

## Leviathan *Contra* Leviathan

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What is a book? In *The Metaphysics of Morals*, Kant raises the question, and describes the book as having a double nature. It is both a material object produced by a mechanical art, and reproducible by anyone with a right to the text; and a discourse addressed to a particular readership by its author and the publisher authorized to act on the author's behalf and to discourse publicly in the author's name.<sup>1</sup> Noel Malcolm's editorial scholarship is so extensive that in the new Clarendon Edition *Leviathan* re-emerges as a book having this double dimension: of a text, fashioned by its author in particular contexts, but whose meaning cannot be confined to them; and of an object receiving its form from all those—publishers, printers, engravers, compositors, correctors, amanuenses, booksellers, and even librarians—involved in its production and circulation. It is therefore not by accident that at the end of the process of examining *Leviathan* as text and object Malcolm leaves those interested in Hobbes's masterpiece with a book that exceeds all former standards for the book as object. I refer to a parallel edition of the English and Latin versions of *Leviathan*, which makes it possible to trace any variations among the texts. There would be no better pretext for engaging in a comparison between the 1651 and 1668 versions of the book. This is what I propose to do in what follows, focusing my analysis on the most meaningful changes, and on what these changes and the continuities discernible in them can tell us about the nature and purpose of Hobbes's project.

<sup>1</sup> Immanuel Kant, *The Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, 1996), 71.

## REVIEW, AND CONCLUSION

If we were to play a spot-the-difference game between the English and Latin versions of *Leviathan*, one major difference would immediately stand out: the omission, in its entirety, of the “Review, and Conclusion” from the Latin text, and its replacement with a long Appendix, comprising three dialogues, discussing the Nicene Creed, the nature of heresy, and a number of objections to the book’s original theological arguments.

The “Review, and Conclusion” is the chapter Hobbes added at the end of the English *Leviathan*. There he identified the main purpose of the book as that of clarifying “the mutuall Relation between Protection and Obedience,” and explained that a subject who no longer enjoys his ruler’s protection is released from his obligation, and is entitled to submit to a new ruler the moment he or it becomes the new protecting power.<sup>2</sup> This assertion was read by many of Hobbes’s contemporaries, and has been read by many Hobbes commentators since, as an opportunistic *volte face*, representing a radical departure from Hobbes’s earlier royalist views, and an endorsement of *de facto* sovereignty, namely in its contemporaneous form, of the commonwealth.<sup>3</sup> For if obedience is conditional upon protection, and upon the military defeats that determined the king’s loss of the capacity to protect his subjects, he could no longer expect to be obeyed.<sup>4</sup> By contrast, the victorious rebels, who were now, effectively, the protective power, were justly entitled to the obedience of those enjoying the benefit of their protection.

With Charles II back on the throne because of a traditionalist justification, the excision of the “Review, and Conclusion” from the Latin *Leviathan* hardly needs explaining: Hobbes sought to deprive of unnecessary ammunition those royalist critics who read the last chapter of *Leviathan* as an act of betrayal against Charles I.<sup>5</sup> But the answer as to whether this excision changed the substance of Hobbes’s political argument depends on our assessment of the relation of the “Review, and Conclusion” to

<sup>2</sup> Thomas Hobbes, *Leviathan*, ed. Noel Malcolm, 3 vols. (Oxford: Oxford University Press, 2012), 3: 1141.

<sup>3</sup> For the *volte face* thesis, see, amongst others, Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), ix; and Deborah Baumgold, “When Hobbes Needed History,” in *Hobbes and History*, ed. G. A. J. Rogers and Tom Sorell (New York: Routledge, 2000), 36–37.

<sup>4</sup> For the especial significance of the battle of Dunbar, see Edward Hyde, Earl of Clarendon, *The History of the Rebellion and Civil Wars in England* (Oxford: Oxford University Press, 1843), 752.

<sup>5</sup> See, amongst others, *A Brief View and Survey of the Dangerous and pernicious Errors to Church and State, in Mr. Hobbes’s Book, entitled Leviathan* (Oxford, 1676), 90.

Hobbes's political theory as laid out in his previous political works and in the English *Leviathan* itself. On this question, I take the side of those who maintain that, in essence, the "Review, and Conclusion" was consequent *upon* and an application of Hobbes's political argument, rather than a radical departure from it.<sup>6</sup> For Hobbes had always argued that, self-preservation being a necessity of nature, the chief purpose of setting up a government is protection; hence we must preserve our protection, whatever this is, for as long as it is able to protect us, but no longer. If I am right in stressing the continuity in Hobbes's argument, the conclusion follows that the omission of the "Review, and Conclusion" from the 1668 translation resulted in no transformation of his political argument as such.

