views for a considerable time, as is evident from a remarkable letter
of admonition and advice he had addressed to Charles Cavendish, the
younger son of the second earl of Devonshire, at the time when he had
taken up residence in Paris in 1638:

To encourage inferiors, to be cheerfull with ones equals & superiors, to
pardon the follies of them one converseth withall, & to help men of, that are
fallen into y'danger of being laught at, these are signes of noblenesse & of the
master spirit. Whereas to fall in love with ones selfe upon the sight of other mens
infirmities, as they doe that mock & laugh at them, is the property of one that
stands in competition with such a ridiculous man for honour. They are much
deceived that think mocking Witte, for those be few y'cannot do it. And what
witte is it to loose a frend though the meanest in the world for the applause of
a jest.²²⁴

Here the duty to exhibit and help others to cultivate a proper sense of
magnanimity is so much emphasised that Hobbes comes close to the
traditional humanist claim that virtus vera nobilitas est.

These almost unrecognisably self-righteous observations are in obvious
tension with the withering tones of scorn and contempt that Hobbes
liked to visit upon his intellectual adversaries, in particular the school-
men whom he mocks so relentlessly in Book 4 of Leviathan. Nor is it easy
to believe that he took himself in these passages to be following his own
advice and comparing himself only with the most able. Despite his own
pant for satire, however, Hobbes is clearly in earnest in counselling us
to avoid derisive laughter whenever possible. We need to fear it not
merely as a breach of the peace, not merely as a failure of magnanimity,
but even more deeply as a lapse of self-control, a slipping of the mask of
assurance with which we must always aim to confront the hostile world.

other actions necessary for maintaining — in Hobbes’s fine phrase — the safety of the people and their other contentments of life."

One reason for wishing to focus on Hobbes’s answer is a strictly exegetical one. He informs us in chapter 17 of Leviathan that the state can actually be defined as ‘One Person’ 7 but it is far from clear what he means by this claim, and even less clear what he means by adding that this person is also the seat of power. Nor have these problems been very satisfactorily addressed in much of the critical literature. It is remarkable how many surveys of Hobbes’s thought — even the best recent surveys 8 — tend to glide past these issues in silence. The exegetical task is accordingly that of trying to say something further about the meaning of Hobbes’s claims about the person of the state.

My principal reason, however, for wishing to re-examine Hobbes’s theory is a more philosophical one. As I have observed, we continue to organise our public life around the idea of the sovereign state. But it seems to me that we do not always understand the theory we have inherited, and that arguably we have never managed fully to make sense of the proposition that the person of the state is the seat of sovereignty. This encourages me to hope that an historical investigation of Hobbes’s argument may turn out to be of more than purely historical interest.

Hobbes eventually worked out a distinctive and highly influential approach to the question of how it is possible for a state — or any other abstraction or collectivity — to perform actions and take responsibility for the consequences. The explanation, he proposed, depends on making sense of what he describes as the class of attributed actions. What we need to understand is how actions can be validly attributed to agents, and genuinely counted as theirs, even when the agents in question did not in fact perform the actions, and perhaps could not in principle have performed them.

Hobbes gives his answer without preamble in chapter 16 of Leviathan, the chapter entitled Of Persons, Authors and Things Personated. His proposed solution (already implicit in his title) is impressively if deceptively straightforward. It is possible, he argues, for an action genuinely to be attributed to a collectivity — or to an abstraction or even a thing — provided that one particular condition is met. The agent to whom the action is attributed must be represented by another agent who can validly claim to be ‘personating’ the first by way of acting on their behalf.

The inspiration for this approach — along with so much else in the conceptual apparatus of Leviathan — appears to be drawn from the Digest of Roman law. 9 Book 14 of the Digest opens by considering the implications of the fact that owners of various kinds of property — specifically, owners of ships and shops — can appoint other persons to serve as their captains or managers. 10 The law describes a number of circumstances in which you may be liable for the consequences of whatever actions are performed on your behalf when you agree praesumere — that is, to appoint someone to serve as your agent. 11 Although you will not have performed the actions yourself, you will be legally obliged praestare — that is, to stand by the actions and accept responsibility for them as your own. 12

There are several indications in Hobbes’s early works that — in common with other constitutional theorists of the 1640s 14 — he was aware of this theory and interested in developing it. 15 In his first treatise on civil

5 Pitkin 1967 rightly stresses that representation is the basic concept. Although I disagree with Pitkin at several points, I am greatly indebted to her classic analysis.
8 Digest 1935, XIV, I, 5, vol. 1, p. 415 and XIV, III, 5, vol. 1, p. 492: even if I have put someone else in charge (praesumere) I may still be liable in full (in solutum transt).
9 Digest 1935, XIV, I, 5, vol. 1, p. 415: ‘desine praecludere qui aure praesumere’ — ‘I who have appointed that person ought to stand by their actions’.
10 Among parliamentary writers, [Parker] 1933, p. 195 speaks of the need for ‘Authors’ to take responsibility for their ‘Actors’, among royalists. [Diggles et al.] 1645, p. 22 claims that acts performed by judges are in effect performed by the king, since ‘they sustaine his person’.
11 Thomas Thomason wrote on the title-page of his copy of [Diggles] 1643: ‘Fals,[hand]
Chilwy[forth] Digges & ye rest of ye University’.
12 The earliest of these intimations can be found in [Hobbes] 1656, I, 14, p. 61, where he speaks of the need to know ‘what a publice Person, or the City is; and what a private Person, or Citizen is’. This text is an English rendering of Hobbes MSS (Chatsworth) MS D 1, Hobbes’s Latin paraphrase of Aristotle’s Rhetoric. For this manuscript see chapter 1 note 27 and chapter 2 note 70. Hobbes’s paraphrase is in turn drawn from Goulston 1619, a Latin translation of Aristotle’s Rhetorik published by Goulston alongside his edition of the Greek text. But the passage from chapter 14 is one of several that might lead one to doubt whether the English version in [Hobbes] 1656 is in fact Hobbes’s work. There is nothing in Goulston’s text or Hobbes’s Latin paraphrase corresponding to the suggestion that a city can be described as ‘a publice Person’, and elsewhere in his early works Hobbes always prefers to speak of ‘civil persons’. I owe this point to Karl Schumann, who has persuaded me that the English version is almost certainly not by Hobbes.

8 For example, Tuck 1969, Flatman 1993, Martinich 1997. But this lack of interest is especially marked among Anglophone commentators. By contrast, the French literature includes a number of important studies of the person of the state. See, for example, Polin 1986, Titeicaud 1986, Jaunay 1986, Lassen 1992, Zarka 1995. For a valuable recent discussion in English see Sommerville 1997, pp. 57–63.
his distinctions and arguments, it will be necessary at various points to take account of these later corrections and embellishments.

Hobbes introduces his attempt to analyse attributed action in terms of representation at the start of chapter 16 of Leviathan, where he begins by unveiling his definition of the underlying concept of a person:

A PERSON, is he, whose words or actions are considered, either as his own, or as representing the words or actions of another man, or of any other thing to whom they are attributed, whether Truly or by Fiction.

To construe. A general theory of action will not only have to explain how individual persons can represent themselves, so that their words and actions can truly be attributed to them. Such a theory will also have to explain how it is possible for one person to represent someone else – or some thing else – in such a way that the words or actions of the representative can validly be attributed to the person (or thing) being represented. To put the point in a different way – as Hobbes himself does later in the chapter – a general theory of action will need to include an account of how it is possible for one person to act in the name of another. This is because ‘to Personate, is to Act, or Represent himself, or an other; and he that acteth another, is said to beare his Person, or act in his name’.

