each other. It is in the sovereigns' interest to secure their own self-preservation and the only way for them to do so and to have "their Forts, Garrisons, and Guns" is to "uphold thereby, the Industry of their Subjects". In the Latin version of *Leviathan* the statement about the necessity of sovereigns' commitment to the prosperity¹²⁹ of their subjects ("*subordinatorum salutis provideri*") is made even more evident as Hobbes (1668: 65) argues that it would not be possible (for them) to do otherwise ("*aliter non potest*").

Nevertheless, the relationship between the Hobbesian sovereign and her subjects that motivates her actions in the international arena is founded on her own sense of self-interest. Let us now briefly examine whether the sovereign's position leads to her acting in any fundamentally different way to the way she would act in the prepolitical state of nature. Malcolm, for one, suggests that this is the case. Although Malcolm (2003b: 446) acknowledges that the sovereign is in the state of nature (even in relation to her subjects), he argues that it is in her best interest to behave peacefully and cooperatively, both towards her subjects and other sovereigns. This may very well be true, but it is simply not descriptive of the Hobbesian state of nature. Unlike the behaviour of her subjects and exactly like the behaviour of the agents in the prepolitical state of nature, the sovereign's behaviour knows no "external Impediments". Therefore, reason combined with fear is the only thing that could keep her passions (such as diffidence and glory) under control and in line with natural laws. However, it is clear that fear and human reason are not sufficient to provide for harmonious and peaceful living. If they were, there would be no need to institute the state in the first place and living in the natural condition would be the preferred mode of existence for many human beings. This clearly cannot be said for the original agents in the state of nature and their psychology.

Like any other individual in the state of nature, the sovereign is a self-interested agent who is fundamentally ignorant of other sovereigns' powers and

¹²⁸ It can be argued, however, that the sovereigns are somewhat better off simply because they are not likely to be threatened by as many agents as in the state of nature. For a discussion about the difficulties that are a part of Hobbesian sovereign's office, see: Sorell, 2004: 183-197.

¹²⁹ It is noteworthy that Hobbes uses *salus*, *salutis*, *n. f.* as equivalent to "industry", thus referring to the classical concept of "*salus populi*" that implies a notion of citizens' wellbeing that is wider than security.

intentions and who therefore has to maintain a network of spies. Hobbes (1651: 63, 69) also explicitly acknowledges the political relevance of sovereigns' unchecked natural passions when writing that any relationship between two sovereigns is marked by fear, extreme caution (or even paranoia) exercised by having "eyes fixed on one another" and "continuall jealousies". These are the same passions that characterise human behaviour in the state of nature.¹³⁰ And these passions are even more strongly felt by the sovereigns "whose power is greatest" and who have insatiable desire "of Power after power". (Hobbes, 1651: 47) In their everlasting pursuit of power, the sovereigns:

"turn their endeavours to the assuring it at home by Lawes, or abroad by Wars: and when that is done, there succeedeth a new desire; in some, of Fame from new Conquest; in others, of ease and sensuall pleasure; in others, of admiration, or being flattered for excellence in some art, or other ability of the mind". (Hobbes, 1651: 47)

Also, the sovereign knows that, no matter how powerful she is, there is still a danger of other sovereigns forming an alliance and putting her and her subjects in danger. Her subjects, on the other hand, put their self-preservation before hers. Hobbesian natural law dictates that a subject has the right to refuse to participate in conflicts that could put his life in danger (Hobbes, 1651: 112) and that he can rightfully submit to an invading sovereign if she promises him life (Hobbes, 1651: 101-102) in a way comparable to "a weaker Prince [who makes] a disadvantageous peace with a stronger, for feare; [and] is bound to keep it". (Hobbes, 1651: 69; Malcolm, 2003b: 438-439) In short, subjects are not unconditionally loyal and Hobbes even suggests that sovereigns should form alliances to suppress rebellions among their subjects. (Malcolm, 2003b: 455)

There is also a legitimate possibility of subjects switching sides in a conflict. Even when the sovereign concludes that acting in her subjects' interest promotes her own wellbeing, this conclusion the procedural product of purely instrumental rationality and it cannot be said that she has a duty towards

¹³⁰ "So that in the nature of man, we find three principall causes of quarrell. First, Competition; Secondly, Diffidence; Thirdly, Glory." (Hobbes, 1651: 63)

them.¹³¹ All of this puts the sovereign in the same psychological situation as the people in the pre-political natural condition. Also, she is no superhuman – her reasoning is prone to mistakes¹³² and there is no external factor to absolve her from her fear, nor to keep her other passions in check. Malcolm suggests that the sovereign escapes this situation by acting in accordance with the laws of nature, though Hobbes's (1651: 96) discussion of conflicting public and private interests shows that this is not always the case.

Even though Hobbes (1651: 194) suggests that the sovereign can be punished for not respecting natural law (that her injustice will be punished “with the Violence of Enemies”), this does not mean that every sovereign will obey the law of nature and never do any injustice. In fact, the number of unjust persons is not relevant for Hobbes's argument since acting in a (single-play) prisoner's dilemma that is characteristic of the state of nature requires only that the agents *know* that there will be people who (albeit wrongly) believe that is in their best interest to break the natural law. This knowledge alone is sufficient to justify a cautious stance towards every other sovereign, if not preemptive attacks upon them. Even if a sovereign obeys the natural law and acts in the interest of her own and her people's preservation, it is possible that by doing so she will infringe somebody else's present or prospective means of self-preservation. This is likely to occur in the sphere of international relations, as vitally important resources are often scarce. Such overlapping interests can lead

¹³¹ There is one possible exception that needs to be addressed and that is the question of the role of the state as an entity separated both from the sovereign and her subjects. If the sovereign has no duty to her subjects, does she have any duty towards the state itself? In other words, does the existence of the state impose obligations on the sovereign and is the reason of state separated from the reason of the sovereign? It seems that the contemporary members of the Realist school of international relations devote more attention to the Hobbesian state than to its sovereign. However, it would be misguided to claim that the state has its own set of interests that are separate from the subjects' or the sovereign's interests. The Hobbesian state consists of the multitude of subjects whose wills are united through the will of their sovereign. Self-preservation is the imperative for the sovereign as well as for her subjects, but it is important to note that neither subjects' nor the sovereign's self-preservation can rightfully be sacrificed for the preservation of their state. Therefore, there can be no supremacy of *raison d'État* and the Hobbesian sovereign has no duty towards her state as an abstract entity separate from her own *majestas*. Neither can such a duty be inferred directly, or derived without sleight of hand from Malcolm's account of the sovereign's (indirect) duty toward her subjects.

¹³² In comparison to the particular reasoning of her subjects, the sovereign's reason is the “right Reason” (Hobbes, 1651: 20) and the fact that the sovereign's reason is “the Reason of [the] Arbitrator” makes it decisive in any potential dispute between the subjects, but this is not a consequence of its natural superiority. Hobbes (1651: 18) makes it clear that human reasoning capacities are roughly equal in their fallibility, as “no one mans Reason [...] makes the certaintie”.

to a justified conflict as all the parties have a natural “right to every thing”. This makes the perpetuation of peace in the state of nature a very difficult task.

In conclusion, there is no reason to assume that the sovereign’s position is substantially different from the situation of any other person in the state of nature. I have already argued that it is only the subjects who are relieved of “that misery, which accompanies the Liberty of particular men” and that the sovereigns have no rational reason to behave cooperatively in their mutual interactions. Also I have demonstrated that the sovereign’s existence is burdened by the lack of knowledge about other sovereigns’ intentions and that her position as a sovereign does not impose any additional responsibilities, including the those towards her subjects. However, there are at least two more objections that need to be addressed. The first is that “[i]n the international state of nature, the entities (actors) concerned are not individuals, but states”. (Yurdusev, 2006: 316) Although this is true, we have to remember that it is the sovereign whose will unifies the Hobbesian commonwealth. The “artificial man” thus moves in accordance with its sovereign’s will, both when it is swayed by the sovereign’s passions and when it is lead by her rationality. In terms of agency, therefore, there is no distinction between the sovereign and the commonwealth.

The second objection rests on the assumption that “Hobbes’s conception of mental and physical equality of men does not hold for the states.” (Yurdusev, 2006: 316) This point may very well stand when it comes to contemporary international relations. Indeed, the unprecedented disparity of power between the nuclear superpowers and most of the other states is an obvious fact of contemporary international relations. However, this has little to do with Hobbes, as he was hardly a theorist of the 21st century international relations. Instead, if we look at the international context of his time we can see that it was characterised by the relatively equal distribution of power. This relative equality corresponds with the relative equality of the individuals in the state of nature.