Indeed, close scrutiny of Hobbes's political works reveals that his argument concerning the relationship between protection and obedience is foundational (i.e., it lies at the heart of sovereignty itself, protecting being the very essence of government); pre-dates the 1651 *Leviathan*<sup>7</sup>; and textually precedes its "Review, and Conclusion."<sup>8</sup> It also shows that Hobbes's courtship of the formula dearest to the *de facto* theorists, albeit deliberately polemical, amounts to, by and large, mere window-dressing, hiding the fact that Hobbes does not fall easily into the *de facto* ranks (or indeed into any other ranks, whether royalist, or that of consent theorists).<sup>9</sup> This much is apparent from the emphasis Hobbes places upon consent as grounding the duty to obey (even in commonwealths by acquisition, where consent is presumed from the ongoing exchange of benefits, protection for obedience), and on effectively protective power as being by right or legitimate (via consent).<sup>10</sup> Hobbes's purpose in *Leviathan* was to determine the true nature of allegiance rather than to lose himself in casuistic distinctions between *de facto* and *de jure* authority. But the inner complexity, and the unique flexibility, of a theory that combines royalist, *de facto*, and consensualist elements, without fully embracing any of the theories, and that enables both

<sup>6</sup> See, amongst others, Kinch Hoekstra, "The *de facto* Turn in Hobbes's Political Philosophy," in *Leviathan after 350 Years*, ed. Tom Sorell and Luc Foisneau (Oxford: Clarendon Press, 2004), and Hobbes, *Leviathan*, ed. Malcolm, 1: 65–82.

<sup>7</sup> See, for instance, *The Elements of Law* 21.14, 21.15, 22.6, 22.7, and *De Cive* 7.18 and 8.9.

<sup>8</sup> As is clear, for instance, from the reading of Chapter 21 of the English *Leviathan*.

<sup>9</sup> This conclusion is argued fully in Kinch Hoekstra, "The *de facto* Turn in Hobbes's Political Philosophy," in *Leviathan after 350 Years*, ed. Tom Sorell and Luc Foisneau (Oxford: Clarendon Press, 2004), 33–73.

<sup>10</sup> This distinguishes Hobbes from both Marchamont Nedham and Anthony Ascham, respectively. See Marchamont Nedham, *The Case of the Common-wealth of England, Stated* (London, 1650); and Anthony Ascham, *The bounds & bonds of Publique Obedience. Or, a Vindication of our lawfull submission to the present Government, or to a government supposed unlawful, but commanding lawfull things* (London, 1649).

the condemnation of disobedience to Charles I, and the censure of resistance to the authority of the commonwealth, was mostly lost on one of the most troubled and ideologically polarized periods of English history. Hobbes's contemporaries were less convinced than confused by it, and so have many of his readers been to this day.

To ascertain what Hobbes was doing by writing the 1651 *Leviathan*, notably its most vexed parts, such as the "Review, and Conclusion," it would be of great help to establish, as Malcolm does, the order of composition of the work independently of one's particular interpretation of it, so that the dating would not be biased by it.<sup>11</sup> But as Malcolm warns in his introduction, "the problem may not be as simple as that, for the obvious reason that Hobbes's purposes may have changed over time," or indeed may transcend any given time or context.<sup>12</sup>

The idea that various parts of the book may have been conceived in response to different circumstances steers Malcolm towards new contexts within which to read the separate parts of it. For instance, while he places *Leviathan's* extensive discussion of conquest against the examination by royalist counselors, close to the queen, of Charles II's policy options following the Civil War, he is adamant that the "Review, and Conclusion" is a pledge to obedience to the commonwealth, despite the fact that at the time of its composition Charles II was gathering an army in Scotland in the hope of restoring his father's English kingdom.<sup>13</sup> Malcolm gathers significant textual evidence in support of this claim.<sup>14</sup> However, it is not obvious how this is consistent with his earlier suggestion that *Leviathan* might have been designed as a book of advice. Arguably, the original design might have been dropped as soon as Hobbes was deprived of access to the king, but the fact that Hobbes presented the king with a luxurious scribal copy of the book seems to reflect at least a residual intention. Moreover, it would have been unreasonable of him to offer an aspiring king a book whose summary and conclusion amounted to an overt endorsement of submission to the commonwealth. There is certainly much to justify this endorsement in the coda of *Leviathan*, but almost as much of it is a double-edged sword, which did

<sup>11</sup> For one such bias, see Baumgold, "When Hobbes needed History," 41 n. 36.

<sup>12</sup> Hobbes, *Leviathan*, ed. Malcolm, 1: 12.

<sup>13</sup> This context is further explored by Sarah Mortimer and David Scott in "*Leviathan* and the Wars of the Three Kingdoms," *Journal of the History of Ideas* 76 (2015): 000–00.

<sup>14</sup> This evidence is sometimes equivocal: see Hobbes, *Leviathan*, ed. Malcolm, 1: 72. Whereas Malcolm reads Hobbes's reference to "the Times" as an appeal to the defense of the commonwealth by the people of England in an imminent war against Charles II, I read it as a condemnation of rebellion against Charles I.

not fully commit to either party.<sup>15</sup> This is because Hobbes's true allegiance, as he reminds us, was "without partiality" to that which at each particular time promoted "the continuance of Publique Peace."<sup>16</sup> And this, as the brief period of composition of *Leviathan* had sufficed to show, changed with time.