These phrases about ‘bearing’ and ‘personating’ fall strangely on modern ears, so it is worth recalling that Hobbes’s usages were not at all uncommon at the time. It has lately been suggested that the peculiarities of his terminology stem from the fact that he was drawing on the vocabulary of covenanting theology. But as Hobbes himself emphasises, his terminology is largely taken from the theatre. By the time he was writing, the idea of ‘bearing’ or ‘presenting’ dramatis personae on the stage had become sufficiently familiar to be understood even by such unsophisticated thespians as the tradesmen in A Midsummer Night’s Dream. Rehearsing the story of Pyramus and Thisbe, they find themselves beset by various problems of mimesis. One is how to convey the fact that the lovers met by moonlight. They decide that someone will have to enter ‘with a bush of thorns and a lantern and say he comes to disfigure, or to present, the person of Moonshine’. A further problem is that the lovers spoke through a chink in a wall, and that it will not be possible to

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16 Hobbes 1669a, pp. 108, 117. Later, Hobbes adds (p. 174) that ‘though in the Chapters of subordinative Corporations, a Corporation be declared to be one Person in lawe, yet the same hath not been taken note of in the body of a Commonwealth, or City’.

17 Hobbes 1669a, p. 103.


19 Hobbes 1683c, VI, IX, p. 134: ‘est vox deos, ex pactis plurium hominum, pro necessitas habenda est ignora omnium’.

20 Hobbes 1669a, p. 103.


22 Cf. Hobbes 1683a, VI, I, p. 136 on why it is impossible for an action to be attributed to a multitude.

23 Hobbes 1683a, XII, VIII, p. 190: ‘cui actio ans attribui possit’.
bring a wall on stage. Again they agree that ‘some man or other must present Wall’, and when they later perform their play the wall is duly personated by the tinker Snout.

The anxiety of Shakespeare’s rustic to demonstrate their mastery of theatrical terminology is of course part of the comedy. But the passage reminds us that, in drawing on the same terminology in Leviathan, Hobbes was merely ‘translating’, as he puts it, a range of concepts long familiar in the playhouse to encompass ‘any Representer of speech and action, as well in Tribunals, as in Theaters’. The outcome, as he adds, is that in his theory ‘a Person, is the same that an Actor is, both on the Stage and in common Conversation’. As Hobbes’s theory continually reminds us, persona is, in Latin, the ordinary word for a theatrical mask.

The term attributed was likewise a familiar piece of legal terminology, and was evidently chosen by Hobbes with some care. The Latin verb attribuere had always been used to convey the sense that something should be counted as belonging to someone. Furthermore, there was always the implication – as in the case of attributing an anonymous text to its rightful author – that the responsibility for a work may sometimes be hard to assign, and that appearances may often be deceptive. These considerations had already been highlighted by the ancient theorists of forensic eloquence. They had made it a principle that, whenever the wording of a text is in question in a court of law, you must seek to cast doubt on whatever attributions of meaning and authorship have been made by your adversaries. The parallel with attributed action is close: while it may be evident who performed a given action, it may not be evident who should count as its true author, and hence as responsible for its consequences. These were exactly the parallels that Hobbes was concerned to bring out.

With the introduction of the key concept of an attributed action, Hobbes comes face to face with the principal problem he needs to address. What is to count as the valid representation of one person’s words or actions by someone else, such that it will be proper to say of an action performed by a representative that it ought to be attributed to the person – or thing or collectivity – being represented? What, in a word, distinguishes representation from misrepresentation?

Hobbes grappled with this problem in every recension of his civil science, but it was only in Leviathan that he arrived at an answer that he seemed to find satisfactory. Once again his solution wears an air of remarkable simplicity, but it constitutes one of the most important theoretical advances he made between the publication of De Cive in 1642 and Leviathan nearly a decade later, and arguably embodies his most original contribution to the theory of the state. His suggestion is that an action can be validly attributed to one person on the basis of its performance by a representative if and only if the representative has in some way been duly authorised, and hence instructed and commissioned, to perform the action concerned. The crucial concept is accordingly that of authorisation, and more specifically that of being an author and hence in a position to grant authority. These terms make no appearance in The Elements or De Cive. Although Hobbes gives some consideration in those texts to the question of where authority may be said to reside, he never considers how it comes to be authorised. In Leviathan, by contrast, he deploys the concepts of authorisation and of ‘being an author’ to furnish the entire theoretical grounding for his theory of the legitimate state.

This terminology is introduced at an early stage in chapter 16 of Leviathan. Hobbes first employs these terms when considering the sense in which we can speak of actions, by analogy with possessions, as ‘owned’ by particular individuals:

Then the Person is the Actor, and he that owneth his words and actions, is the Author; In which case the Actor acteth by Authority. For that which in speaking of goods and possessions, is called an Owner, and in Latin Dominus, in Greek κύριος, speaking of Actions, is called an Author.

41 Hobbes 1651, ch. 16, p. 112.
42 Hobbes 1656, ch. 16, p. 112.
43 See, for example, Ad C. Huetianum 1554, II. IX. 13, p. 80 on how a sententia should be attributa.
44 Although Hobbes made several changes in the Latin version of Leviathan to his theory about the person of the state, his theory about authorisation remained unchanged.
45 Rigby stressed in Grotius 1645, p. 100; and Zarka 1995, p. 197.
46 Note that ‘duly’ need not mean ‘explicitly’: implicit authorisation is a possibility for Hobbes.
47 Hobbes does not say that the representative has to be authorised by the person being represented.
48 As we shall see in section III, he needs to leave space for the fact that this will sometimes be impossible in principle.
50 On ‘authors’ and ‘authority’ in this period see Elkev 1989.
51 My discussion is mainly confined to the basic case in which one natural person or body of persons directly authorises another to act either on their behalf or on behalf of a third party. Hobbes adds many possible refinements: conditional authorisation (Hobbes 1656, ch. 16, p. 112); authorisation of Assemblies (Hobbes 1651, ch. 19, p. 129); and authorisation by mutual covenant but by covenant with a conqueror (Hobbes 1651, ch. 20, p. 144). A full analysis of Hobbes’s theory would need to take account of these refinements, but in the meantime there are several good reasons for concentrating on the basic case. One is that Hobbes does so himself. Another is that he is not always successful in explaining how the refinements fit on to the basic case. As we shall see, one consequence is that sometimes there is insufficient textual basis for discussing them.
52 Hobbes 1656, ch. 16, p. 112.
Hobbes is asking what allows an actor — that is, a representative — to claim that he is acting by authority. (I shall sometimes be obliged to follow him in writing as if all such actors are male.) The representative needs to be able to claim that he was duly authorised, in which case the person who granted him authority will count as the author of his action and will have to take responsibility for its consequences. The conclusion is guaranteed by the two stipulations underpinning Hobbes's argument. The first states that anyone who authorises an action can be identified as its author. The second adds that, when we speak about the authors of actions, we are equivalently speaking about their owners, since we are speaking about those who must 'own up' to whatever is done in their name.44

A dramatic implication underlies this analysis, as Hobbes immediately points out:

From hence it followeth, that when the Actor maketh a Covenant by Authority, he bindeth thereby the Author, no lesse than if he had made it himselfe; and no less subjecteth him to all the consequences of the same.45

The implication is brought out still more forthrightly in De Homine: 'He is called an author who has declared that he wishes an action to be held as his own which another person has performed.'44 Hobbes is now prepared unequivocally to state that the reason why authors must 'own up' to the actions they have authorised is that the actions in question will be theirs, not those of anyone else.

