

# What is the Leviathan?

*Paul Sagar*

King's College London

*paulrichardsagar@gmail.com; prs49@cam.ac.uk*

## Abstract

The aim of this article is to explore some of what Hobbes says in *Leviathan* about what the Leviathan is. I propose that Hobbes is not finally clear on this score. Nonetheless, such indeterminacy might be revealing, insofar as it points us in different directions regarding how the state can be conceptualized, and what it is thought able to do. The paper is thus deliberately open ended: it does not aim to definitively settle interpretative issues, but rather to use Hobbes as a way of thinking about the differing potentials of state theory.

## Keywords

Hobbes – the state – representation – personation

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I begin by considering the interpretation first put forward by Quentin Skinner, and extensively developed by David Runciman, that Hobbes conceived of the state as a person 'by fiction'. Finding reasons to doubt this, I outline a novel alternative: that Hobbes in *Leviathan* thought of the state not as person at all, but only as an 'artificial man'. Unfortunately, and despite some attractions of this position, I conclude that it is not tenable. I suggest in turn that Hobbes is indeterminate between claiming that the state is a person, versus claiming it to be an 'artificial man', i.e. a mere machine powered by the animating soul of sovereignty. The implications for each of these conceptions pull in different directions. We are remain faced today with the task of navigating between them.

## I

Quentin Skinner has suggested that Hobbes's 'great LEVIATHAN, called a COMMONWEALTH, or STATE (in Latin, CIVITAS)' is best understood as a 'purely artificial person'.<sup>1</sup> This, Skinner suggests, is a new innovation that separates *Leviathan* (1651) from the earlier articulations of Hobbes's political theory in *The Elements of Law* (1640) and *De Cive* (1642). Responding to this, David Runciman has offered a corrective: that the Leviathan is a person 'by fiction'.<sup>2</sup> Whereas Skinner saw *De Homine* (1658) and the Latin *Leviathan* (1668) as attempting to reinforce and embellish the more ambivalent presentation of *Leviathan*, Runciman claims that these later works retreat from the complexity and power of the 1651 articulation, to which we must look for Hobbes's most important insights on the matter. Skinner has subsequently endorsed Runciman's reading, and both have suggested that Hobbes's vision of the state as a person 'by fiction' can play an important role in contemporary political theory.<sup>3</sup> Specifically, Skinner claims that Hobbesian state personhood is essential for our ability to make sense of intergenerational national debt in a globalized finance economy,<sup>4</sup> whilst Runciman argues that (somewhat surprisingly)

1 Thomas Hobbes, *Leviathan*, ed. N. Malcolm (Oxford: Clarendon Press, 2012), 16; Quentin Skinner, "Hobbes and the Purely Artificial Person of the State," *Journal of Political Philosophy*, 7 (1999), 1–29.

2 David Runciman, "What Kind of Person is Hobbes's State? A Reply to Skinner," *Journal of Political Philosophy*, 8 (2000), 268–78.

3 Quentin Skinner, "A Genealogy of the Modern State," *Proceedings of the British Academy* 162 (2008), 346–7; "Hobbes on Persons, Authors and Representatives", in *The Cambridge Companion to Hobbes's Leviathan*, P. Springborg (ed.) (Cambridge: Cambridge University Press, 2007), 175, 179 (n. 118).

4 Skinner, "Genealogy of the Modern State," 363–4.

Hobbes's ideas on representation and group personality offer resources for 'bridging some of the gaps that still exist in the theory of democratic popular rule'.<sup>5</sup>

Yet there are reasons to be sceptical. The ingenuity of their interpretative suggestions notwithstanding, Runciman and Skinner may have erred: that whilst Hobbes does indeed claim that the Leviathan is a person, their account of why this is so cannot be quite right. To see this, we need to review the exact argument that Hobbes puts forward in the pivotal Chapter xvi of *Leviathan* regarding fictions, persons and, crucially, authorization.

Runciman's corrective to Skinner, and thus the central argument that both endorse for reading *Leviathan* as claiming the state is a person 'by fiction', focuses on Hobbes's opening claim in Chapter xvi, such that:

A PERSON, is he whose words or actions are considered, either as his own, or as representing the words or actions of any other man, or any other thing to which they are attributed, whether Truly or by Fiction. When they are considered as his owne, then he is called a *Naturall Person*: And when they are considered or representing the words or actions of another, then is he a *Feigned or Artificial person*.<sup>6</sup>

From this Runciman identifies three distinctions, the last of which is central to his case:

- (1) Amongst all 'men and things' there is a distinction between persons and non-persons, where the former are understood in terms of speaking and acting in a way that means others need to consider who they are speaking and acting *for*.
- (2) Amongst persons, there is a distinction between 'natural' versus 'feigned or artificial' persons; the former speak and/or act for themselves, whilst the latter speak and/or act on behalf of another via authorized representation.
- (3) Amongst artificial persons there is a distinction 'between those who represent others "truly" and those who represent others "by fiction": the former are those whose words and actions are truly owned by those whom they represent (that is, the person who can truly "own up")'; the latter are those whose words or actions are not truly owned by those whom they

5 David Runciman, "Hobbes's Theory of Representation: Anti-democratic or Proto-Democratic?," in I. Shapiro, S.C. Stokes, E.J. Wood and A.S. Krishner (eds.), *Political Representation* (Cambridge: Cambridge University Press, 2010), 15–34.