The relationship between a sovereign and God

In chapter two, I have discussed two important and intertwined elements of Hobbes’s theology. The first is his account of divine personhood and the

second is Hobbes's view on representation. Both of these elements have their political counterparts: Hobbes describes God's authority in the same terms as earthly sovereignty. There are a number of similarities between the holy and a profane sovereign. Firstly, both rulers' dominion is on Earth. Hobbes treats concepts such as the "Kingdom of God" and "Kingdom of Heaven" as political concepts, effectively subsuming them under the categories by which he understands worldly commonwealths. For Hobbes, as Patricia Springborg (1996: 354) points out, the Kingdom of God has nothing to do with church, let alone with the Holy See, and equating the two is "[t]he greatest, and main abuse of Scripture". (Hobbes, 1651: 334) Instead, it was a historical state, "a literal kingdom", (Springborg, 1996: 354) with God as its sovereign who ruled through prophets (Abraham and Moses) or through Jesus Christ, "by whom have been derived unto us the Lawes of the Kingdome of God" (Hobbes, 1651: 54).

Secondly, both rulers can and do employ ministers to represent them. A "publique minister", thus, "is employed in any affaires, with Authority to represent in that employment, the Person of the Common-wealth." (Hobbes, 1651: 123) These ministers are representatives and, as we have discussed, God is represented through the Trinity and the biblical prophets Moses and Abraham. On the other hand, the profane sovereign can be represented by "a Governour, Lieutenant, Praefect or Vice-Roy". (Hobbes, 1651: 124) Still, there is one final piece of the analogy. The aspect of Hobbesian representation that is most often mentioned in discussions about Hobbes's political philosophy, and that seems to be neglected in the scholarship on Hobbes's theology, is the relationship between the subjects and the sovereign as their representative. This relationship is important because it can be used to explain the relationship between God and the sovereign's subjects. Hobbes gives one instance of such a relationship when he discusses Naaman's denial of God. In his edition of *Leviathan*, Curley (Hobbes, 1994: 339) raises the issue of compatibility of the following passage with Hobbes's theory of (profane) representation. Hobbes (1651: 271) writes:

"that whatsoever a Subject, as Naaman was, is compelled to in obedience to his Sovereign, and doth it not in order to his own mind, but in order to the laws of

his country, that action is not his, but his Sovereigns; nor is it he that in this case denyeth Christ before men, but his Governour, and the law of his country.”

The obvious problem here is that Hobbes considers Naaman, a subject, to be the representative of his sovereign vis-à-vis God while at the same time the foundations of the state depend on the sovereign being the representative of Naaman. Normally whatever Naaman’s sovereign does should be attributed to Naaman, however in this example Hobbes points out that Naaman is not to be held responsible for his sovereign ordering him to deny God. This apparent inconsistency involves three separate relationships: the first is between the sovereign and God, the second is between God and the subjects and the third is between the sovereign and his subjects.

Regarding the first relationship, it is important to note that for Hobbes every Christian sovereign is a representative of God. This also applies to biblical figures such as Moses and Abraham. Even Christ is a sovereign, although not in this world but in the world to come. (Hobbes, 1651: 281) There are many examples of this view in *Leviathan*. Abraham was a sovereign before becoming God’s “lieutenant”. He was “Subject to no other earthly power” and “Father, and Lord, and Civill Sovereign” of his family. (Hobbes, 1651: 149, 249) Moses, again, was the earthly sovereign “who governed the Israelites” in God’s name. (Hobbes, 1651: 82) Finally, every Christian sovereign “holdeth the place of Moses, is the sole Messenger of God, and Interpreter of his Commandements”. (Hobbes, 1651: 137) Springborg (2006: 362) disagrees with this point that was also made by Howard Warrender (1957: 224) and suggests that Hobbes “attempts, paradoxically, to secure the king’s ecclesiastical supremacy as God’s lieutenant, after Moses and Christ, when he has already established that the peculiar kingdom of God is in suspension.”¹³³ However, Hobbes’s suspension applies to the interregnum of theocratic authority. This is clear from the fact that he discusses this period of suspension in the context of ecclesiastical pretensions to civil authority. Hobbes (1651: 269-270) argues:

¹³³ Here it is important to note that there is nothing special about Moses’ status as Hobbes (1651: 250) compares the Christian sovereign with Abraham in the exact same way: “they that have the place of Abraham in a Common-wealth, are the onely Interpreters of what God hath spoken”. This is significant because it clearly shows us that Hobbes was interested only in the relationship between Abraham and Moses as representatives of God and their sovereignty, regardless of different ways in which they came to power.

“The time between the Ascension, and the generall Resurrection, is called, not a Reigning, but a Regeneration; that is, a Preparation of men for the second and glorious coming of Christ, at the day of Judgment; as appeareth by the words of our Saviour, *Mat. 19. 28. You that have followed me in the Regeneration, when the Son of man shall sit in the throne of his glory, you shall also sit upon twelve Thrones*”.

Hobbes’s point is that the church (and let alone the pope) cannot have any pretensions to civil authority, at least not before the second coming of Christ, “For though the Pope were Christs onely Vicar, yet he cannot exercise his government, till our Saviours second coming”. (Hobbes, 1651: 316)

In response to Warrender (1957: 224) Springborg (2006: 372) argues that the interpretation according to which every Christian sovereign is God’s representative “runs counter to many unequivocal statements by Hobbes. In *Review and Conclusion* he declared: ‘in the Commonwealth of the Jewes, God himself was made the sovereign by pact with the people, who were therefore called his *Peculiar People* to distinguish them from the rest of the world’ [Leviathan, 1991 ed., 487].” There are a number of Hobbes’s statements that are contrary to Springborg’s view. Hobbes (1651: 364) explicitly calls Christian kings “living Representants of God”. Moreover, Springborg’s argument is further weakened by Hobbes’s statement that immediately follows the passage she quoted in which Hobbes shows what the difference between “his *Peculiar People*” and “the rest of the world” is. The latter are those “over whom God reigned not by their Consent, but by his own Power”. (Hobbes, 1651: 392)

This distinction is crucial, as Christian sovereigns by definition recognise Christ, so God rules over them by their consent. A Christian sovereign is the sovereign who “alloweth the beleefe of this Article, that *Jesus is the Christ*; and of all the Articles that are contained in, or are by evident consequence deduced from it: which is all the Faith Necessary to Salvation.” (Hobbes, 1651: 330) There is, however, one difference between Moses and a Christian Sovereign, but that difference is not based on the “peculiarity” of Moses’ people, nor in his not being a civil sovereign. Hobbes (1651: 282, 294, 383) clearly states otherwise on repeated occasions. The difference is purely technical. Contrary to Christian Sovereigns who are concerned with positive

laws and religious “doctrines” as separate spheres of authority,¹³⁴ Moses promulgated divine positive laws that “are those, which being the Commandements of God, (not from all Eternity, nor universally addressed to all men, but onely to a certain people, or to certain persons,) are declared for such, by those whom God hath authorised to declare them.” (Hobbes, 1651: 148) From the perspective of the subjects, this is only a technical difference, as they cannot know whether such laws truly originate from God or not; they can only establish whether these laws are in accordance with the principles of natural law. This test can also be applied to positive laws that are not of divine origin, but in either case its results can never be used to justify disobedience.

As far as non-Christian sovereigns are concerned, their rights and duties are prescribed only by natural law. Since according to Hobbes (1651: 286) “the benefit of Faith, *is Remission of sins*”, unless they convert to Christianity, non-Christian sovereigns cannot hope to be relieved of their sins. This, however, does not justify rebellion against them nor disobedience, as “*all Power is ordained of God*”. (Hobbes, 1651: 270-271; 317-318) God may or may not address Himself to such sovereigns. He addressed Abraham *before* Abraham “*promiseth for himselfe and his posterity to obey as God, the Lord that spake to him*”, but He never directly contacted the Egyptian pharaoh who kept the Israelites captive. Furthermore, “miraculous plagues of Egypt, had not for end, the conversion of Pharaoh”. (Hobbes, 1651: 216, 235) Finally, Hobbes (1651: 224) gives an example of Pharaoh Necho who “was an Idolater; yet his Words to the good King Josiah, in which he advised him by Messengers, not to oppose him in his march against Carchemish, are said to have proceeded from the mouth of God”. God did not choose to directly address Necho as He had chosen to communicate with Abraham. Instead, His Word was a “dictate of reason”.

¹³⁴ Although Christian sovereigns “may make Laws suitable to his Doctrine”, their doctrine should not be equated with law. See Hobbes, 1651: 309. The only exception is the situation when the civil legislator is the Church, in which case “the Church that can make Laws is the Common-wealth”. (Hobbes, 1651: 330) This obviously relates to the Holy See, but it is important to emphasise that, as I have discussed earlier, Hobbes considers the pope to be a civil sovereign and not a theocrat such as Moses.