The significance of the implication is that it yields the required criterion for judging when an alleged author can validly claim to have been misrepresented. If you are impersonated by a purported representative without having antecedently granted him authority, you are under no obligation to 'own' his actions, since you cannot be said to have authorised them. It is only 'when the Authority is evident' that the author is obliged; if, by contrast, 'the Authority is feigned, it obligeth the Actor only; there being no Author but himselfe'.45

To round off his exposition, Hobbes provides an account of the mechanism by which it is possible for one person to receive the kind of authority that enables them validly to represent another and act in their name. He gives his explanation — again by analogy with the ownership of goods — in the same passage of chapter 16:

And as the Right of possession, is called Dominion; so the Right of doing any action, is called AUTHORITY.46 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.47

To construe again. To be able to act by authority is to have been granted a commission or at least a licence to perform an action by some person or persons who must possess the right to perform the given action themselves. The grant must take the form of a voluntary transfer of right, since commissioning and licensing are names of voluntary acts. So the receipt of such a commission must be equivalent to the acquisition of the transferred right of performing the action involved.48 Hobbes later summarises more clearly in De Homine. 'They are said to have authority who do something by the right of someone else',49 so that 'unless he who is the author himself possesses the right of acting, the actor has no authority to act'.50

By signalling acceptance of such a covenant,51 the authorising agent acquires two contrasting obligations towards his representative. One is a duty to take responsibility for the actions performed by the representative in his name. But the other is a duty of non-interference. The latter obligation follows from the fact that, whenever an authorising agent voluntarily transfers the right to perform an action, he thereby gives up the right to perform it himself. As Hobbes explains, 'To lay donec a mans Right to any thing, is to desist himselfe of the Liberty, of hindring another of the benefit of his own Right to the same'.52 He goes on to trace the implications in his most minatory tones:

44 Hobbes in BL MS Egerton 1910, p. 96 adds 'and sometimes warrant' at this point, but this is omitted from the 1651 text.
45 Hobbes 1651, ch. 16, p. 112.
46 This point is worth underlining, if only because it has sometimes been argued that (as Gauthier 1969, p. 104 puts it) although the act of authorisation seems to involve 'some translation of right', this is 'evidently not mere renunciation, nor is it transfer, in Hobbes's usual sense'.
47 Hobbes 1651, ch. 16, p. 112.
48 Hobbes 1651, ch. 16, p. 112.
49 Hobbes 1651, ch. 16, p. 112.
50 Hobbes 1651, ch. 16, p. 112.
51 Hobbes 1651, ch. 16, p. 112.
52 Note that this is the form of the covenant only in what I am calling the basic case — what Hobbes 1651, ch. 16, p. 113 calls the case of being 'simply' as opposed to 'conditionally' authorised. Leyden 1968, pp. 80–97, discusses the special complications attaching to conditional authorisation.
When a man hath in either manner abandoned, or granted away his Right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he Ought, and it is his DUTY, not to make void that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being sine jure, the Right being before renounced, or transferred.35

Once you have covenanted, you must leave it to your representative, who is now in possession of your right of action, to exercise it at his discretion when acting in your name.

Before considering how Hobbes applies this general theory, we need to examine one allegedly knock-down objection to his entire line of thought.36 One commentator to press the objection has been Joel Feinberg, who has raised it in discussing Hobbes's example in chapter 15 of Leviathan of a master who 'commandeth his servant to give money to a stranger'.37 The servant is acting as his master's representative, from which it follows, according to Hobbes, that the act of paying the stranger must be attributed to the master.38 According to Feinberg this analysis is dangerously misleading. Although the 'pecuniary consequences' may be the same as if the master had acted himself, 'it is nevertheless true that he did not act'; what we have to say is that his servant acted for him.39 The objection is thus that attributed actions are not actions.

One possible retort would be to insist that, in spite of the obvious difference between attributed actions and actions performed at first hand, the two ought nevertheless to be classified together on the grounds of their numerous family resemblances.40 While this raises some interesting questions about the concept of action, Hobbes himself makes no attempt to mount this kind of defence, and he surely stands in no need of it. It is true that he likes to speak of attributed actions as if they are genuine instances of action. But it is sufficient for his purposes to defend the much less controversial claim he puts forward about 'ownership': the claim that, when someone acts as an accredited representative, the person being represented must 'own' the consequences of the action as if they had performed it themselves. The action counts as theirs, and is called their action, 41 not because they actually performed it, but because they are under an obligation to take responsibility for its occurrence.42

I have now laid out what I take to be the basic elements in Hobbes's theory of attributed action. But the plot is a great deal thicker than I have so far intimated. When Hobbes introduces his theory, he specifies that two distinct types of person are capable of performing attributed actions: natural persons and feigned or artificial persons:

A PERSON, is he, whose words or actions are considered, either as his own, or as representing the words or actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction.

When they are considered as his owne, then is he called a Natural Person: And when they are considered as representing the words and actions of an other, then is he a Feigned or Artificial Person.43

To appreciate the scope of Hobbes's theory, and to locate the person of the state within his general scheme of things, we next need to consider these different types of person and the different ways in which it is possible for actions to be attributed to them.

Since the distinction between natural and artificial persons turns out to be fundamental to Hobbes's theory of the state, it is unfortunate that he introduces it in such an ambiguous way. In the second paragraph quoted above, strict grammar requires that the referent of the final 'he' should be 'an other', so that the artificial person must be the person represented. But the flow of the sentence suggests that the referent of 'he' must be the

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36 Copp 1980, pp. 593–6 offers a more specific objection. I can validly be held accountable for an action performed by someone else if I coerced them into performing it. But coercion is not authorising; so I can validly be held accountable, just Hobbes, for actions I have not authorised. Hobbes would not regard this as an objection. For him, coercion and freedom of action are compatible, so that even coercive acts of authorisation genuinely authorise. For a discussion of this aspect of Hobbes's theory of freedom see below, chapter 7 section III.
40 Copp 1979, pp. 177–8 suggests another possible retort: that the question of what it may be misleading to say in the case of the master and his servant depends on what is in question about the episode. Suppose that, although the servant simply handles over the money, a question later arises as to whether the stranger has been paid. What will it be misleading to say in these circumstances is that the master has not paid the stranger. He has paid him—by commanding and thereby causing his servant to make the payment.
42 The purely artificial person of the state
43 This phrase is actually invoked by Hobbes's friend Ben Jonson in C valuable or his Console. See Jonson 1977, III. 1. 36–9, p. 469, where Cleora, on his election as Consul, is made to declare: 'For every lapse of mine will, now, he call'd Your error, if I make such ...'
44 Runciman 1997, p. 7. I am much indebted to Runciman's analysis at this point.
natural person mentioned at the start of the first paragraph, in which case the artificial person must be the representative.

Hobbes initially resolved the ambiguity by endorsing the latter alternative. Later in chapter 16 he explains that 'Of Persons Artificial, some have their words and actions Owned by those whom they represent', thereby making it clear that the artificial person is the representative. The artificiality of such representatives, he later makes clear, resides in the fact that they are acting as public persons rather than in their private capacity. This is explicitly brought out in chapter 35, where Hobbes declares that 'the King of any Countrey is the Publique Person, or Representative of all his own Subjects', to which he adds in chapter 42 that any such 'Publique Person' will at the same time be 'the Representant of the Common-wealth'.

It is still more unfortunate, however, that so many of Hobbes's interpreters have followed him at this point. The subsequent deletion from the Latin Leviathan of the passage from chapter 16 in which Hobbes lays it down that representatives are artificial persons strongly implies that he had come to feel that he initially misstated his own argument. There are in any case conclusive reasons for preferring the alternative reading, reasons that seem especially conclusive in the case of the person of the state. If we adopt Hobbes's initial proposal and call representatives artificial persons, then sovereigns are artificial persons while states are not. This is bad enough in itself, since states are obviously not natural persons, while sovereigns obviously are. The problem is made worse when commentators infer that, since the state is neither a natural nor an artificial person, it must be a persona ficta. It is true that Hobbes occasionally uses the terms 'artificial' and 'fictitious' as synonymous in this context. But as we shall see in section IV, it is crucial to his theory that, although the state is an artificial person, it is very far from being fictitious in the strict sense of being imaginary.