### A REBEL'S CATECHISM

Apart from the elimination of the "Review, and Conclusion," other smaller and more localized changes were introduced to adapt the Latin *Leviathan* to its historical context. In particular, Hobbes made sure to edit those passages previously used as evidence for the royalist reading of *Leviathan* as a "Rebel's Catechism."<sup>17</sup> A case in point was the passage in Chapter 21 in which Hobbes judiciously distinguished between starting a rebellion and continuing a rebellion once it has started, to maintain that, while the initial act of rebelling is overtly unjust, its continuation is "no new unjust act," in effect "not unjust at all," if carried out as self-defense.<sup>18</sup> In the Latin *Leviathan* Hobbes rewrote the passage so as to shift the emphasis from the exculpation of rebels to the idea that rebels were wrong to rebel in the first place and that the injustice of their action did not stop there, but was ongoing.

There is little doubt that the change came in response to his critics. In his *Observations* Filmer quoted the passage in support of the conclusion that the contracted and conditional nature of Hobbes's theory of sovereignty, as founded on an inalienable individual natural right, made it "destructive to all Government whatsoever, and even to the *Leviathan* it self."<sup>19</sup> Current interpreters, such as Suzanne Schreedar, walk in Filmer's footsteps when they return to the same passage to substantiate their reading of Hobbes as a theorist of rebellion: "if people are justified in continuing a rebellion out of regard for their self-preservation [as they are], then there is no reason to think they are not justified in starting one for the same reason."<sup>20</sup> As Martinich correctly observes, however, the reasoning they offer

<sup>15</sup> *Ibid.*, 1: 74–75

<sup>16</sup> *Ibid.*, 3: 1141. My conclusion stands very close to the one reached by Kinch Hoekstra in "The *de facto* Turn in Hobbes's Political Philosophy," in *Leviathan after 350 Years*, 73.

<sup>17</sup> John Bramhall, *The Catching of Leviathan* (London, 1658), 513 and 515.

<sup>18</sup> Hobbes, *Leviathan*, ed. Malcolm, 2: 340.

<sup>19</sup> Sir Robert Filmer, *Observations Concerning the Original of Government upon Mr Hobbes Leviathan* (London, 1652), 9.

<sup>20</sup> Susanne Schreedar, *Hobbes on Resistance: Defying the Leviathan* (Cambridge: Cambridge University Press, 2010), 141.

is similar to today's red-light-runner's defense: "since I had a right to continue going through the red light (once I entered the intersection), I must have had a right to run the red light in the first place."<sup>21</sup>

However difficult it is to determine the point at which the duty to obey must give way to the right of self-preservation, Hobbes made a clear distinction between, on the one hand, the right to defend oneself against an immediate physical harm, even if inflicted by the sovereign (which was indeed an inalienable right assisting even those who feared capital punishment for rebellion), and, on the other hand, a purported right of subjects to rebel collectively against their current sovereign, thereby undermining their own protection (which he openly repudiated and theoretically disabled by denying collective agency to the people beyond the sovereign's representation of it).

That he acknowledged no right to rebellion as such was something Hobbes sought once again to make unequivocal in Chapter 27 of the Latin work, where he stressed that overthrowing the monarch was an unlawful act, indeed a crime, for which rebels could still be judged and punished under the new regime.<sup>22</sup> In other words, if the main idea of the "Review, and Conclusion" was that victorious rebels ought to be obeyed, irrespective of what one might think of their means of ascending to power, now that rebels were no longer in power Hobbes made sure to erase any trace of having supported a pledge of allegiance to them. This was no mere tactical move, however: his theory required a single-minded allegiance to, and protection of, the current protector.

### LAW AND MORAL RE-DESCRIPTION

Although Hobbes denied that subjects had the right to rebel, he acknowledged that they would nonetheless do so if the sovereign failed to fulfill the purpose of his office: "the procuration of the safety of the people."<sup>23</sup> Rebellion hung heavily over Hobbes's examination of the offices or duties of the sovereign in Chapter 30 of *Leviathan*: the sovereign's best hope to keep popular unrest at bay was his fulfillment of these duties. In the Latin *Leviathan* Hobbes made two additions to Chapter 30, both of which are on the topic of aristocratic glory. Even though none of the additions can be said

<sup>21</sup> See A. P. Martinich's review of Shreedar's book at <http://ndpr.nd.edu/news/24660-hobbes-on-resistance-defying-the-leviathan/>.

<sup>22</sup> Hobbes, *Leviathan*, ed. Malcolm, 2: 454–55.

<sup>23</sup> *Ibid.*, 2: 520–21.

to change Hobbes's argument substantially, they do not amount to its mere iteration either: Hobbes used them to state his egalitarianism with a new emphatic vigor, in what feels like an impassioned reaction to the impending threat of aristocratic glory to order within the commonwealth.

The first insertion comes in the context of Hobbes's discussion of the actions the sovereign is obliged to take under the law of nature. The action at stake is the prevention of injury through the public teaching of justice. Hobbes defines injury as a harm or damage that results from an injustice, namely from the act of taking from a man what is his by right without the public authority to do so.