The relationship between God and a subject

As we see, Hobbes gives examples of different kinds of interactions between God and both Christian and “infidel” sovereigns. However, there is almost no mention of the second relevant relationship (between God and a subject) that has the establishment of a state as a consequence. Hobbes is clear in denying the right to civil authority to both ecclesiastical pretenders and to those individuals that claim to be divinely inspired. As I have pointed out earlier, in opposition to the former, Hobbes uses the account of “regeneration” or, as Springborg calls it, “suspension” of the ecclesiastical rule. In opposition to the second group of claims, that of the individuals claiming to be the messengers of God, Hobbes (1651: 231) points out that there are any number of false prophets and that we generally cannot know with certainty whether their claims to prophecy are true or not:

“For if a man pretend to me, that God hath spoken to him supernaturally, and immediatly, and I make doubt of it, I cannot easily perceive what argument he can produce, to oblige me to beleve it. It is true, that if he be my Sovereign, he may oblige me to obedience, so, as not by act or word to declare I beleve him not; but not to think any otherwise then my reason perswades me. But if one that hath not such authority over me, shall pretend the same, there is nothing that exacteth either beleefe, or obedience.” (Hobbes, 1651: 196)

On the other hand, we are fully aware of the sovereign’s power and can be certain of the fact that “*all Power is ordained of God*”. In choosing between obeying the sovereign and the prophet, the first option is the rationally preferred one until we know with certainty that God had in fact spoken to the person claiming to be the prophet. Such was the case with Moses, whose claim of being a prophet was unequivocally substantiated by God. For Hobbes (1651: 250), the defining element of a legitimate prophetic claim to power is the subjects’ conviction that their potential sovereign is a true prophet, as “[H]is authority therefore, as the authority of all other Princes, must be grounded on the Consent of the People, and their Promise to obey him.” In the case of Moses, the subjects’ belief in him being a prophet and their consequent subjection would be impossible without an explicit sign from God, as Hobbes

(1651: 250-251) demonstrates by quoting *Exodus 20:18*: “*the people (Exod. 20. 18.) when they saw the Thunderings, and the Lightnings, and the noyse of the Trumpet, and the monntaine smoaking, removed, and stood a far off. And they said unto Moses, speak thou with us, and we will hear, but let not God speak with us lest we die.*” Moses was not a sovereign prior to being spoken to by God *and* he did not become a sovereign until his future subjects were *convinced* that he truly was a prophet. What made him a sovereign was in fact the consent of his subjects and not the fact that God spoke to him. If it were otherwise, Moses would not need an additional, public, proof of his being chosen to represent God. Hobbes clearly believes that the fact that God had addressed Moses was not sufficient to make him a sovereign. This view is revealing of Hobbes’s multi-perspectival approach in describing sovereign authority. Having a legitimate right to rule does not make somebody a sovereign, it is the subjects’ perception that makes or breaks their ruler’s sovereignty.

It seems that Hobbes’s God never addresses a subject in order to incite a rebellion against his sovereign. His primary addressees are sovereigns and this is clear in the case of Abraham who was a sovereign before God addressed him. However, Moses did not have sovereign power and “had no authority to govern the Israelites, as a successor to the right of Abraham, because he could not claim it by inheritance”. (Hobbes, 1651: 250) Arguably no Israelite had such power or authority, as they had just managed to liberate themselves from the Pharaoh’s rule. And there are good reasons to believe that Moses and the Israelites were in the state of nature when God talked to Moses at Mount Sinai.

Firstly, God did not choose to address any of the Israelites that lived under Pharaoh’s sovereignty. Instead, their salvation came externally, through Moses who was not a subject of the Pharaoh. Secondly, no civil authority was established before the happenings at Mount Sinai and Moses’ proclamation. In this key we should interpret the fact that Hobbes (1651: 251) insists on the primordality of Moses’ relationship with God and the civil authority that follows from it, as Aaron, Nadab, Abihu and the seventy elders were not allowed “to see God and live [...] till after Moses had been with God before, and had brought to the people the words which God had said to him”.

Finally, it is important to note that God did not contact the Israelites directly with the intention of establishing civil authority before they fled the

Pharaoh's rule. The happenings described in *Exodus 20:18* were the first and the last instances of God's direct interaction with the Israelites that were related to the establishment of civil authority as, "after *Moses, Aaron, Joshua*, and that generation which had seen the great works of God in Israel, were dead; another generation arose, and served *Baal*." (Hobbes, 1651: 59) Also, eventually, "they deposed their God, from reigning over them" without a direct response from God. (Hobbes, 1651: 59) It can be argued, then, that the only stage of divine interaction with human beings is the state of nature. In such a state were the Israelites under Mount Sinai while the sovereigns (that are God's representatives) actually never exit the state of nature.

Disentangling the Naaman issue

The relationship between God and a subject is, in fact, the result of the relationship (1) between God and sovereign and (2) between sovereign and subject. Now we will turn to the latter relationship that is relevant to the Naaman issue. Sharon Lloyd (2009: 284) offers an explanation of this relationship and suggests that "subjects *cannot* authorize the sovereign to violate the laws of nature because *they have themselves no right* to violate the laws of nature: 'they that vow anything contrary to any law of nature vow in vain, as being a thing unjust to pay such a vow'." Lloyd (2009: 284) then goes on to argue that "when the sovereign requires actions that violate natural law, those violations are his own alone because they *could not have been* authorized by subjects."

Although this account might seem compelling, one problem with it is that it presupposes an unjustifiably wide range of possible actions that the sovereign might take in breach of the natural law.¹³⁵ Hobbes (1651: 66, 69) explicitly states that there is only one right that cannot be transferred to the sovereign and that is the fundamental natural right to self-preservation, as "no man can transferre, or lay down his Right to save himselfe from Death,

¹³⁵ Furthermore, Lloyd (2009: 283) considers the sovereign to be the author of her subjects' actions, who are, therefore, to be considered as actors. This is problematic because Hobbes (1651: 88) explicitly defines the sovereign as the representative who bears the person of the state and he also identifies a representative as an actor or "*a Lieutenant, a Vicar, an Attorney, a Deputy, a Procurator*" (Hobbes, 1651: 81). Consequently, the sovereign is clearly the actor "*of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author*". (Hobbes, 1651: 88)

Wounds, and Imprisonment”. From the fact that a right is not transferred or that it could not have been transferred follows the right to disobedience. The right to disobey a command is very different from the duty to obey a blasphemous law.

It seems, however, that Lloyd confuses the two. In Lloyd’s (2009: 283-284) view, the actions that violate the natural law include imposing obligations on subjects not to believe in God (as in Naaman’s case) and a Christian sovereign promulgating his religious doctrine as law. In the latter case the (Christian) sovereign sometimes commands things “which he ought not to command” and forces the subjects to do “as they would not otherwise do”. (Hobbes, 1651: 309) These cases do not presuppose subjects’ non-transferral of rights since they rely on the obligation to obey sovereign’s commands. And there can be no duty to follow what had not been covenanted: “if he that doeth [something], hath not passed away his originall right to do what he please, by some Antecedent Covenant, there is no breach of Covenant.” (Hobbes, 1651: 75)

Lloyd’s argumentation also fails a more practical test. Let us suppose that the safety of subjects demands that their sovereign breaks the agreement he had with another sovereign. It is perfectly legitimate for a Hobbesian sovereign to do such a thing as he “has [no] other respect of mercy, than as it conduceth to the good of his own People”. (Hobbes, 1651: 115) In this and similar instances not only does it become obvious that the fundamental right to self-preservation “trumps” other prescriptions of the natural law, including the duty to honour contracts, but it is also clear that the only way for a sovereign to break the natural law vis-à-vis her subjects is to threaten their safety or otherwise put their lives in danger. Commanding the subjects to renounce God or to worship Him in a peculiar way simply does not entail such life-threatening consequences. Therefore, it seems that we have to use a different approach in resolving Hobbes’s Naaman dilemma.

There is no doubt that the sovereign represents her subjects in everything she does that is not contrary to their self-preservation. She bears the person of the state “*of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author*”. (Hobbes, 1651: 88) By doing so, the subjects have agreed to enable the sovereign “to forme the wills of them all”. (Hobbes, 1651: 88) This is not just a rhetorical statement. By

entering the civil society, the subjects have renounced their full natural autonomy and consented to “submit their Wills, every one to [the sovereign’s] Will”. (Hobbes, 1651: 87) This constrains the scope of their legitimate actions and, effectively, leaves them with limited deliberative abilities. It is so because for Hobbes (1651: 28) the will is the final stage of deliberation.