The decisive point is that Hobbes himself subsequently makes it clear that his own considered preference is for using the terminology of artificial persons to describe persons who are represented. He first brings this out at a later stage in the English Leviathan in the course of explaining his intensely controversial theory about the three persons of the Holy Trinity. He describes Moses and Christ as natural persons who spoke in the name of God, thereby serving as His representatives on earth. But he adds that each represented God in his own way, Moses by preaching His word, Christ by 'Teaching, and Reigning' as his son. The implication is that God converted Himself into an artificial person by virtue of authorising his representation in these contrasting ways. Hobbes underlines the suggestion by adding that the effect of these representations was to give God a number of different personae, since He became 'one Person as represented by Moses, and another Person as represented by his Sonne the Christ'.

Hobbes indicates his change of mind yet more clearly in the course of restating his theory of attributed action in the final chapter of De Homine. Here he leaves little room for doubt that, when he speaks of artificial or fictitious persons, he means persons represented:

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

Returning to the same issue yet again in the Latin Leviathan ten years later, Hobbes appears to confirm this analysis:

A Person is someone who acts either in his own name or in the name of someone else. If he acts in his own name, then the Person is his Own or a Natural one; if he acts in the name of someone else, then the Person is Representative of the one in whose name he acts.

Here the terminology of artificial or fictitious persons is dropped, while the persons whom Hobbes had initially classified as artificial are now described simply as representatives.


67 The reason is that, insofar as Hobbes's commentators have examined his theory of persons, they have usually concentrated on chapter 16 of Leviathan. Some have gone so far as to claim that Hobbes's articulation of his theory is almost wholly confined to that chapter. See, for example, Picket 1967, pp. 14-15; Gauthier 1963, p. 191; Runciman 1997, pp. 7-8. As a result, it has come to be widely agreed that Hobbes's distinction between natural and artificial persons is equivalent to the distinction between represented persons and their representatives. See, for example, Hood 1954, pp. 147-56; Picket 1967, pp. 15-16; Gauthier 1963, pp. 121-3; James 1955, pp. 95-104; Beaumont 1981, pp. 38-45; Martinich 1992a, p. 185; Tulli 1991, p. 46; Martinich 1995, pp. 298-309; Zarka 1999, pp. 28-31; Runciman 1997, pp. 7-8, 93. But for two correctives to which I am indebted see Triscott in Hobbes 1971a, pp. 188-9 and Copp 1990, pp. 58-8: 4.
62 Hobbes 1959, p. 180: 'Quod autem ad usum personae civilem attinet, definiri potest hoc modo: persona est, cui voces et actiones hominum attribuuntur vel vel absolveri atque sua, persona naturalis est; si alieno, persona ficta est.'
70 Hobbes 1943a, p. 192: 'PERSONA est qui sua vel alieno nomine esse agit; si sua, persona propriis sive naturalis est; si alieno, persona est eius, cujus nomine agit representatione.' (Note that, although Molyneux uses the 1696 edition of the Latin Leviathan as his copy-text, he does not hesitate, here as elsewhere, to alter spellings and weed out Hobbes's luxuriant use of capital letters.)
It would be unwise, however, to assume that Hobbes simply nodded when he initially claimed that representatives are engaged in a form of artificial. What he seems to have in mind is that, when you serve as a representative, you act as the player of a legally or socially recognised role. You become a public person as opposed to an ordinary individual. Hobbes offers many examples: you can serve as a lieutenant, a vicar, an attorney, a deputy, a procurator, a rector, a master, an overseer, a guardian, a curate and the like. To adopt one or other of these personae is to play a part in a world that Hobbes never ceased to describe as artificial: the world of civil society in which our behaviour is conditioned and regulated by the artificial chains of the civil law. The insight he evidently wished to capture is that there is a sense in which all the world's a stage.

Perhaps one might go so far as to say that the best statement of Hobbes's theory is the one that he never explicitly gave. The suggestion is hermeneutically daring, to say the least, but perhaps both possible ways of reading Hobbes's theory are correct. Natural persons convert themselves into artificial persons—even into a variety of different personae—by agreeing to be represented in different ways. But natural persons who agree to serve as representatives also convert themselves into artificial persons, since the act of making such an agreement is at the same time the act of turning oneself from a private individual into a public person discharging a recognised role.

With these cautions and attempted clarifications, I am now in a position to lay out Hobbes's considered views about the defining characteristics of natural persons. A natural person is someone capable of representing him or herself. In the words of Hobbes's initial definition, it is when someone's words and actions are 'considered as his own' that he can be described as 'a Natural Person'. As we have seen, however, anyone capable of owning his actions in this way can also be described according to Hobbes as an author, and hence as capable of authorising other persons to serve as his representatives. A further defining characteristic of natural persons must therefore be that they are capable of converting themselves—certain determinate purposes—into represented or artificial persons by way of commissioning others to act in their name.

We may say, then, that in isolating the category of natural persons Hobbes has two closely connected ideas in mind. One is that natural persons are those capable of autonomously choosing whatever roles or personae they may wish to assume in social life. Hobbes is very fond of quoting a remark of Cicero's to the effect that (as he translates it in Leviathan) it is possible to 'bear' a number of different persons simultaneously. Hobbes's most interesting gloss on the dictum appears in his posthumously published Answer to John Bramhall's The Catching of Leviathan:

Cicero, in an epistle to Atticus, saith thus: Utus sustinuo tres personas, mei, adversarii, iudicis: that is, 'I that am but one man, sustine three persons; mine own person, the person of my adversary, and the person of the judge'. Cicero was here the substance intelligent, one man; and because he pleaded for himself, he calls himself his own person: and again, because he pleaded for his adversary, he says, he sustained the person of his adversary: and lastly, because he himself gave the sentence, he says, he sustained the person of the judge. In the same sense we use the word in English vulgarly, calling him that acteth by his own authority, his own person, and him that acteth by the authority of another, the person of that other. And thus we have the exact meaning of the word person.

Hobbes's allusion here to the idea of 'being one's own man' as opposed to being the person (perhaps even the creature) of someone else points to his second and closely related thought: that a natural person is someone under no one else's sway. He is someone capable of voicing his own thoughts, making his own promises, agreeing the terms of his own contracts and covenants.

It is worth underlining these implications, since they have the effect of making the category of natural persons a remarkably narrow one. Hobbes seems to have come to terms with this aspect of his theory only in the course of working it out. When he first speaks of 'men as persons natural' in The Elements of Law, he appears to treat all human beings as natural persons. But in Leviathan he explicitly states that many people lack the required ability to act on their own behalf, including 'Children, Fools, and Mad-men'. On the one hand, such persons are undoubtedly capable of acting and of exercising rights, since they are capable of having actions attributed to them on the basis of their performance by guardians authorised to act in their name. But on the other hand, they 'can be no

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74 Hobbes 1656, ch. 16, p. 113. He also quotes the dictum in the corresponding passage of the Latin Leviathan [and again in the Appendices], in chapter 15 of De Homine; and in his Answer to Bramhall, see, respectively, Hobbes 1641, p. 123, 533; Hobbes 1656, ch. 15, p. 130; Hobbes 1656b, p. 310.
75 Hobbes 1656a, pp. 310–11.
78 Hobbes 1656, ch. 16, p. 113.
Authors (during that time) of any action done by them', because they have no capacity to take responsibility for any actions their guardians may undertake.79

Nor does Hobbes even treat the class of natural persons as coextensive with that of same adult males. In Hobbes's England some 20 per cent of the latter class would have been servants,80 and servants according to Hobbes are not to be counted as natural persons, or at least not for a considerable number of purposes.81 This exclusion stems from the fact that the civil law takes lawful families to be united in 'the Father, or Master' as 'one Person Representative'.82 But to say that a father is a representative is to say that he has the right to speak and act in the name of his entire family.83 This in turn means that, insofar as the father chooses to exercise this right, his household servants (to say nothing of his wife and children) cannot be counted as natural persons, since they lack the required capacity to speak and act on their own behalf.84

I next need to examine Hobbes's contrasting concept of an artificial person, which is of still greater importance for his theory of the state. So far we have seen that some natural persons can be artificial at the same time. But Hobbes is principally interested in those artificial persons who are not natural persons at all. These are persons capable of being represented, but incapable of acting as authors in the distinctive manner of natural persons, and hence of authorising their own representatives. It follows that, while it is possible for such artificial persons to speak and act, it is possible for them to do so only if their words and actions can validly be attributed to them on the basis of their performance by some other person or collectivity licensed to act in their name.