Aristocratic glory lies behind the aristocratic code of honor, and its associated practice, duelling. Duelling is responsible for causing injury to the body of another, but also, and this is Hobbes's main concern, to the body of the commonwealth. It defies the commonwealth's code of law and ethics of civility in that it is a form of revenge or private justice primarily directed at the humiliation of another, and often serving no other purpose than the triumph of glory. Hobbes, therefore, stresses that amongst those things the sovereign ought to teach his subjects:

it should be taught, first, that no citizen should kill or do bodily harm to another citizen without public authority; which is the sixth commandment; it is violated not only by those who kill by guile or (as people say) basely, but also by those who declare that they do this of necessity to preserve their honour; and that whole custom of vain men issuing challenges to sword-fights is homicide, a custom which almost all commonwealths have prohibited—but, so far, in vain—with the severest punishments. Nor do I see what laws, of any kind, can put an end to it, unless perhaps this law be added to the ones already made: that all those who are noblemen, and all who wish to be considered as such, be bound by an oath that they will neither challenge a fellow-citizen to a duel, nor respond to one who challenges them; so it will come to pass that that Hector-like desire for praise—even though we nowhere read that any citizen was killed by Hector—will be moderated not only by the other punishments, but also by the disgrace of perjury, and the one who is challenged will have a highly virtuous excuse for refusing to fight.<sup>24</sup>

<sup>24</sup> *Ibid.*, 2: 530–31, n. 62.

Vain men presume themselves exempt from punishment ordained by the law and extending to all subjects. This makes them prone to violate the law and re-offend. For that reason it would be an outright contradiction, and a sign of partiality towards the great, if the sovereign were to outlaw homicide, on the one hand, and to condone honor killings, on the other hand. Both are serious criminal practices deserving an equal administration of justice and the severest of punishments.

However, if the sovereign were to believe that the strategic use of law and the threat of punishment are enough to temper the ravages of pride, the commonwealth would fall victim to his naïveté. Neither law nor coercion can put a stop to duelling. All they can do is to condition external behavior. But to get at the heart of an honor code one must penetrate deeper into a man's belief system. Law cannot achieve this, because law is psychologically powerless. It obliges, but does not necessarily motivate. It may be the mark of a sovereign's authority, but one cannot trust it to produce the affective dispositions on which its application depends.

To alter honor codes and the social values enshrined in them requires more than the law. And yet the way to align social values with the law, so that the latter gains general acceptance, is not immediately apparent. Social values are not at the sovereign's (entire) disposal (although Hobbes sometimes speaks as if human values were: "where Law ceaseth, Sinne ceaseth," he defiantly claims).<sup>25</sup> They change slowly, when they change at all, and can become more entrenched if seen to be forcibly changed from the outside. Moreover, in the case of duelling, the clash between natural and conventional signs of courage undermines the sovereign's attempt to re-describe the action as dishonorable, insofar as readiness to fight is always taken as a natural sign of courage whereas refusal to fight becomes a virtue but by law, and nature is stronger than the law. This makes it especially difficult for the sovereign's condemnation of duelling to gain traction with the public.

New to the Latin *Leviathan* is the acute consciousness of the limits of what the sovereign can do according to the law, and Hobbes's tentative advancement of a specific proposal for how the change whereby duelling becomes dishonorable, and refusal to take part honorable, might otherwise be effected. The only hope that this will happen, Hobbes tells us, is if the sovereign acts cunningly, and instead of opposing the aristocratic value-system directly, through an externally imposed law, puts value against value within the system itself. Hobbes believes this could eventually be achieved

<sup>25</sup> Ibid., 2: 454–55.

if all noblemen, and all those men aspiring to their position, were to be bound by an oath to shun duelling, in which case they might come to fear the disgrace of breaching the oath above that of refusing the sword. Passions are immutable, and one would try in vain to eradicate them. But their objects can be skillfully manipulated, with the result that one (dis)honor is pitted against the other, and the worst effects of aristocratic virtue are canceled out.

### SOCIETY TURNED UPSIDE DOWN

Hobbes's concern with the corrosive effects of aristocratic glory comes across in yet another passage newly added to Chapter 30 of the Latin *Leviathan*. In this case, Hobbes begins the argument with an exemplary story, fit for the education of a future sovereign, who must learn not to be too complacent before the lust for glory of his aristocratic counselors.

The story is that of Solomon's son, Rehoboam, King of Judah. Upon his father's death, Rehoboam was accepted as the sovereign by all of Israel. When asked to relieve the people from the burdensome taxes his father had imposed on them, however, Rehoboam hesitated and decided to consult separately with both the elders and young noblemen who had grown up with him. The elders advised him to lighten the yoke in order to gain the people's favor. But his companions, keen for the luxuries of the court, advised him to increase revenues. Rehoboam decided to follow their counsel, and in so doing precipitated rebellion.