6 Hobbes, *Leviathan*, 244.

represent (and therefore cannot truly “own up”).<sup>7</sup> Hobbes’s examples of fictitious personation include bridges and hospitals, or of irresponsible human beings such as children and madmen, or even mere figments such as false gods and idols.

Runciman’s first two distinctions are uncontroversial, but the third – which opens the door to his novel interpretation that Hobbes’s state is a person ‘by fiction’ – may be questioned. Runciman interprets Hobbes as arguing that the ‘fiction’ referred to in the alleged third distinction pertains to the capacity for the person who is being represented to ‘own up’, or ‘take responsibility’, for the words or actions of their representative. In essence, what separates a natural from a ‘fictitious’ person is that whereas the natural person can ‘own up’ to the words and actions undertaken by their representative (an artificial person) a fictitious person cannot: ‘Persons by fiction cannot “own up” to what is done in their name by performing real action. This is by contrast with those persons who can “own up” by performing real actions themselves. It is this contrast which allows us to make sense of the distinction between “true” representation and representation “by fiction”.’<sup>8</sup> In Hobbes’s language, natural persons are the ‘authors’ of their representative’s actions (i.e. those of the relevant artificial person). On Runciman’s reading, however, ‘Representation 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.’<sup>9</sup>

From this interpretation of Chapter XVI, Runciman draws the conclusion that Hobbes’s state is itself a person ‘by fiction’. His reasoning is that although the single person of the state cannot authorize the sovereign to act in its name – and thus cannot itself be capable of truly responsible action, and thus is not a ‘real’ person – nonetheless the sovereign can represent the state ‘by fiction’, meaning that the state is treated as a person capable of action and ownership, even though it does not exist independently of its representation by the sovereign. ‘This is not a real person, because it is not really capable of performing actions either in its own or in another’s name. But its appearance as a person has real consequences, because the multitude and sovereign both condition their actions to take account of its presence.’<sup>10</sup> Runciman ultimately

7 Runciman, ‘What Kind of Person’, 269.

8 Runciman, ‘What Kind of Person’, 271.

9 Runciman, ‘What Kind of Person’, 272. The idea of persons by fiction is also endorsed in Mónica Brito Vieira, *The Elements of Representation in Hobbes* (Leiden, Brill, 2009), 153–8.

10 Runciman, ‘What Kind of Person’, 272.

reads Hobbes as being deeply – if complexly – committed to the idea of the state as a person ‘by fiction’:

A state, if it is to endure [for Hobbes], must have its own identity, a single existence beyond the ever-changing faces in the crowd. A sovereign, if he is to bear office, must represent something other than a multitude ... The multitude itself, if it is to have what Hobbes calls “a real Unitie of them all”, must be represented as a single unit. Yet to be represented as a single unit is not necessarily to be represented as a real person. Indeed, the two must be distinct in this case. For while it is true that the multitude has no real unity if it bears responsibility as a crowd, it cannot truly bear responsibility as a single unit, since that would imply that it was capable of acting for itself. Instead, the multitude separately perform the real actions which allow responsibility to be attributed to the state as a single unit, and continue to perform the real actions which follow from that attribution. Thus the state is a person by fiction.<sup>11</sup>

This case, however, is open to question. For despite its appeal, Runciman’s interpretation appears to rest on two errors. The first relates to Hobbes’s notion of personhood, the second to the role of fiction in the account of Chapter XVI.

Runciman follows Skinner in focusing on Hobbes’s understanding of personhood in terms of responsibility: a person is, fundamentally, he or she or it that can take responsibility for words or actions done either by themselves (a natural person) or by another (an artificial person). This is certainly plausible as an interpretation of Hobbes, and corresponds with the definition offered at the outset of Chapter XVI.<sup>12</sup> But Runciman appears to slide from the claim that a person is he or she or it that owns actions or words, to the different proposition that anything that is said to own actions or words is *therefore a person*. Alas, this does not necessarily follow: all that is gold may glisten, but not all that glistens is necessarily gold. To return to Hobbes’s examples, we might attribute responsibility to a bridge or a hospital or an idol or a madman

<sup>11</sup> Runciman, ‘What Kind of Person’, 272–3.