Hobbes proposes no particular term to isolate this category, but it may be helpful to designate them as purely artificial persons to distinguish them from those who voluntarily take on this status by authorising others to represent them. As we have seen, Hobbes further lays it down that two sub-classes of this category need to be anatomised: those whose words and actions can be 'truly' attributed to them, and those who can only have words and actions attributed to them 'by Fiction'.

Nothing further is said in Leviathan about the class of purely artificial persons who are also wholly fictitious. But in De Homine it emerges that what Hobbes has in mind are the characters impersonated by actors on the stage:

For it was understood in the ancient85 theatre that not the player himself but someone else was speaking, for example Agamemnon, namely when the player, putting on the fictitious mask of Agamemnon, was for the time being Agamemnon. At a later stage, however,86 this was understood to be so even in the absence of the fictitious mask, namely when the actor declared publicly which person he was going to play.87

This is a dark passage, but the implications for my present argument can perhaps be spelled out as follows. If I play the part of Agamemnon on the stage, the actions I perform in the persona of Agamemnon will be taken by the audience to be Agamemnon's actions rather than mine. They will not 'truly' be taken to be Agamemnon's actions, however, but only 'by fiction', since the audience will remain aware of the fact that (as we put it in a knowingly ambiguous phrase) I am only playing. This will especially be the case, Hobbes implies, if I follow the convention of explicitly pointing out that I am merely engaged in a performance. For then it will be clear that I am only pretending to be an imaginary character, that there is no other person whom I am 'truly' representing, and thus that there is no one else to whom my actions can validly be attributed.88

Some commentators have taken exception to Hobbes's inclusion of stage characters in his account. As Hanna Pitkin emphasises, Hobbes lays it down that, if there is to be a valid act of representation, there must be some natural person or collectivity in possession of the right to authorise it. Pitkin adds that this requirement makes no sense in the

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79 Hobbes 1996, ch. 16, p. 113. The time to which Hobbes refers is the time of their childhood, folly or madness.
80 I am greatly indebted to Keith Wrightson for making this computation on my behalf. His figure is derived from information in Wrigley and Schofield 1981 and Kuzma 1981.
81 The proviso is important, because Hobbes is here treading a very fine line. A servant ordered to walk to a neighbour's house with a message who instead chooses to run will apparently be running to the house (as opposed to somewhere else) as an artificial person, but running (as opposed to walking) as a natural one.
84 There is a remarkably close parallel with the Lewdler refusal to include servants even in an extended franchise on the ground that 'they are included in their masters'. See Woodhouse 1986, p. 83.
85 I have added the adjective, since Hobbes makes it clear in the preceding sentence that he is referring to ancient Greece and Rome.
86 A later stage, that is, in the evolution of theatrical conventions, when masks were no longer worn.
87 Hobbes 1895, XV, i, p. 130: 'Intelligebatur enim in theatro loquii non solum histori, sed aliquis alius, puta Agamemnon, labelium faciam fictitiam Agamemnonis inuentae historion, qui pro illo tempore erat Agamemnon, quod tamen postea intelligebatur eum sive facit ficta, nimirum probantse se actore quam personam acturus esset.'
88 From the fact, however, that the action of a play does not 'truly' take place, it does not follow for Hobbes that a play might not create as powerful an impression as an action 'truly' performed. See Hobbes 1996, p. 68, where he goes to the extreme of arguing that, because 'not truth, but Image, moveth passion', it follows that 'a Tragedie affecteth no less than a Murder, if well acted'.
case of actors in a play. No one has authorized their actions, neither the person(s) they represent nor any third party.\(^9\) But this is an unhistorical criticism. By 1640, the year in which Hobbes completed *The Elements of Law*, the compulsory licensing of theatrical productions had been a feature of English law for nearly a century. The official with the right to authorise the representation of fictional characters on the stage was the Master of the Revels, from whom a permit had to be purchased for every play intended for public performance.\(^9\) Two years later, moreover, all the theatres in England were closed by Act of Parliament.\(^9\) While it remained possible to impersonate Agamemnon on the stage, it was no longer legally permissible to do so, since it was no longer possible to obtain the necessary licence. It is, in short, anachronistic to suggest that Hobbes introduces any inconsistency into his general theory of persons by implying that theatrical representations have to be authorised. He was writing in a society in which the need for such authorisation was taken for granted.

I turn finally to Hobbes's other class of purely artificial persons: those who, while incapable of acting except through representatives, are nevertheless more than merely fictitious because they are capable of having words and actions 'truly' attributed to them. As we have seen, Hobbes regards some human beings (notably fools and madmen) as purely artificial in this sense. But he is more interested in the fact that various inanimate objects and even figments of the imagination can be classified in a similar way. Among inanimate objects he lists 'a Church, an Hospital, a Bridge'. Since these are 'things Inanimate' they 'cannot be Authors, nor therefore give Authority to their Actors'. Nevertheless, they can perfectly well be personated or represented 'by a Rector, Master, or Overseer' who can be commissioned and thereby given authority to act on their behalf.\(^9\)

Amid imaginary objects he singles out the gods of the heathen. Such idols obviously cannot be authors, 'for an Idol is nothing'.\(^9\) Nevertheless, in ancient times such deities were frequently recognised as having the ability not merely to own possessions but to exercise rights. As in the case of the hospital and the bridge, these capacities stemmed from the fact that authorised persons (in this case officiating priests) were assigned a legal right to act in their name.\(^9\)

To classify bridges, hospitals and imaginary objects as persons may seem the merest abuse of language, and Hobbes in *Leviathan* undoubtedly baulks at expressing his argument in these terms. The most he is prepared to say is that 'there are few things, that are incapable of being represented by Fiction'.\(^9\) As he subsequently recognised, however, this is an unfortunate way of expressing his point. What he appears to be saying is that, like Agamemnon, the hospital and the bridge are purely fictitious entities. But this is not in the least what he believes. On the contrary, it is crucial to his argument that, if the hospital or the bridge is validly represented by an authorised overseer, then the actions of the overseer will 'truly' and not merely 'by fiction' count as the actions of the hospital or the bridge.

Eventually Hobbes resolved the confusion by biting the bullet. When he translated *Leviathan* into Latin, he rewrote the passage to say that, since there are few things incapable of being represented, 'there are few things incapable of being persons'.\(^9\) This certainly clarifies the phrase in the English *Leviathan* about representation 'by Fiction'. The fiction is evidently that the bridge, the hospital and so forth are persons; if and only if we allow that fiction can they be validly represented. Meanwhile Hobbes had made the point explicitly in *De Homine*: 'even an inanimate thing can be a person, that is, can own possessions and other goods and be able to act at law', so long as it is capable of being validly represented.\(^9\) Hobbes's final position is thus that the hospital and the bridge are indeed persons, albeit purely artificial ones, since there is no doubt that they can be validly represented.

The category of purely artificial persons leaves Hobbes with one last problem to solve. Who has the right to authorise their representation? We have seen that, in the case of entirely fictitious *personae*, the answer in Hobbes's time was fully determinate: the right was possessed by the Master of the Revels acting as an officer of state. But what of purely artificial persons who are not fictitious, but who possess (like the bridge) their own independent reality, or may even be able to count (like the child or the madman) as natural persons for certain purposes? We still need a test for judging whether a third party who lays claim to authorise

\(^9\) Pickin 1967, p. 25.  
\(^9\) Bentley 1971, p. viii.  
\(^9\) As he later points out (Hobbes 1996, ch. 45, p. 445), he is quoting St Paul.  