The moral lesson of the story is clear: partiality towards the great is a recipe for popular hatred and rebellion. If the sovereign is to avoid Rehoboam's fate, he must curb their influence, and disabuse the people of their power and ambition. In other words, he must rein in, rather than collude with, the domineering drive of the over-mighty subjects:

It belongs to the sovereign to see that the common body of citizens are not oppressed by the great ones, and much more that he himself does not oppress them on the great one's advice, bearing in mind the example of Rehoboam. For the common people are the strength of the commonwealth. He must also take care that the great citizens do not provoke the ordinary people with their insults. He who has authority in the commonwealth can indeed rightly reproach a disreputable citizen with his wickedness; but to revile him for his lowly status is both iniquitous and dangerous to

the commonwealth. If the great citizens, because they are great, demand reverence on account of their power, why should not the common people be revered, because they are many, and much more powerful? The sedition of the so-called “Beggars” of Holland should be a warning of how dangerous to the commonwealth it is to despise the ordinary people. The superior status of some citizens has arisen not from some real excellence in them, but from the will of the sovereign ruler, that is, from the will of the commonwealth; so much the less should they affect an uncivil disdain. The common people should not be provoked even by kings; much less by fellow-citizens (however powerful they may be), lest the common people, while desiring to take its revenge on them, attack the commonwealth at the same time, because it did not prohibit the behaviour.<sup>26</sup>

If nothing else, for prudential reasons, the sovereign must neither oppress, nor let the great oppress, the common people, whose anger at being abused might easily turn against the commonwealth. Hobbes’s exemplification of his claim with the Dutch Revolt of 1566 is puzzling, as it seems to miss the target, at least in part. Although the so-called “Beggars Revolt” had a popular component, the term “Beggars” (“gueux,” “geuzen”) did not refer to it. It was rather an originally pejorative term that came to be used with pride by the Calvinist Dutch nobles and other malcontents rebelling against Spanish rule.

There can be no doubt, however, that the passage reads as an impassioned reinstatement of what Malcolm aptly coins Hobbes’s “absolutist egalitarianism.”<sup>27</sup> The 1640s saw the king’s authority assailed by his most powerful subjects.<sup>28</sup> It is against this background that one should read Hobbes’s violent attack on their overwhelming sense of entitlement in the English *Leviathan*, an attack that is only to be reinforced in the Latin version of the text. The great believe themselves worthy of their superior status, and take their titles to be the expression of innate right. Yet, Hobbes insists, all men are equal by nature, and all the ranking of subjects’ value is but a clever artificial creation of the sovereign for the sake of discipline, and to diminish the stakes in inevitable conflicts of honor that erupt in the commonwealth. Social deference and feudal hierarchy must bow to the

<sup>26</sup> *Ibid.*, 2: 536–37, n. 76.

<sup>27</sup> *Ibid.*, 1: 186.

<sup>28</sup> See Mortimer and Scott, “*Leviathan* and the Wars of the Three Kingdoms,” 000–00.

sovereign: it is the sovereign who makes all inequality; therefore all are equal before him. The honors he attributes according to public criteria of worth, and which he can bestow and withdraw with equal ease, are not a denial, but a confirmation of this, and should consequently be no cause of contempt.

This is no minor point. For as the ninth and tenth laws of nature remind us, only people who think themselves equals will enter into the condition of peace on equal terms, claiming no right for themselves that they do not acknowledge in others. The sovereign himself is obliged by the laws of nature, and must set the tone by treating the common people with the kind of civility which, if adopted by the great, would keep at bay conflicts of pride that had recently ravaged the Commonwealth of England. However, and even though “the examples of Princes, to those that see them, are, and ever have been, more potent to govern their actions, than the Lawes themselves,” it is difficult to see what they can do to sow a culture of equality in such an unfavorable breeding ground.<sup>29</sup>

The rhetorical climax of the newly added passage arrives with a question: “If the great citizens, because they are great, demand reverence on account of their power, why should not the common people be revered, because they are many, and much more powerful?”<sup>30</sup> Honor signifies one’s opinion of another’s power to help, and the sovereign’s power is dependent upon the obedience and public endorsement of the many. It is therefore they, not the great, who preferentially deserve his esteem.

There could hardly be a more stern assault on the nobility’s belief in a natural hierarchy and their superior place within it, as well as on their conviction that any conventional hierarchy must defer to a pre-existing natural one. If the sovereign wants the people on his side, he must be on the people’s side too, even when that implies facing up to the children of pride. “Kings, indeed, ought not to provoke the common people”; they cannot allow their personal pride, or that of powerful aristocrats, stand in the way of the ends of the commonwealth.

## OF PERSONS, AND AUTHORS

That it is the obligation of the sovereign to act in ways that promote the good not of this or that subject or group of subjects in particular, but of all

<sup>29</sup> Hobbes, *Leviathan*, 0: 000.

<sup>30</sup> *Ibid.*, 0: 000.

of his subjects considered as one, is something that Hobbes's theory of political representation made unequivocal by refashioning the sovereign as the actor for their collective interest.<sup>31</sup> This was one of the greatest single theoretical innovations of the English *Leviathan*. Here, Hobbes extended his previously embryonic use of the notion of legal personality into a fully-fledged theory of the popular representative state, understood as a person enacted into being through representation, and acting both on behalf of the people and in the people's name.

In his earlier political works, Hobbes vacillated between describing incorporation into the state as a kind of *subjection* of many private wills to one exterior sovereign will, which all recognized as such, and promised not to oppose; or as a question of the *involvement* of many wills in one sovereign will, which all recognized as theirs and pledged to support. This last notion pointed towards the idea of representation, but one would need to wait for the publication of *Leviathan* to see the idea come into its own.