<sup>12</sup> Doubts might, however, be raised: it is plausible to read Hobbes as primarily claiming that responsibility is tied up with authorship, rather than personhood. This matters, because things that are represented by fiction are not themselves authors, even if we act as though they are; the words or actions others may be attributed to them, but not *because* they have authorized them. Fiction enters the equation not to elevate the non-person things into persons, but to treat them *as though* they had authorized, and thus to assign responsibility to them.

'by fiction', but it does not necessarily follow that we are saying that the bridge, hospital, idol or madman *is therefore a person*. It *may* be the case that Hobbes is committed to the stronger claim that anything that can have responsibility attributed to it is therefore some kind of person (perhaps 'by fiction'). But his definition at the outset of Chapter XVI indicates no such thing, speaking as it does only of a person as 'he whose words or actions are considered...' etc. The stronger reading must therefore be argued for, or evidence provided for it from other parts of the text.<sup>13</sup>

Is the evidence for reading Hobbes in this stronger way provided by Runciman's own explication of Chapter XVI? Runciman's interpretation is open to question when we examine the role that 'fiction' is playing in Hobbes's account. The crucial passages in this regard are not those that open Chapter XVI, but those which come later, when Hobbes explains the role of authorization, and which *Leviathan* introduces to make sense of the way natural persons own the actions of artificial representatives. Hobbes tells us:

Of Persons Artificiall, some have their words or actions *Owned* by those whom they represent. And then the Person is the *Actor*; and he that owneth his words and action, 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 an Author. And as the Right of possession is called Dominion; so the Right of doing any action, is called *AUTHORITY* and sometimes *warrant*. So that by Authority is always understood a Right of doing any act: and *done by Authority*, done by Commission, or License from him whose right it is.<sup>14</sup>

It is in the context of this new idea of authorization that Hobbes's language of 'fiction' must be understood when it comes to personation. For he writes:

There are few things, that are incapable of being represented by Fiction. Inanimate 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: Yet the Actors may have

13 Complicating matters, however, is the fact that in Chapter XLII Hobbes suggests that something is indeed a person in virtue of being represented – and refers back to Chapter XVI in doing so (Hobbes, *Leviathan*, 776). This is odd, insofar as there is in fact nothing in Chapter XVI that supports this claim in XLII, and it is unclear why Hobbes makes it.

14 Hobbes, *Leviathan*, 244.

Authority to procure their maintenance, given them by those that are Owners, or Governors of those things. And therefore, such things cannot by Personated, before there be some state of Civil Government.<sup>15</sup>

When Hobbes talks of fiction here, I suggest that he is not invoking some new, third, concept of a person alongside his clearly stipulated categories of natural and artificial. He is instead referring to the *authorization* required to bring into being an artificial person, whose words or actions are owned by another, but when that other cannot themselves engage in an act of authorization. In other words, what Hobbes is saying is that the ‘fiction’ here is not that the bridge or hospital *is a person*, but that the bridge or hospital *has authorized its representative*. This is a fiction because bridges and hospitals (etc.) cannot authorize anything, for the simple reason that they are bridges and hospitals (etc.), i.e. inanimate things that cannot speak or act for themselves. Thus, Hobbes is not introducing a category of ‘persons by fiction’, but is rather indicating that *authorization* may be understood fictitiously. Here we must certainly agree with Runciman that fiction does not imply some sort of fraud or inauthenticity: once it is widely accepted that such fictitious authorization is to be respected and treated as on a par with actual authorization, we can proceed to treat them identically. Thus, the artificial person who is the representative of the bridge is just as much a genuine representative, as the artificial person who represents a natural person who in other context speaks and acts for themselves (as a bridge cannot) – even if in one case the authorization is fictional, in the other, not.

In turn, actions and words can be attributed back to the hospital or bridge (or whatever), via the artificial person who represents them. Does this make the hospital or bridge (or whatever) a person? Possibly – Hobbes does not explicitly rule it out. But why think that Hobbes is committed to such a view? When we appreciate that Hobbes’s talk of fiction pertains to authorization and not to personhood, there seems little further evidence that he was committed to the strong claim that Runciman endorses. Hobbes himself never says that there is a third category of persons alongside ‘natural’ and ‘artificial’, or even a further subdivision of the latter: the language of persons (as oppose to representation) ‘by fiction’ is Runciman’s attribution. Reading Hobbes as positing persons ‘by fiction’ requires the complex reconstruction Runciman offers, and which (as he notes) leads to several knotty interpretative issues.<sup>16</sup> Yet

15 Hobbes, *Leviathan*, 246.

16 Runciman, ‘What Kind of Person’, 273–77; David Runciman, *Pluralism and the Personality of the State* (Cambridge: Cambridge University Press, 1997), 16–24.

if Hobbes was committed to that view, why didn't he just say it up front, in his usual clear definitional style? Second, there is the point that it's just bizarre to say that bridges or hospitals (or whatever) are *people*, when they are inanimate objects. This is even more so when it comes to idols and (false) gods, whom Hobbes's is expressly committed to denying the reality of in his wider case against fantastical religion and the socially disruptive effects of human imagination combined with enthusiastic profession and personal self-aggrandizement.