\(^9\) Hobbes 1641, p. 124: 'Quaestum est, quanquam non possunt esse personae.'  
\(^9\) Hobbes 1651, XV, 4, p. 132: 'Eratam rei inanimatae persona esse potest, id est, possessiones et aliis bona habere, et lux agere potest.' It is thus a mistake to infer, as does Runciman 1997, p. 21, that 'unrepresented "fools" are not persons'. A person is anyone (or any thing) capable of being represented.
someone to represent such persons has a valid title to invite such a representative to act in their name.

The solution Hobbes puts forward is that the person performing such acts of authorisation must stand in some appropriate relationship of dominion or ownership with respect to the purely artificial person concerned. One possibility, Hobbes suggests, would be for the relationship to be that of ownership in the strict sense. This applies to the case of the bridge: Hobbes specifically states that the person who authorises the overseer to procure its maintenance must be its proprietor. A second possibility would be for the relationship to be that of a governor to his charge. This applies to the case of the church and the hospital, and equally to the fool, the madman and the child: all stand in need of governors with sufficient legal standing to authorise rector or guardians to act on their behalf. A third possibility would be for the dominion to be that of the state itself. When, for example, the gods of the heathen were represented by priests, their authority according to Hobbes 'proceeded from the State'. Finally, Hobbes considers a fourth possibility to which he attaches particular importance, although he only mentions it explicitly when discussing family power later in Leviathan. This last form of dominion arises when the first party brings the third into existence. Again Hobbes has in mind the case of children, and offers as an example the right of dominion over infants in the state of nature. Since it will always be the mother who brings the child into the world, 'the right of Dominon over the Child dependeth on her will, and is consequently hers'. She can decide either to nourish it, or to abandon it, or to dispose of her rights in it to someone else.

I am now in a position to apply Hobbes's general theory to solve the puzzle I began by isolating about the person of the state. How can such a seemingly insubstantial person be the holder of sovereignty and the seat of power?

First we need to see exactly where Hobbes places the person of the state on his general map. He begins in chapter 16 of Leviathan by considering the process by which the members of a multitude living in a condition of mere nature can manage, as he puts it, to 'institute' a legitimate commonwealth or state. Before turning to his analysis, however, I need to note by way of preliminary that I shall be concerned only with Hobbes's account of sovereignty 'by Institution', not with sovereignty 'by Acquisition'. Hobbes introduces this distinction at the end of chapter 17 of Leviathan, thenceforth devoting chapters 18 and 19 to 'institution' and chapter 20 to 'acquisition'. Sovereignty is said to be 'acquired' when the members of a multitude covenant not with each other but with a conqueror to whom they individually submit themselves. Presumably Hobbes believed that the latter type of covenant also has the effect of converting the multitude into an artificial person with the conqueror as its sovereign representative. But he never says so, and his analysis of sovereignty by acquisition makes no mention of the person of the state. Although sovereignty by acquisition is in some ways the fundamental case, it is not clear that Hobbes ever thought through his views about artificial persons in relation to it. For this reason it seems not merely preferable but essential to concentrate on the case of sovereignty 'by Institution', the subject of chapters 18 and 19.

The only means, according to Hobbes, by which a multitude can manage to 'institute' a commonwealth is by transforming themselves into an artificial person by way of authorising some natural person or persons to represent them. This is not in the least to say that the multitude acts in the manner of a single persona in agreeing to set up a government. This had been the view of the so-called 'monarchomach' or 'king-killing' writers of the French religious wars. The author of the Vindiciae, Contra Tyrannos, for example, had argued in discussing the exemplary case of Israel that the king acted as one party to the covenant and the people as the other. Both were able to contract as single persons, the king because

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98 Wemmann 1996, pp. 12–15 comments on this linkage of authority with ownership.
100 It is not clear, however, why Hobbes appears to exclude the possibility that the owner of the bridge or the governor of the child might decide to commission himself. If I stand in a relation of dominion with respect to the bridge or the child, then according to Hobbes I can authorise anyone I wish to represent them. But if I can authorise anyone, then I can certainly authorise myself.
102 But Hobbes 1996, ch. 17, p. 120 implicitly mentions this form of dominion, since it underlies his patterns of sexual imagery, especially his claim that Leviathan is engendered out of the union of the multitude.
106 While this order seems logical, Hobbes must originally have placed what is now chapter 20 before chapter 19. The present chapter 20 makes two references (Hobbes 1996, pp. 139, 142) to the 'precedent chapter' which are in fact references to chapter 18, while chapter 19 makes a further reference (Hobbes 1996, p. 154) to 'the precedent chapter' which is in fact a reference to chapter 19.
107 An argument persuasively developed in Hocistra 1998.
108 On these writers see Skinner 1978b, pp. 302–48.
he was a natural person, the people because they constituted a universitas and 'were therefore able to play the part of a single person'. But it is precisely this monarchical view of the people as a natural unity capable of acting as one person that Hobbes aims to discredit. The Multitude naturally is not One, but Many, he retorts, so that it is only the Unity of the Representer, not the Unity of the Represented, that maketh the Person One. The only way in which 'a Multitude of men, are made One Person' is 'when they are by one man, or one Person, Represented'. There is, in short, no natural unity outside the state; unity and community are attained only with the appointment of a representative, and 'cannot otherwise be understood in multitude'.

In chapter 17 Hobbes goes on to describe the mechanism by which this transformation takes place. It is as if each and every individual should agree with everyone else 'to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will'. When they perform this act of mutual covenanting, this is as much as to say that they 'appoint one Man, or Assembly of men, to beare their Person'. So the outcome 'is more than Consent, or Concord; it is a reall Unite of them all, in one and the same Person', in consequence of which they are now able, through the agency of the person representing them, to act in the manner of a single person with one will and voice.

What is the name of the artificial person brought into existence when a multitude forms itself into such a unity by instituting a representative? The name of the person thus engendered is the commonwealth or state. As soon as the members of the multitude agree, each with each, 'to appoint one Man, or Assembly of men, to beare their Person', the multitude 'so united in one Person, is called a COMMON-WEALTH, in latein CIVITAS112 - the term Hobbes also translates in Leviathan as 'state'. This union or coupling together has the effect of engendering immediate issue in just the manner of a marital union blessed by God. (The one crucial difference, later emphasised by Hobbes, is that the offspiring of the multitude has no determinate gender, for "though man be male and female, authority is not").114 Following out his metaphor of marriage and procreation, Hobbes then proceeds to baptise the person of the commonwealth or state with its own specific name, informing us of it in his gravest tones. 'This is the Generation of that great LEVIATHAN, or rather (to speak more reverently) of that Mortall God, to which wee owe under the Immortal God, our peace and defence.115

We still need to know the name of the person appointed by the members of the multitude to act in their name when they take the decision to be represented. Hobbes replies that the name of this person is the sovereign, who is thereby given authority to 'bear' or 'carry' or act the part of the purely artificial person of the state. The commonwealth or state is 'One Person', and 'he that carrieth this Person, is called SOVERaigne, and said to have SOveraine Power.116 The same distinction is subsequently drawn even more clearly in the Latin version of Leviathan. There the holder of summa potestas or sovereign power is described, in a phrase closely echoing Cicero's De Officiis, as 'he who bears the Person of the State'.117 The sovereign may in turn be a natural person, as in the case of a monarchy, or else an assembly of natural persons, as in the case of an aristocracy or democracy.118 But in every case the legal standing of the sovereign will be that of 'the absolute Representative of all the subjects'.119

It is worth underlining the complexity of Hobbes's argument, if only because so many commentators have oversimplified it. We are told that the 'civil person' brought into existence by the union of the multitude is the sovereign. As we have seen, however, the name of the person engendered by the transformation of the multitude into one person through their agreement to appoint a representative is not the sovereign but the state. The sovereign is the name of the representative of the multitude united in one person, and is thus the name of the representative of the state.