Therefore, the sovereign’s “forming” of her subjects’ wills has two important aspects. Firstly, a subject’s ability to act is limited by laws that are the expression of the sovereign’s will. Secondly, as laws prohibit or impose certain actions, a law-abiding subject cannot be said to have full deliberative capacity. If he is prohibited from (not) acting in certain ways, there can be no “last Appetite, or Aversion, immediately adhaering to the action, or to the omission thereof”. (Hobbes, 1651: 28) In other words, he cannot act nor will outside the frame set by the sovereign. His appetites and aversions that would lead to actions if they had not been sanctioned by law are thus left unresolved as none of them will be “immediately adhaering to the action”. These forbidden appetites and aversions cannot be situated within the sphere of will, nor within the sphere of law as “the publique Conscience”. (Hobbes, 1651: 169) Instead they are constrained to the limbo of private conscience.

This is not to say, however, that private conscience encompasses only these kinds of considerations. The realm of private conscience also extends to considerations about lawful (i.e. not legally regulated) actions. This is particularly relevant for Hobbes’s definition of sin, as it can be inferred from the passage from *Elements of Law* to which Lloyd (2009: 284) points in her paper:

“the conscience being nothing else but a man’s settled judgment and opinion, when he hath once transferred his right of judging to another, that which shall be commanded, is no less his judgment, than [it is] the judgment of that other; so that in obedience to laws, a man doth still according to his own conscience, *but not his private conscience*. And whatsoever is done contrary to private conscience, is then a sin, when the laws have left him to his own liberty, *and never else*. (EL 2.6.12, emphasis added)”

What the sovereign wills and consequently commands, therefore, comprises the sphere of every subject’s public conscience that may or may not coincide with

their individual private consciences. When Naaman obeys his sovereign's command to deny God he acts in accordance to his public conscience and, therefore, commits no sin, as it is clear that such a relationship with God (or lack thereof) was regulated by the state and thus separated from the sphere of private conscience. Naaman acts "not in order to his own mind, but in order to the laws of his country". (Hobbes, 1651: 217) Although this means that Naaman could commit no sin by obeying the sovereign, we still have to show how his denial of Christ can be attributed to "his Governour, and the law of his country". (Hobbes, 1651: 217)

The fact that the subjects "submit their Wills" to the sovereign's will has direct implications on their contractual capacity: within the commonwealth they are able to make contracts within the boundaries set by law, but they have no contractual capacity outside the state, as they have left the state of nature and renounced the full command of their wills. They have imperfect will and diminished capability for deliberation and this is why they are unable to make covenants with God, as "[t]he matter, or subject of a Covenant, is always something that falleth under deliberation; (For to Covenant, is an act of the Will; that is to say an act, and the last act, of deliberation;) and is therefore always understood to be something to come; and which is judged Possible for him that Covenanteth, to performe." (Hobbes, 1651: 69) Hobbes discusses this process and subjects' lack of autonomy of will when he describes God's covenant with Abraham:

"at the making of this Covenant, God spake onely to Abraham; and therefore contracted not with any of his family, or seed, otherwise then as their wills (which make the essence of all Covenants) *were before the Contract involved in the will of Abraham; who was therefore supposed to have had a lawfull power, to make them perform all that he covenanted for them.*" (Hobbes, 1651: 249; the emphasis is mine)

Here Hobbes unequivocally points at all the elements we have previously discussed. Firstly, he considers will as the essence of all covenants. Secondly, he distinguishes between the sovereign's will and the multitude of "involved" subjects' wills. Finally, it is only the sovereign's will, backed-up by "a lawfull

power”, that can effectively promise something that is “judged Possible for him that Covenanteth, to performe”.

As I have shown before, the only possible field of interaction with God is the state of nature. The sovereigns and other persons that are not subjected to anybody else’s sovereignty (such as Moses and the Israelites under Mount Sinai) are the only potential candidates that can be addressed directly by God. Also, since the private conscience of the sovereigns matches the public conscience of their subjects, they are in greater danger of sinning as *everything* they do is judged by God. The same applies to individuals in the state of nature because they cannot shift responsibility for their actions to any higher authority.

Perhaps we should read Hobbes (1651: 271) in this key when he argues that Naaman did not sin as he did not deny “Christ before men, but his Governour, and the law of his countrey”. As it is before God’s superior authority that all the men are equal, denying “Christ before men” would mean denying His authority. Likewise, Naaman’s denial happened before a superior authority and him refusing to obey his sovereign would entail denying his sovereign’s authority. This would also be a sin as relative natural equality before God corresponds to relative civil equality before the sovereign.¹³⁶ Therefore, Naaman would sin if he had denied Christ as an autonomous person in the state of nature, but not as a subject of a commonwealth.

Finally, from the subject’s perspective, the sovereign has to be considered as God’s representative for the very same reasons for which God does not consider the subjects as autonomous natural individuals, but only as being represented by their sovereign. Since they have transferred their wills and “involved” them in the sovereign’s will, they can only join a covenant with God or receive His commands as they relate to matters pertinent to civil authority through the sovereign as the intermediary. Therefore, “there is no Covenant with God, but by mediation of some body that representeth Gods Person; which none doth but Gods Lieutenant, who hath the Sovereignty under God.” (Hobbes, 1651: 89) As we can see by contrasting Hobbes’s discussion of Moses’ and Abraham’s relationships with God, it is irrelevant for a subject if he

¹³⁶ Joshua Mitchell (1993) offers a convincing argument about the two instances of “equality of all under the one” in Hobbes. Similarly to Christendom being realised through “Christ the sovereign”, there can be no community of citizens without the sovereign. (Mitchell, 1993: 92)

had “involved” his will in his sovereign’s will before (as it was case with Abraham) or after the sovereign had joined a compact with God (as in the case of Moses’ rule).

Either way, subjects’ joining a covenant with God through their sovereign neither modifies their relationship with God nor influences their relationship with the sovereign. It does not matter whether they are Christians or not, they cannot be relieved of their duty to obey their sovereign due to their relationship with God. In fact, that relationship itself presupposes living under a sovereign. Furthermore, for a Christian subject’s relationship with God it is irrelevant whether his sovereign is also a Christian or not. For Hobbes, sin is a consequence of autonomous agency and, therefore, there can be no sin in obeying (sovereign’s) orders.

By obeying the sovereign, Naaman does two distinct things. Firstly, he obeys the sovereign by performing a certain speech act. This is in itself perfectly legitimate and Naaman can assume responsibility for his sovereign commanding him to do so. The second thing that Naaman does is that he publically denies Christ. This action of Naaman’s is aimed at a divine entity that exists outside the sphere of inter-commonwealth relations. Its laws do not extend to this natural sphere, and a sovereign’s command stops being a part of “public conscience” the moment it transgresses the boundaries of the commonwealth. Therefore, in the natural context the responsibility is traced back only to the sovereign and not (indirectly) back to Naaman as a person she represents. Therefore, for a subject, the only possible sinful actions are the ones (1) that are not regulated by civil law and (2) that are recognised as an offense by natural law. Consequently, following a sinful command cannot be considered a sin, while commanding a subject to commit a sinful act is a sin.

Conclusion

Personation connects two ideas that are fundamental to Hobbes’s political thought: human (inter)action and perception. And although “of the voluntary acts of every man, the object is some *Good to himselfe*”, (Hobbes, 1651: 66) the way I perceive myself and others leads me into choosing different means of attaining a certain good. The way in which I interact with others

depends on how I see them. When I see the people for what they naturally are, I see them as potentially dangerous self-interested individuals who enjoy absolute freedom, who are equally (ir)rational, and endowed with strength and intelligence that roughly matches mine. And if they see me in the same light, our interaction is bound to be unsociable if not outright belligerent. This shared perception is what defines the natural condition and Hobbes argues that, in the absence of civil authority, it is rational for us to see the world in these terms.

On the other hand, if I see my peers and myself as parties to the Hobbesian original covenant, I can start to think about engaging in cooperative modes of interaction. The human beings from the previous passage now may appear as lawyers, doctors, artists, scientists, craftsmen et al. And one of them, particularly, appears as the sovereign. The laws that shape our lives within the social order help us create *personae*, facades that hide the disturbing face of unsociable human nature. And in order for this trickery to work, we all need to believe that we have renounced our absolute natural rights to our sovereign. Again, our shared perception enables us to live our lives without the natural fear of others and to peacefully interact with them. Finally, not only are we free to invent a number of our own *personae* in this context, but also we can become artificial persons and represent other people, groups or even things. Personation that reaches beyond the narrow limits of natural self-representation is only possible within the civil context.

Two points are important here. The first is that Hobbes clearly distinguishes between two perceptual contexts in which human agency takes place: natural and civil. The second point is that these two contexts should be seen as coexisting and that the interaction between persons living in different contexts is not only possible but also inevitable. With one significant exception, an encounter between a natural and a civil agent always makes the latter drop his civil lenses. The two then interact as they would in the natural condition. The notable exception to this rule is the sovereign who, given the fact that she never participated in in Hobbes's original covenant, sees her subjects as natural human beings. And although the sovereign is naturally distrustful towards her subjects and other sovereigns alike, it is of utmost importance that her subjects view her from a civil perspective and perceive her as their superior and follow her in everything that does not endanger their lives. It is this asymmetry in

perception that gives rise to the functioning social order. On one hand, in order to rule effectively the sovereign needs to see herself as a natural person retaining her absolute rights while, on the other, the subjects have to convince themselves that the sovereign is their representative, the artificial person in favour of whom they have renounced their natural rights.