The transition was accomplished through the definition of representation in terms of authorization, or the right to act as passed from author to actor by means of a contractual agreement. The result was an understanding that the sovereign acts authoritatively for, and in the collective person of, the multitude, and that they, having authorized his public acting unconditionally, are jointly committed to own up to (and therefore also necessarily implicated in) everything he says or does in their corporate person.

As Malcolm rightly points out in his introduction, Hobbes's self-conscious use of the concept of representation in the English *Leviathan* was triggered by two main factors.<sup>32</sup> One was the desire to strengthen the robustness of his argument and its anti-democratic polemical thrust by eliminating the state's democratic foundation as embraced in the *De Cive*. The other was the need to oppose the view of Parliament as the true and only absolute representative of the people, which was used to vindicate Parliament's case against the king in several parliamentary tracts of the 1640s, especially Henry Parker's pamphlets.<sup>33</sup>

<sup>31</sup> For a fuller discussion of representation in Hobbes, see Mónica Brito Vieira, *The Elements of Representation in Hobbes* (Leiden: Brill, 2009).

<sup>32</sup> Hobbes, *Leviathan*, ed. Malcolm, 1: 20–23

<sup>33</sup> Authors developing aspects of a theory of representative government in support of the parliamentary case between 1642 and 1644 included William Haller, John Marsh, Richard Ward, William Bridge, Philip Hunton, William Prynne, and William Bridge. See, in particular, Henry Parker, *Observations upon his Majesties late Answers and Expresses* (London, 1642); and Parker, *Some Few Observations upon his Majesties late Answer* (London, 1642).

Hobbes's new theory of political representation has its epicenter in Chapter 16 of the English *Leviathan*. This chapter has been central to the debate about the place of the Latin *Leviathan* in Hobbes's intellectual development, since it has been said to provide textual evidence for the existence of a Latin proto-*Leviathan*, temporarily prior to the English one, and establishing a missing link between it and *De Cive*. This thesis belongs to Lubienski, but has also been argued by François Tricaud.<sup>34</sup> His claim stands on content alone, and hinges, to a large extent, on seeing in Chapters 16 and 18 of the Latin translation traces of an earlier quasi-historical account of the covenant, leaving a problematic gap between the pact of association and the pact of subjection, and therefore falling back on earlier descriptions of the multitude's incorporation into a civil person as a question of mere subjection of many private wills to one external sovereign will, which all recognize as such and promise not to oppose.

In Tricaud's view, the thing that is most obviously missing from the Latin text is the notion of "authorization," and the correlated understanding of the sovereign as "the person of the commonwealth," or the catalyst of the multitude's transformation into a corporate person. I concur with Malcolm in finding this hard to reconcile with the textual evidence. In the Latin *Leviathan* the conceptions of representation and authorization, and the correlated language of authors and actors, are fully present.<sup>35</sup> We seem, therefore, to have a case of mistaking word for concept: Tricaud sees Hobbes's occasional struggle to replace a verb of impossible direct translation into Latin, the verb "to authorize," as the non-possession of the corresponding concept. This is unwarranted, and prevents him from seeing in the Latin *Leviathan* what is in effect but a marginally edited version of the English *Leviathan*'s theory of authorization.

This is not to say that nothing was changed in the Latin *Leviathan*. Starting with the title of Chapter 16, the omission of any mention of "things personated" is immediately noticeable. And in the discussion that follows Hobbes does recast his typology of personhood considerably, dropping the categories of artificial and fictitious personhood altogether, and placing in

<sup>34</sup> Lubienski, *Die Grundlagen des ethisch-politischen Systems von Hobbes* (Munich: Ernst Reinhardt, 1932); and Thomas Hobbes, *Léviathan*, ed. and trans. François Tricaud (Paris: Sirey, 1971), intro., xi-xxxvi.

<sup>35</sup> In chap. 16 itself, see Hobbes, *Leviathan*, ed. Malcolm, 2: 245–53; see also chap. 18, with the concepts of person and author being used in the examination of sovereignty by institution, *ibid.*, 2: 264–65; and the effects of authorization, in binding us as authors to what the sovereign does in the person of us all, *ibid.*, 2: 266–67.

their stead the contrast between “proper or natural person” and “representative person.” The result is more of a clarification than a change, and probably came in reaction to his critics’ complaints about how obscure and confusing his discussion of personhood was.<sup>36</sup>