Consider also the immediately succeeding paragraph in Chapter XVI, where Hobbes relies on the (to modern eyes at least) more striking reverse implication of his position:

Likewise Children, Fooles, and Mad-men that have no use of Reason, may be Personated by Guardians, or Curators; but can be no Authors (during that time) of any action done by them, longer than (when we shall recover the use of Reason) they shall judge the same reasonable. Yet during the Folly, he that hath right of governing them, may give Authority to the Guardian. But this again has no place but in a State Civill, because before such estate, there is no Dominion of Persons.<sup>17</sup>

Hobbes here maintains that insofar as children, fools, and madmen are incapable of taking responsibility, they are therefore not persons. But again, the claim that it is a necessary condition of personhood that one be able to take responsibility is very different from the claim that taking responsibility is a sufficient condition *for* personhood. It does not follow that when represented by an artificial person, children, fools, and madmen are thereby transformed into persons (say, 'by fiction'). Rather, they remain non-persons – simply children, fools, and madmen – whilst the rest of us proceed on the fiction that they have nonetheless authorized their representatives, the artificial persons who speak and act on their behalf.

Contra-Runciman, then, it appears that for Hobbes there are two – and only two – kinds of person: natural and artificial, with no further subdivision in the latter category.<sup>18</sup> There are, however, two kinds of *representation*: true and by fiction. The role of fiction enters when we pretend that inanimate objects, or other things incapable of authorizing others (because they are immature, or

<sup>17</sup> Hobbes, *Leviathan*, 248.

<sup>18</sup> It is worth noting that in *De Homine* (1658) Hobbes cleaves strictly to a two-person ontology, without any hint of a third entity: Thomas Hobbes, *Man and Citizen* (*De Homine* and *De Cive*), B. Gert (ed.) (Indianapolis: Hackett, 1991), 83–5.



mad, or imaginary, or whatever) have in fact done so, and treat the resulting artificial person as the legitimate representative of whatever is being personated.

If this is right, then there is no person 'by fiction' in Hobbes's account. *Ipsso facto* the state cannot be a person 'by fiction'. If Hobbes does indeed think that the state is a form of person, some other explanation of why this is so is required. Indeed, we can note a further problem here for the 'by fiction' interpretation. This is that in each case Hobbes insists that fictional authorization can only take place *within a commonwealth*. The reason for this is obvious enough on Hobbes's logic: because fictional authorization is fictional, it can only be guaranteed and, more fundamentally, made sense of, if there is established sovereign power to recognise and – crucially – enforce covenants made in relation to it. But if that is so, how can the state itself be a person 'by fiction', if sovereign power is a prerequisite for its existence? The fictitious person of the state would have to suppose its own existence in order to bring itself into existence. This problem may be surmountable for an interpretation of Hobbes, but an advantage of dropping the 'by fiction' reading is that we don't have to cut Hobbes free from this particular knot.<sup>19</sup>

Nonetheless, in claiming that Hobbes thinks that the state is a person 'by fiction', Runciman and Skinner may be read as suggesting that *Leviathan* marks an important break from the *Elements* and *De Cive*, not just thanks to the introduction of the new idea of authorization, but insofar as a third entity is inserted into Hobbes's ontology of persons with regards to state composition. That in *Leviathan*, there are not just 'natural' and 'artificial' persons corresponding to subjects and the sovereign who unifies them, but also a third entity – the person of the commonwealth itself – that has an independent standing of its own. State personality is an important concept in modern political theory (as Runciman has indeed shown) insofar as it expands considerably the scope for group agency, and the way responsibility might be attributed to the actions of collective bodies understood nonetheless as single, identifiable, and accountable, agents.<sup>20</sup> The attraction of the person 'by fiction' reading of Hobbes's

19 Compare Runciman, 'What Kind of State', 273; Brito Vieira wrestles with the problem in *Elements of Representation*, 172–6. Hobbes may, however, be entangled in closely-related problems none the less, if for example we read him as saying that the subjects authorize the sovereign to represent them each individually, but also the commonwealth itself, in the former case truly, in the latter, by fiction. This would mean that Hobbes is not committed to saying that it is the commonwealth itself that authorizes the sovereign, but the subjects. Yet because the sovereign represents the commonwealth, problems still remain regarding how to make sense of fictional representation absent established sovereign power. I am grateful to Robin Douglass for this point.