This account of the two different perceptual contexts in Hobbes's political philosophy can help us resolve a number of confusions in the contemporary commentary on Hobbes's political philosophy. In addition to the discussion of the Naaman issue and the account of the nature of Hobbesian international relations, both of which I have offered in this chapter, I will now offer two more examples. First is Runciman's claim that representation and artificial personhood is possible even in the natural condition. Runciman (1997: 9) argues that:

“[t]hough all actions performed by persons require an audience, it is not the case that the ownership of an action is determined by the audience for whom it is performed. A man who is threatened by a stranger claiming to issue his threats on another's behalf does not by disbelieving him confine those threats to the stranger's own person; if he is wrong, and has mistaken an artificial person for a natural one, his dealings will still be with whoever takes himself to own the mistakenly attributed threats.”

Runciman forgets here that the person who is being threatened can never be considered as a member of “the audience”. In order to understand the play, the audience needs to wilfully suspend their disbelief in what is happening on stage and this is what the people in civil condition do. On the other hand, such suspension would be irrational for the person being threatened. Since his life is at stake, this person is not in the civil condition (any more), at least not vis-à-vis the stranger.

If this is true, then the person being threatened or harmed does not have much use for the knowledge that threat or harm originated with another man. Not only can he never be certain that the alleged author of these acts is their true author, he has little reason to make any effort to establish whether the authority claimed is real or feigned. If the person who is being threatened is in the condition of nature with everybody, *for him* it does not really matter whether

someone is acting as someone else's representative or in his own name. On the other hand, if this person is in the state of nature only vis-à-vis the stranger and, potentially, vis-à-vis the author of the stranger's actions, he should leave his protection to his sovereign.

In fact, the only persons to whom the relationship between the representative and the represented matters are those in the representative's and the author's immediate milieu. At the very least the representative and the represented need to live in a condition that makes representation possible. This shows us that Runciman's example depicts the interaction between the stranger who is a part of some civil incorporation (at least a criminal organisation) and the person being threatened who is either (1) living in the state of nature or (2) living within a commonwealth. Either way, the two parties have different perceptions of their interaction and it is pointless to argue that the latter, the person who suffers the consequences of the stranger's relationship with the author of his treats, has anything to do with the ways in which this relationship is established or sustained. Finally, this is not to say that "the audience" does not determine the relationship between the representative and the represented. It does, although it does not encompass the person being threatened.

The second and very common misconception on which the multi-perspectival approach might shed some light is the claim that Hobbes's "views on legitimate resistance seem to be in tension not only with his commitment to the absolute character of political authority but also with his opposition to rebellion." (Sreedhar, 2010: 168) The problem with much of the body of literature dealing with Hobbes's accounts of obligation and resistance as well as the subjects' rights and the sovereign's authority is that it portrays these dichotomies as having mutually exclusive elements. (but cf. Steinberger, 2002) In these views, the sovereign's authority stops where the subjects' (natural) right starts. More liberty means less authority and the subjects' freedom imposes restriction on the sovereign's authority. And since Hobbes is rightfully seen as an advocate of absolute authority, this zero-sum model creates the impression that there are potential inconsistencies in Hobbes's theory that need to be resolved.

Various attempts have been made at solving this "apparent contradiction[,] so central and substantial as to raise serious doubts about the

cogency of Hobbesian political thought in general”. (Steinberger, 2002: 856) Here I will mention just a few. First, there are those who, such as Gauthier (1969), try to resolve this contradiction by arguing that the Hobbesian sovereign does not have the absolute authority over her subjects. While Gauthier argues that the citizens of the Hobbesian commonwealth only “lend” their natural rights to the sovereign, Hampton (1986; 1997) suggests that the only way to understand Hobbes’s authorisation theory is to accept that they irrevocably surrender their rights to the sovereign. However, Hampton does not argue in favour of supremacy of civil over the natural law in Hobbes’s theory. Instead, she notes that Hobbes’s account is flawed because it allows the subjects to remain the judges of their own security. (Hampton, 1997: 52; 1986: 241)

Then there are those who argue that this tension in Hobbes’s theory is irrelevant. In that vein, Susanne Sreedhar (2010: 130) offers an account of “limited obedience to an unlimited sovereign” and, similarly to Deborah Baumgold (1988: 33-35), argues that “[a]ll of the cases of justified disobedience are cases in which the threat of punishment is likely to be ineffectual”. At the very heart of Hobbes’s theory of obligation, as Sreedhar (2010: 131) claims, is the following maxim: “what Hobbesian subjects are not obligated to do turns out to be precisely what they cannot reasonably be expected to do and what they need not do”.

Finally, there are those who attempt to resolve this difficulty by asserting the superiority of natural over civil law. For Warrender, there is no real inconsistency here because both the subjects and their sovereign (ought to) act in accordance with natural law. Warrender (1957: 193) argues that “it is possible on [Hobbes’s] theory for both sovereign and subject to be justified in a case where the subject takes a course of action which the sovereign punishes; because where one or both parties are obliged by a sphere of natural law outside the civil law, they may start from different postulates.” Glenn Burgess (1994: 83) builds on this point and suggests that “Hobbes’s resistance theory points us to the incompleteness of the jurisprudential realm”. Burgess (1994: 83) then goes on to explain that “[c]ivil law was dependent upon a pre-legal moral framework with which it could not be in conflict (in the sense of a conflict of laws), but which it could contravene to its own cost.”

An excellent alternative to these approaches is proposed by Peter Steinberger (2002: 856) who suggests that “citizens have both an absolute obligation to obey the sovereign in every respect and without any exception whatsoever and, at the same time, certain inalienable rights of self-defense”. Although Steinberger does not use Hobbes’s account of personation as an entry point for discussing his views on the scope of authority and resistance, much of his account fits quite neatly in what I have presented as a multi-perspectival view.

This is no wonder since Steinberger’s and my account share two important premises. Firstly, he emphasises how “[c]ontext and individual circumstance matter a great deal” and, secondly, he suggests that the sharp line between the natural and civil context, and thus between right and obedience, is drawn by the social contract. (Steinberger, 2002: 861) This enables him to claim that two persons can have different relationships towards the state. The person who is threatened by the state sees it as “a dominant power in the state of nature, something to which [he has] no obligation whatsoever” while those who are protected by it perceive it as “something to [be] obeyed absolutely and unquestioningly.” (Steinberger, 2002: 861) Consequently, Steinberger argues, the state exists only for its members and is defined by their absolute obedience. And from the viewpoint of those who feel that they should stop obeying the state, the state exists only as a hostile entity in the natural condition.

Although Steinberger’s point is valid, there is something more to be said about the sovereign’s perspective. The sovereign cannot break the contract of which he never was a part and, therefore, whatever she does, harmful or not, is justified. This is not to say that different people’s rightful claims cannot clash with each other. Hobbes is very far from claiming that fulfilling our natural rights will lead us to any kind of harmonious coexistence. Indeed, his description of the state of nature in which everybody acts in accordance with their natural right to “every thing” necessarily entails conflicts. At this point the natural law goes silent and the strongest combatant prevails. Hobbes can easily draw this conclusion as having the means of the commonwealth at her disposal generally makes the sovereign invincible against every particular man as well as against all but the strongest and most numerous groups of opponents. Hobbes

warns those who would dare to gaze beyond the *persona civitatis* that they are likely to face the wrath of the monstrous leviathan.

These two examples, along with other topics that were addressed in greater detail in this chapter, clearly show that Hobbes's account of personation with its relational underpinnings can be used as a way of approaching a number of important questions in Hobbes's scholarship. And while it is certain that this chapter cannot answer all of these questions, its primary aim was to demonstrate that there are significant benefits to taking Hobbes's account of personation and representation very seriously. If we, unlike Skinner and Runciman, do not confine it to Chapter 16 of *Leviathan* or to Hobbes's definition of the state, Hobbesian personation can reveal a whole network of different modes of interaction between the principal agents within Hobbes's theory. This relational model is much more than a series of theatrical metaphors and its purpose is not rhetorical but structural. As I have endeavoured to demonstrate, if we situate Hobbesian personation at the very foundation of his argument, it can draw our attention to his account of civic education; show that the uniformity of perception is fundamental to any functional social order; delimit the spheres of subjects' and the sovereign's natural and civil liberties; clarify Hobbes's position on international relations; disentangle the web of relations between God, the sovereign and her subjects.