It is no surprise that they should be troubled by it. In equating the artificial person with the person of the representative, Hobbes was at variance with the treatment of the issue in English law from the medieval period and onward: to the legal mind, artificial persons were entities represented, notably corporations.<sup>37</sup> Also, Hobbes’s reference to artificial persons as “feigned” lent itself to equivocation. William Lucy, in particular, exploited the ambiguities of Hobbes’s description of representatives as “feigned or artificial persons.” For Hobbes, the artificiality of the representative lies in the fact that he does not come before us as himself or itself but invested in the person or guise of another, possibly even a corporation, whose part he enacts. His actions are “feigned” in this exact sense, which in no way implies that they are not real, or do not produce real-life effects. But the ambiguity of the term “feigned,” which can mean contrived as well as fake or fictitious, leads those amongst Hobbes’s critics who were less comfortable with leaps of imagination to question whether a representative should be called a person at all: “no more than the picture of the image of a man is a true man,” William Lucy objected, “no more is a feigned or artificial person, a true person,” and “what is not truly such, is not such.”<sup>38</sup> Lucy wanted to oppose artificial persons to real persons. Hobbes wanted to insist on the natural person as already an artifice (a self-representation), and that the actions of artificial persons carried out in representation of true or even fictitious persons (like the state) are no less real, and of no less consequence, than those of natural ones. But since the language of artifice might obscure his point, in the Latin *Leviathan* Hobbes simplified his exposition, replacing the contrast between natural and artificial persons for a simpler distinction between he who acts in his own name and he who acts as the representative of another.

<sup>36</sup> For this accusation, see William Lucy, *Observations, Censures and Confutations of Notorious Errours in Mr. Hobbes his Leviathan, and other his Bookes* (London, 1663); and George Lawson, *An Examination of the Political Part of Mr Hobbs his Leviathan* (London, 1657).

<sup>37</sup> *De Homine* constitutes the exception: there Hobbes equates the artificial person with an entity who has actions attributed to he or it on the basis of the actions of other agents. See Thomas Hobbes, *Opera Philosophica Omnia*, ed. William Molesworth (London: John Bohn, 1839), 2: 131.

<sup>38</sup> Lucy, *Observations, Censures and Confutations of Notorious Errours in Mr. Hobbes his Leviathan, and other his Bookes*, 000.

Even more so than the distinction between natural and artificial persons, the distinction between acting truly and acting by fiction led to confusion. Having established that artificial persons are representatives, Hobbes explained in the English *Leviathan* that the attribution of words and actions to someone other than the performing agent can be made truly or by fiction. The attribution can be made truly if the entity represented is a natural person, capable of standing by the words and actions which are carried out in his name; it can be made by fiction if the represented is a non-person, and as such an entity incapable of authorizing and taking responsibility for actions done on her behalf (such as the state). Hobbes dispenses with the distinction from the Latin *Leviathan*, reserving the term “fiction” to the forged authority (“auctoritas ficta”) that invalidates contracts. The language of fiction, which Hobbes endorsed extensively in *De Homine*, where all representation is treated as a kind of fiction, was slippery, since things represented by fiction could be thought of as not being actually represented, and to have actions attributed to them that were ultimately inconsequential (or consequential in a negative sense, because disowned). But its elimination is not without loss, as only representation by fiction can capture the distinctive nature of the state, nothing “but a word, without substance,” which comes to act in the manner of a person, whose actions leave behind veritable effects, through the sovereign’s representation of a fiction and our collective ownership of it.<sup>39</sup>

### “THE THING”

One of the most striking features of the English *Leviathan* is the expansive nature and vitriolic style of parts three and four of the book, which are concerned with religious, theological, and ecclesiological issues, and make up nearly half of the book’s extent. There we find Hobbes mounting a comprehensive assault on a whole series of false beliefs instilled in the people by the clergy, which he blamed for the upheavals of the 1640s.

Hobbes was acutely concerned with the extraordinary potency of what Malcolm terms “the Thing,” that is, the shadowy power system resulting from the collusion between “the philosophical errors of the scholarly world and certain simple and deep-rooted errors of ordinary human experience.”<sup>40</sup> Believing the civil war to be the origin of the system, his chief

<sup>39</sup> See Mónica Brito Vieira, *The Elements of Representation in Hobbes* (Leiden: Brill, 2009), esp. 153–80; see also Quentin Skinner, “A Genealogy of the Modern State,” *Proceedings of the British Academy* 162 (2009): 325–70.

<sup>40</sup> Hobbes, *Leviathan*, ed. Malcolm, 1: 48.

purpose was to free the common man from its clutches. This was no easy endeavor. The human propensity to misunderstand the causes of everyday phenomena was being cunningly buttressed by philosophical error to keep people in awe of the “Kingdome of Darknesse” over which the clergy ruled, so that they could also rule over the civil commonwealth.

This concern lies behind, for instance, Hobbes’s keen interest in the reformation of the eyes as a condition for the reformation of the civil commonwealth.<sup>41</sup> The deceptions of the senses as validated by the Peripatetic natural philosophy taught in the universities were at the root of religion, and underpinned the delusions of visual representation that the clergy continued to explore to their benefit (e.g., by using religious imagery and the ritual of transubstantiation to foster superstition, and belief in their supernatural powers).

Hobbes opposed his mechanistic explanation of sense perception and radical reformed theology, derived from his materialist philosophy, to a theology corrupted by power games and speculative Aristotelian metaphysics. This substitution implied, amongst other things, the eradication of the confusion between image and thing that underpinned the belief in imaginary entities and powers (ghosts, spirits, demons); the rejection of the traditional conception of God as an incorporeal substance as nonsense; and the conclusion that the only form of resurrection conceivable was that of the body, from which it followed that, if the elect were to live again on earth, the only form their life could possibly take was that of a corporeal existence.