20 Runciman, *Personality of the State*, *passim*, but especially Chapters 11–14.

account of the state is that it promises to make sense of how the state itself can be a person, independent of the artificial person of the sovereign. Unfortunately, as I hope to have indicated above, there are reasons to doubt that it is tenable as a reading of Hobbes.

## II

If the 'by fiction' reading cannot be made to work, we might be tempted instead by an alternative: that Hobbes in *Leviathan* did not intend to present the state as any kind of *person* at all. Although this might seem immediately untenable (especially given the pride of place that interpretations of Hobbes's theory of the state typically give to Chapters XVI through XVIII of *Leviathan*) it is nonetheless worth considering. For Hobbes appears at many points to set up a separate and distinct alternative to conceiving of the Leviathan as a kind of person at all, frequently presenting it instead as something unprecedented in his earlier works: an artificial man. This alternative is worth considering because it implies an elegant and clean division between the components of Hobbes's state theory. If it could be made to work, it would have a lot going for it.

In the very first paragraph (excepting the Epistle Dedicatory) of *Leviathan*, Hobbes does not declare the state to be a person, but an artificial man:

NATURE (the art whereby God hath made and governes the world) is by the *Art* of man, as in many other things, so in this also imitated, that it can make an Artificial Animal. For seeing life is but a motion of Limbs, the beginning whereof is in some principall part within; why may we not say, that all *Automata* (Engines that move themselves by springs and wheeles as doth a watch) have an artificiall life? For what is the *Heart*, but a *Spring*; and the *Nerves*, but so many *Strings*; and the *Joynts*, but so many *Wheeles*, giving motion to the whole Body, such as was intended by the Artificer? *Art* goes yet further, imitating that Rationall and most excellent worke of Nature, *Man*. For by *Art* is created that great LEVIATHAN called a COMMON-WEALTH, or STATE, (in latine CIVITAS) which is but an Artificiall Man; though of greater stature and strength than the Naturall, for whose protection and defence it was intended; and in which, the *Soveraignty* is an Artificiall *Soul*, as giving life and motion to the whole body; The *Magistrates*, and other *Officers* of Judicature and Execution, artificiall *Joynts*; *Reward* and *Punishment* (by which fastned to the seat of the Soveraignty, every joynt and member is moved to performe his duty)

are the *Nerves*, that do the same in the Body Naturall; The *Wealth* and *Riches* of all the particular members, are the *Strength*; *Salus Populi* (the *Peoples Safety*) its *Businessse*; *Counsellors*, by whom all things needfull for it to know, are suggested unto it, are the *Memory*; *Equity* and *Lawes*, an artificiall *Reason* and *Will*; *Concord*, *Health*; *Sedition*, *Sicknesse*; and *Civill War*, *Death*. Lastly, the *Pacts* and *Covenants*, by which the parts of this Body Politique were at first made, set together, and united, resemble that *Fiat*, or the *Let Us Make Man*, pronounced by God in the Creation.

The detail Hobbes supplies here is striking. We learn of the many physical analogies between natural men and the artificial man of the state, as well as the comparison between God who made us, and we who by our covenants make the mortal god Leviathan. And Hobbes explicitly seeks to reduce any gap between nature and artifice. We are told that the artificial man of the state is rather like a biological man, held together by nerves and joints, capable of strength and memory, as well as being subject to disease and death. But Hobbes also claims that biological things are themselves rather like automata, only made of organic rather than inorganic material. In both cases, some powering *animus* is required to enable movement and action – meaning that natural and artificial men are, again, not so different. In both cases, the animating principle is a soul: that of the natural men is the immortal soul given by God, whereas that of the artificial man of the state is sovereignty.

The image of the ‘artificial man’ is no mere throwaway metaphor, deployed at the start of *Leviathan* only to be abandoned once the meat of the argument is in place. On the contrary Hobbes returns to the idea repeatedly. In Chapter XXI he explains that just as the state is an artificial man made for ‘the atteyning of peace’, so the laws of the commonwealth are ‘Artificial Chains’ which subjects have ‘by mutuall covenants ... fastened at one end, to the lips of that Man, or Assembly, to whom they have given the Soveraigne Power; and at the other end to their own Ears’.<sup>21</sup> Later in the chapter he repeats the image of the Introduction: ‘The Soveraignty is the Soule of the Common-wealth; which once departed from the Body, the members doe no more receive their motion from it’. And although ‘Soveraignty, in the intention of them that make it, be immortal’ nonetheless the soul of the state is ‘not only subject to violent death, by foreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a natural mortality, by Intestine Discord’.<sup>22</sup> The succeeding chapters go on to enumerate in detail precisely

<sup>21</sup> Hobbes, *Leviathan*, 328.