Conclusion

Hobbes's theory of personhood embraces a number of different and often mutually contradictory traditions in a single explanatory account, not least in the account is given in *Leviathan*. This may seem odd. After all, it is much easier, or so we might think, for an author to take a narrower and more exclusive approach in crafting his argument – especially when that author is an architectonic thinker, as Hobbes is taken to be. Such an author would choose a methodological framework for his theory and use it to shape a single original argument, presented in the clearest possible terms and structured in a self-consistent way. We find a good example of such a strategy in Sir Robert Filmer's work. Filmer is an author whose conclusions on political authority match Hobbes's, but whose general method differs. A brief discussion of Filmer's method will serve to illustrate, by way of contrast, just what is so remarkable about Hobbes's approach.

In *Patriarcha* Filmer endeavoured to legitimise the absolute authority of kings – and more parochially, of Charles I – by arguing that such authority is of divine origin. Unsurprisingly, Filmer developed his arguments with reference to Scripture. He used the same approach when attacking the proponents of mixed government. In *Anarchy of a Limited or Mixed Monarchy* Filmer (1648: 2) begins his attack on Hunton's *Treatise on Monarchy* by arguing that “in his first part of the *Treatise* which concerns Monarchy in Generall, there is not one proof, text or example in Scripture that he hath produced to justifie his conceit of *Limited* and *Mixed* Monarchy”. Filmer's (1648: 2) point is clear: we cannot consider an argument valid if it has no backing in the Scripture or, at least, in the works of classical authors such as Aristotle.

His methodology is consistent, both in challenging the arguments he dislikes and in presenting his own account, and Filmer shows no intention of approaching other authors' arguments on their own terms. The same applies to his criticism of Hobbes. Although he agrees with Hobbes's conclusions “*about the Rights of exercising Government*”, Filmer (1652: a2) does not approve of “*his means of acquiring it*.” Filmer (1652: a2) finds Hobbes's account of a social contract implausible because it is antithetical to his own argument about

“Paternal Government” and his reading of the Scripture. To his mind, there is only one correct answer to the question of the origin and the scope of political authority and that there is only one way of attaining it: authority descends to kings from God via the first man, and first king, Adam, to whom was given absolute authority over the earth, his wife and his posterity.

Hobbes took a very different view. Instead of simply offering a competing and mutually exclusive answer, Hobbes went on to tackle a diverse range of arguments aimed at supporting a single and as he thought suicidal political agenda: decreasing or balancing the power of the sovereign. He did so by extracting the marrow from these arguments and integrating them into his own account. Parliamentarians embraced the vocabulary of representation, and so Hobbes was quick to respond with his view of this concept. Comparably, Hobbes’s account of corporate personality challenged those accounts that argued in favour of people having a group identity separate from their sovereign. And for those who talked about the people as a self-subsistent body politic, Hobbes had a familiar organicist response: such a body could never survive without a head. Finally, in response to those who distinguished between ecclesiastical and civil authority and claimed that the former was superior to the latter, Hobbes offered a monistic account in which he argued that the two were indistinguishable except in name. Theological personation, in this view, rests on the same principles as its profane counterpart while theological authority over people of religious faith matches the sovereign’s authority over her subjects.

In contrast to Filmer, whose arguments revolve around a single principle (the notion of paternal authority based on his interpretation of nature (via Aristotle) and the Scriptures), Hobbes’s account draws from multiple sources and, as we can see, his idea of a person is formed in precisely this way. This is a powerful technique, which enables Hobbes to tackle a number of different opposing arguments at the same time. However, with this approach comes at least one major challenge. The diversity of the sources on which Hobbes’s theory draws makes it hard for him to integrate them into a coherent whole. And this becomes especially difficult if we have in mind that much of Hobbes’s theory was built on intellectual foundations that were more usually used to support arguments opposed to it.

How, then, and how successfully, did Hobbes modify and integrate the diverse elements that supported his theory of personation and representation and, more particularly, his account of the state? Two main planks of Hobbes's account were already in place before *Leviathan*. The first is Hobbes's argument in favour of the superiority of the state over other forms of group personality. The second is his point about the state resting on the unity of the rulers with their subjects.

Hobbes's argument from *Leviathan* reinforced both of these positions. This especially applies to the "unity argument". This argument was based in its turn on two supporting arguments: the first stressed the organic connection between the body politic and the sovereign as its head while the second conceptualised this unity within a (legal) notion of a singular person. In *Leviathan* Hobbes significantly enriched these two supporting arguments by introducing the idea of representation and a much more sophisticated account of a person. Before turning to these particular innovations, let us first briefly discuss the two main points that were established before and expanded in *Leviathan*.

First, Hobbes insisted on both the conceptual priority and the political superiority of the state to other forms of group personality. In *The Elements of Law* Hobbes (1889: 172) views the charters in which the "subordinate corporations" are proclaimed to be one person in law as a model for the personality of the state. Here we can see that, although Hobbes borrows the model from the theory of corporations, he insists on those corporations being subordinate to the state. Somewhat clearer evidence of such an effort may be read in his accounts in *De Cive* and *Leviathan*. In both accounts Hobbes avoids using the vocabulary of personation and representation and, instead of "corporations", in *De Cive* he subsumes states and corporations under "civil persons" while in *Leviathan* he categorises them as "systems". The result is that states and corporations are subsumed under a more neutral category, so that one cannot in consistency argue that corporations as forms of human association are conceptually prior to states. Finally, the move from "civil persons" to "systems", as we could see from his definition of the state, enabled Hobbes to argue that there was more to "systems" than personhood.

Second, Hobbes believed that it is the unity of all under one that makes a multitude one (person) and not its members. He expressed this thought in different ways. In *The Elements of Law* this unity is identified with the organic unity of the head with the body, *De Cive* offers a similar account of the soul and the body, while in *Leviathan* Hobbes introduces representation as a key feature of such unity. In all of these accounts Hobbes argues that the unity in question is the unity of a multitude of wills under the will of the sovereign. The difference, however, is in Hobbes's account of how the original contract creates this unity of will. While in all three accounts the parties to the contract relinquish their absolute rights, in *Leviathan* they also *authorise* their sovereign to *represent* them.

To summarise, the structure of Hobbes's argument involves the following elements:

1. A "superiority" argument (the state is superior to other groups);
2. A "unity" argument (the state is defined by the unity of the sovereign and the subjects);
 - a. the unity is of organic nature (the sovereign head is inseparable from the body politic);
 - b. the unity is in the sovereign (in *Leviathan* the sovereign is the representative who personates her subjects and, thus, unites them).

Hobbes developed his "unity" argument in two complementary directions. The first aspect of Hobbes's "unity" argument portrayed the state in organic terms and presented the relationship between the sovereign and her subjects as analogous to the relationship between the head and the body. The second is centred on the idea of group personality. The first aspect was extended into a very detailed organicist account of the state as an artificial man, while the second leads us from the state as a "person in law" or a "civil person" towards the notion of the person of the state (*persona civitatis*). With his bi-directional argument, fully expanded in *Leviathan*, Hobbes offered us two ways of thinking about the unity of the state.

The first way of thinking about the unity of the state, as the organic connection between the sovereign and the subjects, goes back to Plato and is reaffirmed in his own way by Filmer. On this view, in order for the state to function, every part needs to play the role assigned to it by God or nature – roughly speaking, the sovereign needs to rule and the subjects need to follow the orders. Like organs in the human body, the various elements of the state are related through their interdependence and their shared purpose in sustaining the organism.

The outlines of the argument that the unity of the state rests in the sovereign had already been sketched in *The Elements of Law* where Hobbes (1889: 109) discussed the “involvement” of the multiple wills of particular subjects in the single will of the sovereign. This thought is significantly expanded in Hobbes’s account from *Leviathan*, where he demonstrates how representation can be seen as sustaining the unity of a commonwealth through the interdependence of the subjects and the sovereign. It is not just that the people without their sovereign would be left without guidance or protection. For Hobbes, without unity through representation there simply is no people, just a multitude of disjointed individuals. In *Leviathan* Hobbes applied this idea of representation to his existing account of a “civil person”. In the process, Hobbes turned to the classical theatrical and legal notion of *persona* as a mask or a role. The person of the state (*persona civitatis*) thus became the essence of a commonwealth and representation became equated with personation. In other words, to represent the state is to “bear” its person and, at the same time, that person unites the multitude of individuals as a people.

There are three elements to this account that Hobbes modified and incorporated into his theory: Cicero’s notion of *persona civitatis*, the idea of legal group personality and the theological notion of a “public person”. Now, in *Leviathan* we find two meanings of the word “person”. The first receives its fullest expression in Cicero’s theory, where “person” means “mask” or “role”, “*persona*”. The other signifies a human being, or, more precisely, a representative. As we learn from Hobbes’s *Answer to Bramhall*, a person for him is a human being (“intelligent substance”) who acts in his own name or in the name of somebody or something else. These two meanings of “person” are complementary. One cannot be a person (representative) without a *persona* to

bear. We can find both of these elements put to work together in Hobbes's (1651: 80) definition of a person as "he, *whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction.*" The representative is an artificial person when she represents or "bears" the person of the multitude. In a commonwealth, the sovereign is an artificial person who personates the state or, in other words, acts behind the mask of the united multitude of her subjects. This mask is the person of the state or a *persona civitatis*.