Armed with this analysis, we can now see how the apparently insubstantial person of the state can nevertheless be the holder of sovereignty and the seat of power. Hobbes concedes of course that all the actions

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112 Hobbes 1996, ch. 17, p. 120.
performed by states will in fact have to be performed by sovereigns acting in their 'politic' capacity. He is always careful to insist, however, that sovereigns are not the proprietors of their sovereignty. They are holders of offices with duties attached, their fundamental duty being to procure the safety and contentment of the people. Although they are granted the right to exercise complete sovereign power, this power is merely 'placed' and 'resideth' in them by virtue of the office they are asked to discharge. The true status of all lawful sovereigns is thus that they are merely 'the Person representative of all and every one of the Multitude'.

As I have shown, however, the central contention of Hobbes's theory of attributed action is that, whenever a person or collectivity agrees to appoint such a representative, whatever actions are thereafter performed by the representative in their name will be attributable not to the representative but rather to the person or collectivity being represented. Not only will those who appoint the representative be held accountable for the consequences of any actions undertaken on their behalf, but the actions in question will actually count as theirs, not as those of the representative who carries them out. It follows that, whenever our sovereigns exercise their powers in order to procure our safety and contentment, the acts they perform should not be regarded as their own but rather as those of the person whom they are representing, that is, the person of the state. This, then, is how it comes about that we can properly speak—and not by metaphor—of the commonwealth or state as the person who imposes the laws and thereby ensures that our safety and contentment are secured. Although the sovereign is always the legislator, the legislator is always the Representative of the Common-wealth. So 'the name of the person Commanding' is not the sovereign but the person whom the sovereign represents. And the name of that person, as Hobbes eventually declares in a further echo of Cicero, is 'Persona Civitatis, the Person of the Common-wealth'.

111 Hobbes 1651, ch. 19, p. 121. For general claims to the effect that the only way in which the state can act is for the sovereign representative to act in its name, see also Hobbes 1651, ch. 19, p. 126; ch. 21, p. 126; ch. 24, pp. 127, 226; ch. 25, pp. 129, 233.
113 Hobbes 1651, p. 129. For other references to the fact that the sovereign is merely the representative of the state, see Hobbes 1651, ch. 17, p. 126; ch. 22, pp. 129-130; ch. 23, p. 169; ch. 24, p. 185; ch. 25, p. 212; ch. 26, p. 235. When we are instead told in Hobbes 1651, ch. 29, p. 187 that the sovereign is 'the Person of the Common-wealth' (rather than the representative of that Person), this appears to be either an error or perhaps a slip of the pen.
114 Hobbes 1651, ch. 29, p. 236.

It is important to emphasise Hobbes's route to this conclusion, if only because a number of commentators have claimed to find in his theory of the state an incipient or latent belief in the real personality of groups. The will of the sovereign, we are told, comes to be identical with that of the commonwealth because Hobbes presents us with a vision 'of an organic community, whose will is the sovereign's will'. It is certainly true according to Hobbes that there cannot fail to be an identity between the will of a lawful sovereign and the will of the commonwealth or state. As I have laboured to demonstrate, however, this is not in the least because Hobbes believes in any kind of organic unity between the two. It is simply because he insists that all lawful sovereigns are representatives, and thus that all their public actions must be attributed to the person whom they represent, namely the person of the state.

It remains for Hobbes to distinguish between the representation and misrepresentation of the state's authority. How are we to discriminate between lawful sovereigns and those who merely usurp the powers of the state without enjoying the standing of accredited representatives? To put the same question the other way round, who has the right to authorise the actions of the state?

It is not open to Hobbes to reply that sovereigns themselves possess this right. Sovereigns are merely representatives, and all representatives must themselves be authorised. Nor can the actions of the state be authorised by the state itself. If an agent is to authorise its own actions it must be a natural person, capable of exercising its own rights and acting in its own name. But the state is not a natural person; on the contrary, there is a sense in which it more closely resembles a fictitious person such as Agamemnon in Aeschylus's play of that name. Agamemnon has no existence, except as words on a page, until he is brought to life by the skills of an actor who impersonates him and speaks his lines. The state likewise amounts to little more than a verbal entity in the absence of a sovereign to represent it and play its part in the world.

This is not to say that Hobbes regards the state as a persona ficta, as some commentators have maintained. As we have seen, the defining characteristic of such personae is that, when someone represents them, the acts performed by their representatives will be attributable to such
persons merely 'by fiction'. But it is of the utmost importance to Hobbes's theory that the acts performed by sovereigns are 'truly' attributable to the state, and are in fact the actions of the state in the real world.

While the state is not fictional, however, it is undoubtedly a member of the class of persons I have characterised as purely artificial, and bears a close resemblance to such exemplary members of the class as hospitals, bridges and so forth. Like such inanimate objects, the state is unquestionably capable of acting, since it is capable of being represented and of having actions 'truly' attributed to it. Like such objects, however, the state cannot give authority to anyone to represent it, and cannot therefore authorise its own representation. As Hobbes puts it, it has no capacity 'to doe any thing, but by the Representative'.\(^{129}\) So shadowy, indeed, is its existence that it might be thought to bear a yet closer resemblance to such purely artificial persons as the gods of the heathen. Whereas hospitals and bridges remain things even when they are not being personated, the state in the absence of a sovereign 'is but a word', just as the gods of the heathen are 'nothing' in the absence of a priest to represent them.\(^{130}\)

Who then is capable of authorising the actions of the state? We already know the answer in general terms from our examination of how it is possible for one person validly to authorise a second to represent a third— as in the case of the owner of a bridge who authorises an overseer to act on its behalf. As we have seen, two requirements must be met. One is that the natural person or persons authorising the representation must themselves possess the right to undertake whatever actions they intend to authorise. The other is that this right must in turn be owed to the fact that they stand in some appropriate relationship of dominion over the purely artificial person concerned.

According to Hobbes there is only one possible way in which these conditions can be satisfied in the case of the state. The public acts of a sovereign will count as valid acts of the state if and only if the sovereign has been authorised to perform them by each and every member of the multitude. With this contention, Hobbes is finally able to offer his formal definition of a commonwealth or state: it is 'One Person, of whose Acts a great Multitude, by mutual 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'.\(^{131}\)

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a word' in the absence of a sovereign to act in its name. But on the other hand, it is important to Hobbes that the state is at the same time the name of a common power whose stature and strength are greater than those of any of its subjects and of all of them put together. While Hobbes aims to demystify sovereign power by showing it to be the outcome of a rational choice made by individual agents, he wishes at the same time to leave his great Leviathan invested with a certain mysterious force, if only as a guarantee that we shall in turn think of it, as we should, with a certain awe.

V

What prompted Hobbes to develop this novel and intricate theory of the state? The clue lies, I believe, in attending to what he says at the outset of Leviathan about his hopes for the work. He aspires, he says, to pass unwounded between the opposing swords of 'those that contend, on one side for too great liberty, and on the other side for too much Authority'.

Those contending for too much authority are identifiable as the theorists of divine right, who rose to renewed prominence in the face of the parliamentary attack on the English crown in the early 1640s. All political power, these writers declare, is 'natural'. God is its 'immediate Author' and all rulers acquire it from divine ordination rather than from the consent of the people, who have 'no more possibility in right to choose their Kings, then to choose their Fathers'. Hobbes's vision of the state as an artificial person authorised by its own citizens has the effect of challenging every element in this argument. All political power, he replies, is 'Artificial'. The only source from which the authority of the state can validly flow is 'the consent of every one of the Subjects'.