<sup>22</sup> Hobbes, *Leviathan*, 344.

those things that can either promote the health and longevity, or the disease and death, of the artificial man, whilst providing an ever more detailed description of its anatomy.<sup>23</sup>

Hobbes's detailed imagery of the artificial man indicates that the Introduction is not an aberration from the main line of argument, but the first instance of a central leitmotif in *Leviathan*. Having reason to doubt the person 'by fiction' reading, we can take Hobbes's new idea of the state as a machine animated by sovereignty as signaling an alternative reading. For if the state is not a person, but an artificial man, then the category of personhood might be restricted only to the natural persons of the subjects who instantiate the covenant, and the artificial person of the sovereign who powers the Leviathan, whilst the state itself would be a third kind of entity, an artificial man.

This possibility, if it could be made to work, would be attractive. In the first place, and with regards to theoretical elegance, Hobbes would be in possession of a relatively simple and clean-cut account of the state, and its relationship to the subjects and sovereign. Natural persons covenanting to escape the state of nature would, via acts of authorization, give rise to an artificial person – the sovereign – who would thereby transform the 'multitude' (the collective noun for natural persons in the state of nature) into a 'unity', providing them with one will and solving the judgement and coordination problems that make man's natural condition one of war. The state would, by contrast, not be considered a kind of person, but precisely an artificial man: the giant machine wielding the 'publique sword' keeping men in awe and thus faithful to their covenants. On such an interpretation, the 'person of the commonwealth' would be the sovereign, who directs the Leviathan (the giant machine) so as to provide protection and extract obedience, whilst the commonwealth itself would not be a person, but an artificial man. Such a reading is attractive insofar as it seems to make a basic sense: the state understood as a coercive apparatus for overawing naturally quarrelsome men, but one that can only be operated by the 'soul' of sovereignty. And there is also, as we shall see further below, a question needing to be answered about how *responsibility* gets apportioned: for if the state is simply a giant machine, the buck must ultimately stop with the sovereign, or rather with all those who have authorised the sovereign and thus own its action – in other words, the subjects. If states are just machines, then making sense of their actions and who is responsible for them appears relatively straightforward.

Unfortunately, such an interpretation appears impossible to reconcile with the text. Especially important is Chapter XVII, which opens Part 2,

23 E.g. Hobbes, *Leviathan*, 348, 374, 376, 394, 396, 404, 422, 496–516, 518.

'Of Commonwealth', comes directly after Chapter XVI on authorization and personation, and where Hobbes describes how a commonwealth is engendered. According to Hobbes, when men covenant to exit the state of nature

This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such a manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner.* This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the Generation of that great LEVIATHAN, or rather (to speake more reverently) of that *Mortall God*, to which wee owe under the *Immortal God*, our peace and defence. For by this Authoritie, given him by every particular man in the Common-Wealth, he hath the use of so much Power and Strength conferred on him, that by terror thereof, he is inabled to conforme the wills of them all, to Peace at home, and mutuall ayd against their enemies abroad. And in him consisteth the Essence of the Commonwealth; which (to define it,) 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.*<sup>24</sup>

He then adds a short clarifying paragraph: 'And he that carryeth this Person, is called SOVERAIGNE, and said to have *Sovereigne Power* and every one besides, his SUBJECT'.<sup>25</sup> Hobbes thus seems clear that it is not only the sovereign who is a person (an artificial person, authorized by the natural persons party to the covenant), *but the commonwealth itself*.

These passages might, however, be considered ambiguous. Perhaps Hobbes is referring only to the sovereign, not the state? An argument for such a reading might go as follows. Hobbes is saying in Chapter XVII is that a commonwealth is formed when a disparate multitude of natural men authorize some man, or assembly of men, to act as their representative, taking over all functions of judgement. That man or assembly is the artificial person, who represents all the natural persons, charged with providing the overarching coercive power to guarantee keeping of covenants, thus allowing exit from the state of nature. 'Sovereign' is the technical name for the natural person or persons who 'carry'

<sup>24</sup> Hobbes, *Leviathan*, 260–2.

<sup>25</sup> Hobbes, *Leviathan*, 260–2.

the artificial person, i.e. the representative of all the natural persons when it comes to the mechanism for erecting a commonwealth. Or more simply: the artificial person of the commonwealth is the sovereign.

The problem with such a reading is that Hobbes uses locutions that seem to indicate clearly that the commonwealth is a person *distinct from* the sovereign, and crucially that it is in turn *the commonwealth itself*, rather than the sovereign, that guarantees our security, and thus the person to whom we owe our obedience under the immortal God is not the sovereign, but the state. It may be true that sovereignty is the soul of the commonwealth, and thus is its animating principle – but if Hobbes thought that it was finally the sovereign, and not the state, that was the person to whom we should look for our protection, then he would surely have said so, rather than affirming three times in quick succession that the commonwealth itself is the person to whom we owe obedience.