But what *is* the person of the state? Hobbes points out that we cannot understand personation properly if we do not take its etymology into consideration. In order to do so, we should turn to the greatest classical authority on this matter, and that is Cicero, a philosopher who can tell us something about the way this term was used as a part of Latin vocabulary. (Hobbes, 1682a: 37) However, this approach is not unproblematic for Hobbes and he is notoriously ambivalent towards "the authority of an *Aristotle*, a *Cicero*, or a *Thomas*". (Hobbes, 1651: 15) If Cicero's notion of *persona* were not a part of a wider philosophical and ethical system and if that system did not endorse the notion of a mixed government, then perhaps there would have been no problem for Hobbes in transposing this term and simply reiterating its original meaning. This, however, was not the case. So, in order to tackle the contemporary use of this term and, more generally, to provide an alternative to the accounts it subserved, Hobbes needed to take his battle to Cicero. And so he did.

Hobbes extracts the theatrical foundation from Cicero's notion of *persona*. However, Cicero's account is not constrained to a-*persona-as-a-mask* and Hobbes also needs to redefine Cicero's notion of a *persona* as an office and a duty to act in a specific ethically prescribed way. What Hobbes needs is a *persona* of power, a mask that sets new boundaries between otherwise equal human beings and transforms their natural equality into artificial inequality between the sovereign and the subjects. Unless redefined, the Ciceronian account of *persona* cannot fit with Hobbes's mechanism. To extend this Hobbesian metaphor, this particular sprocket is a part of a mechanism that produces a diametrically opposite movement – away from rather than towards

the absolute and unified authority he desiderated. Hobbes, however, does not transpose Ciceronian personation in an isolated move. He redefines it along with a number of other important concepts upon which the notion of *persona* as a duty relies. As I have demonstrated, Hobbes's reconceptualization of *res publica* as *civitas* and stripping the natural *ius* down to self-preservation liberates the notion of *persona* from its ethical constraints.

Bearing *persona civitatis* was no longer about taking on the social role of safeguarding *res publica* in accordance with natural law and natural justice. Hobbes's alternative is to argue that the natural law of self-preservation compels us to irrevocably renounce our absolute freedom, collectively conjure a *persona civitatis* as a mask of unrestrained power and to treat our sovereign as acting behind such a mask. Since Hobbes treats *civitas* and *res publica* as synonyms, the sovereign is relieved of her duty to safeguard *res publica*. The purpose behind bearing *persona civitatis* is pared back to establishing and maintaining security. Finally, the sovereign is not constrained by justice any more, as she is the one who decides what justice is. In this way Hobbes does not simply transpose a single sprocket, but a whole classical mechanism, disassembles it, rearranges its parts and makes it move towards the account of absolute authority he thinks that all must accept if they are to live together in security and peace.

This modified Ciceronian theoretical mechanism can help Hobbes demonstrate what *persona civitatis* is. It can also show us that representation can be identified with personation. Also, as Skinner (1999: 4) argues, the *Digest of Roman Law* could serve as an inspiration for the notion of attributed actions, the idea that “[a]lthough you will not have performed the actions yourself, you will be legally obliged *praestare* – that is, to stand by the actions [of the representative you had authorised] and accept responsibility for them as your own.” However, none of these classical concepts can tell us anything about a multitude as a single person, or how such a multitude becomes one. Cicero tells us nothing about group personalities and, for him, personating *civitas* and safeguarding *res publica* is not about representing the people. The relationship between the magistrates (the people behind a *persona civitatis*) and the citizens is indirect, as both classes fulfil their specific duties by tending to *res publica*, each in its own way. Hobbes, on the other hand, needed a way of integrating the

notion of the sovereign's absolute authority (exemplified in his reinterpretation of *persona civitatis*) with the concept of a multitude united through their sovereign. This is where Hobbes's account of legal personhood comes into play, along with his specific notion of representation.

Here, again, Hobbes was treading a very fine line. Although in *The Elements of Law* he (1889: 172) had noticed that in their charters the "subordinate corporations" were considered as "one person in law", he still needed to avoid incorporating some of the legal concepts that supported the notion of a legal person in his time. So he extracted the notion of a single corporate person from the current juridical sources, but strongly opposed at least two related ideas presented by Coke. The first was the general thought that the common law is an English version of the natural law and that the sovereign's (corporate) personality is derived from and, thus, inferior to it. The second is the notion that a group of people can be united in a "headless" corporation, unrepresented and ungoverned. Like he did with the notion of *persona civitatis*, Hobbes remodelled the idea of group personality so that it fitted his purposes. Apart from rebutting some of the ideas that the enemies of absolute sovereignty associated with the notion of a corporation as a legal person, Hobbes also turned the legal fact that a corporation can be represented in court into the thought that every thing and every one has to be represented in order to exist at all.

The person of the group thus stopped being a feature of the multitude comprising an association. Instead, it became the defining characteristic of their representative who "bore" it, "[f]or it is the *Unity* of the Representer, not the *Unity* of the Represented, that maketh the Person One". (Hobbes, 1651: 82) In a simple but dramatic and powerful move, Hobbes introduced his account of representation. Instead of answering his opponents by downplaying the role of representation, Hobbes made it a necessary component of every group. This move served a double purpose. First, it opposed the dominant legal tradition of his time by attacking the politically dangerous claim that the people could have a collective identity regardless of having a sovereign representative. Secondly, after Hobbes dismembered the personality of the people as an unrepresented group, he rebuilt it along the lines of his own model, in which the unity of the people comes from their sovereign. As the only way of achieving unity of

multiple wills is through their being subjected to a singular will, the only way of having group personality is by being represented.

Another argument in favour of such a view comes from the theological notion of a “public person”. This is where the point about the represented being united through their representative is made most explicitly: Christians are united through Christ as a “public person” and their representative. Also, the consequences of the “public person’s” actions are to be endured by those whom he represents. Similarly, the Hobbesian subjects are responsible for their sovereign’s actions.

Along with Hobbes’s organicism, the non-organicist version of Hobbes’s “unity” argument forms a broad foundation for Hobbes’s case in favour of unitary and absolute sovereignty. In doing so, not only that the two arguments use their combined weight to support Hobbes’s account, but they also put significant pressure on the efforts of those who used them to support views different to Hobbes’s. Yet this complex mechanism is put into action by a deceptively simple idea. It works in practice only if we are prepared to see ourselves as having renounced our absolute rights in exchange for safety. This way we precondition ourselves to seeing one of us as acting behind *persona civitatis*. We no longer see that person as a fellow human being, but as a sovereign. This very fact gives that person absolute power and, at the same time, grants us safety from the state of nature. Living in a commonwealth, then, is about seeing our relations with others in a particular way and acting in terms that reflect what we see and this is what Hobbes invites us to do. The commonwealth is a consequence of our minds being “framed” in a way that makes us see the *persona civitatis* instead of our sovereign’s “proper” face. On the other hand, the moment the sovereign loses the aura of sovereignty, the commonwealth collapses. This makes the person of the state both the essence and the effective cause of the commonwealth.

This is a very parsimonious and elegant theory. By seeing our sovereign’s person as granting her absolute authority we give life to our collective identity. The multitude becomes united by sharing this thought and conforming to the sovereign’s will. Hobbes does not need any kind of abstract principle to aggregate a multitude into a single entity. He does not need a concept similar to Jean-Jacques Rousseau’s general will, nor an established

ethos, nor a set of morally correct or fair procedures that would lead the multitude into peaceful coexistence. Hobbes's argument is also very flexible. If the right kind of disposition towards life within a commonwealth is indeed what we need, then Hobbes's mechanism can be set in motion both by the sovereign and by the subjects. The main method for obtaining security and a functional social order is through civic education – making men civil – and both the sovereign and the subjects can work towards this goal. Hobbes's work provides the impetus for such an activity and it is small wonder that he thought “it may be profitably printed, and more profitably taught in the Universities, in case they also think so, to whom the judgment of the same belongeth.” (Hobbes, 1651: 395)

Hobbes's message is at least twofold. First, his account questions the very foundations of the arguments made against absolute and indivisible authority by the parliamentary writers of his day. He reaches deep into the traditions in which these arguments are saturated, dismembers their main chains of ideas and (re)interprets them in a way that could serve his own argument. Hobbes does this to a number of key theoretical concepts (natural law, justice, state, covenant, freedom, etc.) and the concepts of a person and representation are no exception to this. But this catch-all charge against various opposing theories does not exhaust the limits of Hobbes's project. For these additions, remodelled and organised into a coherent whole, reinforce Hobbes's main argument. Hobbes set intellectual sources ranging from the classical notion of *persona* to the theological concept of a “public person” against the backdrop of the legal tradition founded upon the concept of a *persona ficta*. The result is an account that, though doubtless controversial, supports the idea of absolute authority and equips all those who might have shared Hobbes's political agenda with a powerful argument. And that includes subjects and their rulers alike.