Given the outrage with which Hobbes’s radical theology was received, and given the seriousness of the charges and severity of the penalties he would face if formally accused of atheism and heresy, one would expect him to recant at least some of his views in the extensive Appendix of the Latin *Leviathan*. But what we see is the opposite: his recantations are minute and mainly window dressing; his main theological claims are defiantly reaffirmed; and some are presented with renewed boldness.

His main recantation is with reference to the Trinity. In the Latin *Leviathan* Hobbes clarifies the role of Moses, admitting to his prior error of speaking of God as having acted “in the person of Moses,” for he thereby seemed to include Moses in the Trinity. But despite the alteration of the passage on the Trinity in Chapter 16 of the Latin *Leviathan* so that it comes closer to the wording in the Anglican catechism, and despite the elimination

<sup>41</sup> On this question, see Mónica Brito Vieira, *The Elements of Representation in Hobbes* (Leiden: Brill, 2009), esp. chap. 1 and conclusion.

of the reading of the Trinity as a series of representative relationships that had figured prominently in Chapters 41 and 42 of the English *Leviathan*, Hobbes's *sui generis* understanding of the Trinity remains largely unaltered, and is vigorously defended in the Appendix. The negligible character of Hobbes's retractions is again visible in the way in which Hobbes cleverly undermines the Boethian notion of "person" as an underlying individual intelligent substance, whilst seemingly conceding to it and to its traditional application to the persons of the Trinity. Hobbes is as economical in his retractions as he is resolute in insisting on some of his fundamental theological tenets—notably, the earthly kingdom of the elect, the restoration of the damned to finite lives, and the morality of the soul. Not content with this, he lends further support to some of the more contentious aspects of his theology. This is the case with his theory of the corporeality of God, which finds its clearest rendition in 1668, with Tertullian being defiantly used as an authoritative source.<sup>42</sup>

In his introduction, Malcolm finds an explanation for Hobbes's unrepentant boldness not, as is often suggested, in the instrumental political value of his reformed theology, but in Hobbes's belief "that what he wrote was true."<sup>43</sup> For someone like Hobbes, who had a strong emancipating ambition built on a scientific foundation, this would indeed be in principle a compelling reason. However, although rational understanding cannot exist without a truth validity claim, many of the "truths" of theology were not, in Hobbes's own admission, amenable to scientific inquiry. They belonged to the domain of the unknown, and all one could do was to offer their most plausible rendering or interpretation in the light of that which we could actually know to be true.

## CONCLUSION

Revisiting *Leviathan* in the Clarendon Edition is a powerful reminder of why the book deserves pride of place among the masterpieces of political theory. For all its increasingly precise insertion in the relevant contexts—political, linguistic, biographical—the book continues to resist confinement in any particular location and among any specific company. *Leviathan* speaks to its era, certainly, but it always finds a way to transcend it. And it even responds to the shortening of time and the rapidly changing course of

<sup>42</sup> Hobbes, *Leviathan*, ed. Malcolm, 3: 1063, 1228–29.

<sup>43</sup> *Ibid.*, 1: 195.

history they presented with the beaming confidence that is typical of highly polemical political interventions. But it always finds a way to transcend them. This transcendence is so profound that many among Hobbes's contemporaries did not know what to make of it. It defied any easy categorization. It seemed partisan, but it somehow did not fit into any party. It was rather designed to be above sides: indeed above politics, narrowly understood. It presented itself as a strange object, speaking to them and their situation in a dazzling prose (radically pared down in the Latin version), and yet calling into question, when not simply turning upside down, their ways of thinking and the very language they lived by.

Because it concerns the nature of sovereignty itself, and that of the allegiance at the heart of it, *Leviathan* displayed a flexibility that was rare at a time when political thought was still for the most part historically or ideologically driven, and it also displayed an adaptability to new political realities and diverse political forms that was not merely opportunistic but constrained by principle. This plasticity, this capacity to open itself up in multiple directions, is what has given *Leviathan* its lasting meaning and influence.

But it is not only for that reason that *Leviathan* endures. In *Aspects of Hobbes*, Malcolm emphasized the emancipatory drive behind Hobbes's project.<sup>44</sup> He described it as a project of liberation, designed to free the common people from the power struggle that was being waged by different self-interested elites. Hobbes's primary cause of concern was the tentacular reach of the system of oppression woven around falsehoods, dressed up as necessary truths, that these different groups—the aristocracy, the clergy, and the intellectual elite—had created, sometimes separately, sometimes in collusion with one another, to further their power and positions.

This characterization of Hobbes's project works especially well with regard to the aspects of his philosophical system that Hobbes, sometimes bravely, chose not only to iterate, but also to reinforce and enlarge when revisiting *Leviathan* in Latin. There is, therefore, good reason to conclude with Malcolm that Hobbes's project of human emancipation through the power of reason, as aided by the suitable passions, "was, in the end, the Enlightenment's project too."<sup>45</sup> And this is a project that must still be pursued today.

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<sup>44</sup> Noel Malcolm, "Hobbes and the European Republic of Letters," in *Aspects of Hobbes* (Oxford: Clarendon Press, 2002), 456–545.

<sup>45</sup> *Ibid.*, 545.