If this were an isolated incident, it might be possible to bracket it as Hobbes falling into bad habits, perhaps lapsing into a relic of his older language of civil persons, when he ought to have been more specific in delineating the artificial person of the sovereign from the artificial man of the commonwealth. There are, however, multiple other passages in *Leviathan* in which Hobbes deploys the locution of ‘the person of the commonwealth’,<sup>26</sup> and where he seems unambiguously to be referring to the commonwealth itself, i.e. describing the state *as* a person, and not merely referring to the machine that is animated by the sovereign.<sup>27</sup>

Hobbes therefore seems to think that as well as being an ‘artificial man’ – something he insists upon repeatedly – the state is *also* a sort of person. This, however, poses an obvious difficulty. We noted earlier that the only categories of personhood that Hobbes explicitly endorses are those of natural and artificial. But this means that if the state is indeed a person, it must be either natural or artificial. Yet there seems no clear answer from the text as to which it is. This is rather problematic. The state is certainly not a natural person (i.e. a biological entity that owns its own words and actions). It must then presumably be an artificial person. But quite how and why this is so is left unclear, as is the answer to the question of why the state is not therefore simply the sovereign,

26 E.g. Hobbes, *Leviathan*, 228, 376, 414, 416, 422, 424.

27 For example in Chapter XXVI Hobbes writes that ‘the Commonwealth is no person, nor has capacity to do anything but by the representative, that is, the sovereign; and therefore the sovereign is the sole legislator’, whilst Chapter XXXI states that ‘seeing a Commonwealth is but one Person, it ought also to exhibite to God but one Worship’: *Leviathan*, 416, 570.

an identity that Hobbes in *Leviathan* seems to deny, and which as Robin Douglass argues in this special issue signifies an important break with the earlier accounts of *Elements* and *De Cive*.

An alternative to the person 'by fiction' reading, which aims to explain what Hobbes is doing when he continues to refer to the commonwealth as itself a person, comes from Mónica Brito-Vieira.<sup>28</sup> She argues that Hobbes is implicitly drawing upon an earlier juridical discourse of corporate persons, whereby a multitude could be treated as a person in law – and that, for Hobbes, is what the state is. According to Brito Vieira, 'Hobbes's indebtedness to corporational theory is undoubted', and if he was indeed drawing upon these earlier theorists, then it might explain why he reaches so readily for the language of persons when discussing the state.<sup>29</sup> But things may be less clear here than Brito-Vieira implies. For a start, in *Leviathan* Hobbes never explicitly affirms or endorses the legal categories of (e.g.) Bartolus of Saxoferrato (we are simply told that persons are of two kinds, natural and artificial, with no further elucidation). And even if Hobbes is indeed at times using juridical language, this cannot be sufficient evidence for reading him as endorsing predecessor discourses of legal corporate personhood, to now be applied directly to the state, without any further explanation. (If I use the language of class today, it will be a serious mistake to interpret me as thereby committed to a Marxist theory of dialectical historical progress.) Furthermore, it would be striking indeed if Hobbes wanted to rest his theory of the state on legal categories taken from the jurists, when one stated ambition of his project is to build his science of politics entirely from foundations accessible via reason alone, and in principle available to those who had never, or indeed could never, have accessed the rarefied concepts of corporate personality inherited from Roman law.

There seems no straightforward answer to what Hobbes took himself to be arguing in *Leviathan*. He appears to have no clear position regarding why he thinks that the state is a person, as well as the artificial man who wields the public sword of whom we hear so much about in the introduction, and then again when Hobbes is fleshing out the features of the state across Chapters XXI–XXX. But this indeterminacy may be indicative of something deeper: the rival implications and appeals of two differing visions of the state, both of which run through *Leviathan*, but neither of which Hobbes decisively opts for.

28 Brito Vieira, *Elements of Representation*, 158–80.

29 Brito Vieira, *Elements of Representation*, 160.

## III

According to Runciman, the famous frontispiece of *Leviathan* is misleading because the state is a person 'by fiction' only, and thus is by definition 'not transformed into a tangible entity'. Yet if we recall Hobbes's insistence that the state is an artificial man, as well as a person, then the frontispiece does a remarkably good job of capturing the former of Hobbes's ideas.<sup>30</sup> What we are presented with is a giant, artificially constructed, human-like creature, composed of many natural men, who holds both the sword and the crozier, the symbols of the absolute sovereignty which powers this monster as it towers over the land.