The use of the vocabulary of representation that immediately preceded Hobbes's invocation of the term is well documented in recent literature. As Skinner (2005: 156) shows, Philip Hunton in 1643 mentions people who “yeeld up themselves to a Person, to be commanded by his will”. In the same year the anonymous author of *Maximes Unfolded* talks about people “as a corporation, and hence in the manner of a single person acting with one will and voice.” (Skinner, 2005: 158) On the other hand, “representation” was a prominent

concept of monarchomachian works such as *Vindiciae contra tyrannos* (1597). It is unsurprising, then, that “the radical propagandists of the 1640s began to talk about the capacity of Parliament to represent the people”. (Skinner, 2005: 162) Both Henry Parker and Hunton employed this idea in *Observations* and *Treatise of Monarchie*, respectively. They, along with Charles Herle, describe the parliament as the representative body and its members as “representatives”. (Skinner, 2005: 162-163)

These authors employed such vocabulary in an effort to craft arguments against the absolute authority of the king. Hobbes’s theory of representation, especially in *Leviathan* where it reached its fullest phase of development, was most certainly aimed against such accounts. However, it would be an oversimplification to say that Hobbes’s strategy entailed nothing more than redefining the key concepts that the Parliamentarians were keen on using and incorporating them into a subversive alternative. The story of *persona* shows us that, although Hobbes’s argument targets his contemporaries, it is structured in a way that tackles classical notions on which the accounts of his contemporaries are based. In an effort to undermine them, Hobbes attacks the very foundations of his contemporaries’ accounts and tries to subvert them in a way that makes their superstructure unable to stand and makes their immediate political consequences much less threatening.

In doing so, Hobbes developed a very sophisticated account of the state, along with a notion of personality and representation that supports it. This account evolved from *The Elements of Law* where Hobbes conceptualised the state as a person. His notion of group personality thus evolved from a “person in law” in *The Elements of Law*, through a “civil person” from *De Cive*, to a “person of the state” in *Leviathan*. Responding to the dominant legal tradition of his time Hobbes redefined the idea of a legal person, incorporated the classical notion of personation, and integrated it with the theological account of representation that he delivered in the same text. The intellectual achievement is matched only by its audacity and its power – for, after Hobbes, it was impossible to think about the state without engaging with his account of it. The modern state is in this sense, as in many others, his creation.

Not unlike the contemporary state, Hobbes’s commonwealth is a complex mechanism. Its matter is, as Hobbes (1651: 2) famously puts it, “man”

but its form is created artificially, through collective imagination, and that is the person of the state. Although a product of our imagination, Hobbes's *persona civitatis* has very real consequences. First, it brings the state into being and does away with the natural condition. Second, it delimits the sovereign's rights from the subjects' responsibilities, draws the line between sovereignty and subjecthood. Third, it enables the state to outlive each of its particular members who, instead of conforming to the natural flesh and blood person of the sovereign, subscribe to the specific idea of the state and start to act accordingly. Briefly put, *persona civitatis* modifies human behaviour and it is both descriptive and prescriptive of the sovereign – subject interaction. On the inside, *persona civitatis* turns a multitude of individuals with conflicting interests into a group whose members live, to use Oakeshott's (2000: 159) metaphor, “a collective dream” and play their social roles and enjoy peaceful coexistence. When viewed from the outside, from a foreigner's perspective, *persona civitatis* unifies their individual actions into gestures of the state as an artificial man.

Conceptually, Hobbes's idea of a person shows us that two things are vital for understanding social and political interactions: human agency and its perception. When we think about playing a certain social role we envisage our actions as corresponding to a certain model. We think about how our actions are, or how they would be, perceived by others. This makes our “audience” constitutive of our *personae*. There can be no *persona* if there is nobody in front of it and there can be no *persona* if our actions appear random and erratic. We can therefore think about personation as communication through agency, in which the addresser (a Hobbesian “person”) acts or speaks in a specific and recognisable way and shares the “vocabulary” (established social roles – *personae*) with the addressee(s).¹³⁷ This is how Hobbesian politics works and this is what distinguishes the agency within civil society from the unintelligible behaviour that characterises the natural condition. At the very point when personation transgresses the solitary natural self-representation, it institutes civility, sustains it and becomes its defining characteristic. Therefore, if we are to sustain the civil order, not only that we need to play our social roles as

¹³⁷ For a discussion of the communicative dimension of Hobbesian personation see Pettit, 2008: 58-69.

faithfully as we can, but also these *personae* have to be clearly defined and this is done through legislation. And, as we have seen, the most important outcome of this basic shared understanding is the state itself.

Hobbes's views on personhood and representation give us a perspective for approaching his account of the state, liberty and political authority. These were not only crucial political questions of Hobbes's time, but they have also been and still are some of the key questions of political philosophy. So another question poses itself here. Does Hobbes's theory of personhood give us any material for thinking about the "perennial" political questions of our day? For example, does Hobbes's account of the state offer us an angle for approaching the contemporary state and its legitimacy? Could his notion of liberty tell us something about the liberty that we either do or, at least, should enjoy in contemporary societies? Hobbes's own methodology might give us an answer to this question. Not unlike many philosophers and pamphleteers of his time, he tackled a number of "perennial" political challenges. Same as them, he offered account that relied on long-established political, legal, theological and philosophical traditions. Indeed, Hobbes shares the intellectual vocabulary with a number of his contemporaries, from Levellers and Parliamentarians to Filmer.

There is, however, one crucial difference. Hobbes does not answer the "perennial" questions by making his argument an addition to the doctrines that were established by the classical authorities such as Aristotle and made commonplace through their scholastic interpretation. He calls the authors of such accounts "fooles, that value [the words] by the authority of an *Aristotle*, a *Cicero*, or a *Thomas*, or any other Doctor whatsoever, if but a man." (Hobbes, 1651: 15) Instead, Hobbes engages with these sources *critically* and this critical re-interpretative edge even extends to his controversial analysis of the Scriptures "which perhaps may most offend". (Hobbes, 1651: dedicatory epistle) Hobbes's argument, unlike Filmer's, is not based on him claiming that he understood the great classics better than his contemporaries did. If for Hobbes there indeed are "perennial" questions, this does not mean that the great ancient philosophers and their interpreters are perennial *authors*. They are often wrong and the academic single-mindedness that ignores this is more a problem than a solution.

Hobbes's non- or even anti-dogmatic approach can show us how to treat the works of classical authors who engage questions that also concern us. We might not be as ambitious as Hobbes was in his effort to establish "civil science", but we certainly can treat his work as an inspiration for our own accounts. However, it is important to note that even the most recent accounts of Hobbes's idea of personation did not fully harvest this potential. Although it is sustained by it, Hobbes's commonwealth should not be reduced to a fiction (cf. Skinner, 2005, 2007 and 2009a; Runciman 2000 and 2005; Brito Vieira, 2009). And there is much more to Hobbes's account of personation than enabling the state to, as Skinner (2009a: 364) points out, "incur obligations that no government and no single generation of citizen could ever hope to discharge". The idea that political authority outlives the individual human beings who wield it is at least as old as the principle "*dignitas non moritur*". (Kantorowicz, 1997: 383-450) Although Hobbes's answer is more apt to modern ears insofar as it attributes the "artificial eternity of life" (Skinner, 2009a: 364) to the state, this is neither the most important innovation that his account of the state has to offer, nor the one that is most neglected in the present-day politics. Instead, we should concentrate on what makes or breaks the state and civil order.

Without a doubt, *persona civitatis* is the *fiat* of the state and by believing in it we embrace our position as members of the society. Unfortunately, those who internalise this idea tend not to think about it actively until they are faced with those who, for one reason or another, reject the authority of the (particular) state. Often at this point the state has no other option than to put its coercive mechanisms into action in an effort to restore the civil order. This is indeed a "perennial" kind of situation that is indicative of what Hobbes (1651: 168) calls the "disease of a commonwealth" and the contemporary societies are far from immune from it. If there is a panacea to be found for this disease, Hobbes cannot be wrong to point at human imagination as both the cause of the problem and its solution. Hobbes's prescription is also twofold. First, it instructs us to try and weed out all those doctrines that drive people towards conflict. Second, it cautions us to reach beyond our natural sensory perception, ignore the self-evident fact of relative human equality and deliberately replace our sovereign's natural face with *persona civitatis*. It is only through this artificial lens that the

human beings stop being what they are and become what they can and should be.

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