The capacity of sovereigns to act as legitimate representatives of the state must therefore be 'derived originally from the consent of every one of those that are to be governed'. The state is a wholly human contrivance, not in the least an outcome of God's providence.

During the civil wars of the 1640s, this view of consent became one of the leading arguments used by the supporters of Parliament to question the powers of the crown. Drawing on the work of the monachomachs,

136 Hobbes 1656, Epistle, p. 3. 137 Morton 1645, p. 3.
139 Williams 1643, pp. 49, 48.
140 Hobbes 1656, ch. 17, p. 120.
141 Hobbes 1656, ch. 49, p. 305.

Henry Parker developed perhaps the most influential version of the argument in his Observations of 1642. He begins by restating the monachomach claim that the only way in which lawful authority can arise is when 'a societie of men', acting in the manner of a universitas, agrees by 'common consent' to set it up. One implication is that, since 'the fountain and efficient cause' of all authority is the people, it follows that 'the King, though he be singularis Major, yet he is universis minor' — of lesser standing than 'the whole universality' from which his power is derived. A further implication is that, if the king violates the terms of the covenant imposed by the universitas of the people in granting him power, they must retain the right to withdraw their consent and set down the authority they originally set up. As Parker summarises, 'the whole universality' of the people is not only the 'free and voluntary Author' of all sovereignty; it also retains its original sovereignty at all times, and accordingly remains 'the proper Subject of all power'.

While Hobbes agrees that all lawful government arises from consent, he violently disagrees with the radical implications drawn from this argument by the supporters of Parliament. He seeks instead to demonstrate that these alleged implications embody a peculiarly dangerous plea for too great liberty. As before, moreover, the way in which he mounts his case is by invoking and applying exactly the theory of attributed action on which I have concentrated.

One way in which Hobbes applies his theory is by returning to his rival account of how it is possible for a multitude to act as 'one person'. A proper understanding of this process, he insists, will wholly defuse the Parliamentarian argument:

There is little ground for the opinion of them, that say of Soveraign Kings, though they be singularis majoris, of greater Power than every one of their Subjects, yet they be Universis minoribus, of lesse power than them all together. For if by all together, they mean not the collective body as one person, then all together, and every one, signify the same; and the speech is absurd. But if by all together, they understand them as one Person [which person the Soveraign bears], then the power of all together, is the same with the Soveraigns power; and so again the speech is absurd.

143 The influence of monachomach thought, in particular the Vindiciae, was noted by Parker's critics at the time. See Mendle 1995, pp. 123–5.
Hobbes's fiercely polemical message is thus that, since the people only transform themselves into a collective body by way of instituting a sovereign, it makes no sense to think of them as a collective body setting limits in advance to the exercise of sovereign power.

The main way, however, in which Hobbes applies his theory of attributed action to attack the Parliamentarian cause is by invoking his analysis of what it means to authorise a representative. If we understand this process aright, he insists, we shall see that it is the merest *non sequitur* to suppose that the theory of covenanting commits us to defending the sovereignty of the people. On the contrary, we shall see that the idea of consent as the only source of lawful government is fully compatible with a strong defence of absolute sovereignty and the duty of non-resistance.

As we have seen, Hobbes stipulates that, if an act of authorisation is to be validly performed, a transfer of right must take place. Once this covenant has passed, the authorising agent is left with two specific obligations towards his or her representatives. One is the duty to 'own' their actions and those of any third party for whom they may have been authorised to act. But the other is the duty not to interfere with the execution of their commission, since the right to act as they think best in discharging their task is precisely what has been voluntarily handed over to them.

In chapter 17 of *Leviathan* Hobbes argues that the covenant by which lawful states are instituted takes exactly this form. When the members of the multitude agree, each with each, to appoint a sovereign representative, theirs is a covenant of authorisation embodying a declaration that a set of rights has been transferred. They covenant 'in such 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.' At the same time Hobbes examines the precise character of the covenant involved. What the members of the multitude agree is 'to conferre all their power and strength upon one Man, or upon one Assembly of men'. But as we have seen, this has the effect of producing two immediate consequences. It gives them a single will and voice, thereby converting them into one person, the person of the state. But it also creates a representative of that person in the figure of the sovereign, who is thereby given the job of 'bearing' or 'carrying' the person of the state. To say all this, however, is to say that the members of the multitude remain the authors of all the actions of their sovereign, and at the same time remain the authors of all the actions of the person whom they have authorised their sovereign to represent, namely the person of the state. Each member of the multitude must now 'acknowledge himselfe to be Author of whatsoever he that so bæreth their Person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safeties'.

Hobbes lastly turns, in chapter 18, to consider the implications of this political covenant. The members of the multitude have given up their right of using their own discretion to secure their safety and contentment. They have voluntarily ceded their right of self-government to be exercised by their sovereign on their behalf. It follows according to Hobbes's theory of authorisation that the members of the multitude must now be under an absolute obligation not to interfere with their sovereign in the exercise of the rights they have transferred to him. The sovereign acquires complete discretion and absolute power to decide what shall be done to preserve the safety and contentment of every subject under his charge.

Hobbes goes still further. Not only do the members of the multitude have no remaining right to question the actions of their sovereign; they have a positive duty to 'own' whatever actions their sovereign may undertake in seeking their safety and contentment. But this is to say, according to Hobbes's theory of attributed action, that the public acts of the sovereign, and hence of the state, are nothing other than the acts of the individual members of the multitude. So it will not merely be unjust for them to oppose their sovereign; it will actually be self-contradictory, for they will be opposing themselves.

This moral is finally drawn in a powerful summarising passage in chapter 18:

Because every Subject is by this Institution Author of all the Actions, and Judgment of the Soveraigne Instituted; it followes, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice. For he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth: But by this Institution of a Common-wealth, every particular man is Author of all the Soveraigne doth; and consequently he that complaineth of injury from his Soveraigne, complaineth of that whereof he himselfe is Author; and therefore ought not to accuse any man but himselfe.

Although Hobbes returns to this claim with evident satisfaction in a number of later passages, he stands in no need of such uncharacteristic

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449 Hobbes 1996, ch. 17, p. 120.
509 Hobbes 1996, ch. 17, p. 120.
511 Hobbes 1996, ch. 17, p. 120.
repetitiousness. His account of attributed action already enables him to rest his case against the constitutionalist writers of his age. The concept of the political covenant is not a means of limiting the powers of the crown; properly understood, it shows that the powers of the crown have no limits at all. The theory of attributed action lies at the heart of the politics of Leviathan.

Hobbes on the proper signification of liberty

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'Civil philosophy', Hobbes declares in an oft-quoted boast at the start of De Corpore, is a science 'no older...than my own book De Cicre'. As he later explains in Leviathan, the failure of all previous efforts has been due to their 'want of Method'. The method followed hitherto, especially in the universities, has been to rely on the authority of selected writers and books. The universities, indeed, have come to rely so heavily on one particular writer that their teachings no longer deserve to be called philosophy, but merely Aristotelicity. This approach, however, is nothing but 'a signe of folly', one that is 'generally scorned with the name of Pedantry'. The only scientific way of proceeding is to follow the methods of geometry, which requires its practitioners to 'begin at settling the significations of their words'. Only by this means can we hope to avoid the insignificant speech of the schoolmen and lay the foundations for a genuine science of political life. For 'the foundation of all true Ratioication, is the constant Signification of words'.

As Hobbes turns to employ this approach in Leviathan, there is no case in which he is so anxious to insist on his own definitions, and to argue that all others are dangerously misleading, as he is in explicating the concept of liberty. It is striking, moreover, that his anxieties on this score increased as he progressively refined his theory of the state. In The Elements of Law, originally circulated in 1640, he voices no such concern and fails even to supply a formal definition of liberty. Only in De Cicre, first published in 1642, does he formulate the basic definition on which he

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