Similarly, Runciman notices Hobbes's extended biological imagery, but suggests that it is an unhelpful conflation of two distinct ideas, that of state personhood versus the state as artificial man: 'By conjoining them, Hobbes identifies the person with the man, and so cloaks the state's personality in the more familiar, and more substantial language of the living body'.<sup>31</sup> There may indeed be a conflation of ideas here, but it is less clear that this is simply a case of Hobbes making a mistake, or weakening his more important account, as Runciman suggests. This is because Hobbes's artificial man motif captures something important: the idea that the state *is* basically a giant machine (even if it is not *only* that). By wielding the public sword directed by the sovereign, the Leviathan is the means via which the authorized representative of the subjects provides the protection that is the condition of their obedience. After all, without the great terrorizing sea monster at its command, the sovereign would be merely words and breath, unable to enforce the covenants it is created to uphold.

There is also something else, which we can bring out by considering why Skinner might have labeled Hobbes's insistence that the state was a person 'epoch-making', and which lies in the wider thrust of Runciman and Skinner's suggestions about the potential power of state personality theory.<sup>32</sup> Here there is a connection to their emphasis on Hobbes's insistence that a person is something that can take responsibility for its actions. For if the state is indeed a person, then *it* – and not somebody or something else – can be considered as taking responsibility. Crucially, this means that although the sovereign 'presents' the commonwealth, it is the *commonwealth itself* that might bear ultimate accountability for whatever it is done in its name – 'by fiction', but no less meaningfully.

<sup>30</sup> Runciman, 'What Kind of Person', 274.

<sup>31</sup> Runciman, *Personality of the State*, 21.

<sup>32</sup> Skinner, 'Hobbes on Persons', 173.



This is a potentially exciting way of interpreting Hobbes, insofar as one may in turn move away from his own strict analysis of state composition to suggest that if the state is indeed properly thought of as a person, then states – rather than their internal populations or delegated leaders – may deal with each other as agential responsibility-takers. That is, states may hold each other to account as such, opening up the idea that because state persons are extraordinarily long-lived compared to natural persons (indeed, are potentially immortal), then the scope and treatment of intergenerational issues (public debt, legal agreements, peace treaties, etc.) can be thought of and treated as attaching to the persisting entities of states themselves, not their present – but transient – human populations. Indeed, such a position helps to make sense of the thought that although governments change and populations die, states persist regardless, and both domestic and international politics can be conducted against the backdrop of a shared belief that states themselves are the ultimate locus of responsibility for the things done in their names. Similarly, the way citizen populations relate to their rulers, and identify with – or indeed, repudiate – the actions of their commonwealth, are open to alternative possibilities if it is the state, rather than the sovereign, that is the ultimate locus of responsibility for collective actions.<sup>33</sup> In particular, it becomes intelligible to say that when states act, domestic populations may refuse to be held responsible for things that are done by the person of the state. ‘Not in my name’ transpires, on this view, to be an entirely meaningful statement of democratic protest – even if it is (ironically) something that Hobbes himself sought precisely to rule out via his theory of authorization.

Yet the knife may also cut the other way. For if we conceive of the state as merely a machine, but one that is given life and animated by sovereignty, then it is the sovereign – and only the sovereign – who must ultimately take responsibility, must ‘own up’, to what the commonwealth does. Despite Hobbes’s own deep hostility to democracy, and his scepticism about the viability of a democratic sovereign, it is not implausible to see contemporary politics as centrally organised around the idea that a modern state must, upon pains of illegitimacy, have a democratic sovereign.<sup>34</sup> Yet if we the people are the soul of the great artificial man of the state, it is we the people that must ‘own up’ to what states do in our names. In a world of globalized finance, ruthless market competition,

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33 For a compelling attempt to develop such an understanding, Sean Fleming, ‘Artificial persons and attributed actions: How to interpret action-sentences about states’, *European Journal of International Relations* Vol. 23, Issue 4, 2017, pp. 930–50.

34 Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2015).

and enormous capacities for military aggression, all of which now exist in the context of histories of colonialism and international exploitation, the potentially troubling – and philosophically daunting – implications of such a claim are considerable.

As noted at the outset, the ambitions of this paper have been exploratory. What I hope to have suggested is that we can find in *Leviathan* the pull of two alternative ways of thinking about the state: as merely the machine which is operated by the sovereign, versus the state as an independent entity capable of taking responsibility in terms distinct from the actions of its animating soul. Both have their attractions. In offering a theory of the state as a person ‘by fiction’, Skinner and Runciman helpfully draw attention to the former. But in Hobbes’s repeated insistence that the state is an artificial man, we ought also to recognise the appeal of the latter. Hobbes, it appears, did not choose decisively between them. We might ask whether we, in the age of popular sovereignty in a globalized world, can coherently make sense of our ongoing apparent reliance on both.

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