Introduction

We shall attempt to elucidate the concept of ‘civil person’, as developed by Hobbes in both On the Citizen and Leviathan. This is where the idea of political subjectification takes its first steps in modern political theory. Such a process of political subjectification is meant by Hobbes as a process of construction of the ‘artificial person’ of the State. The fact that Hobbes defines the persona ficta of the State as ‘artificial’ sometimes leads scholars to forget that he sees the State as a ‘person’ and that the novelty of his theory is as much to be found in the formula auctoritas, non veritas, facit legem as in his investigation into the type of personality or subjectivity that the modern State embodies.

Hobbes’s essays are worth revisiting today, when the question of political subjectification seems to have become challenging again. In the final section of this paper we shall consider a recent reading of Hobbes’s theory proposed by Giorgio Agamben. With the aim of calling into question the very idea and possibility of political subjectification, Agamben critically addresses Hobbes’s notion of ‘civil person’. We will argue that, instead of promoting a rejection of modern political theory in the name of messianic politics, as Agamben does, it is more advisable to look into the differences between monarchy and aristocracy, on the one side, and democracy, on the other, as Hobbes did.

On the Citizen

Hobbes’s first theory of political subjectification is not to be found in The Elements of Law, 1640, where the concept of ‘civil person’ is simply announced but not developed. The theory is presented a couple of years later in On the Citizen, more precisely in Chapters 5, 6, 7 and 12 of Part II (Government, or Imperium, or Dominion). In brief, it sounds like this:

Since therefore a combination of several wills in the same end is not adequate to the preservation of peace and stable defence, it is required that there be a single will [una voluntas] among all of them in matters essential to peace and defence. [. . .] This submission of all their wills to the will of the one man or of one Assembly comes about, when each of them obligates himself, by an Agreement with each of the rest, not to resist the will of the man or Assembly to which he has submitted himself; [. . .] The will itself, it is true, is not
voluntary, but only the starting point of voluntary actions (for we do not will to will but to act); hence it is not capable of deliberation and agreements. Nevertheless a man who subjects his will to the will of another transfers to that other the Right to his strength and resources [. . .]. A Union so made is called a commonwealth [civitas] or civil society [societas civilis] and also civil person [persona civilis].

(Hobbes 2011, 72–73 [chap. V.6–9])

As is evident from this passage, Hobbes’s political theory is based on a theory of the will. According to this theory, the will cannot command itself; it cannot will its own will (it can only will a doing). Therefore, control over the will of each individual can only be exercised by an external will. This is what makes all the difference between Hobbes’s theory of the sovereignty of the ‘civil person’ and Kant’s theory of the autonomy of the ‘moral person’, according to which, by contrast, the will can will itself, can have command of itself (in the form of a categorical imperative). In addition to ‘will’, another key word is ‘transfer’. The transfer of one’s rights to someone else is the original act of ‘submission’ of the many to the one, that act which begets the ‘civil person’, the civitas. Through such an act the many cease to exercise their individual natural right to preservation and give themselves over to a single external will to which they transfer that right.

A COMMONWEALTH, then, (to define it) is one person, whose will, by the agreement of several men, is to be taken as the will of them all; to make use of their strength and resources for the common peace and defence.

(Hobbes 2011, 73 [chap. V.9])

As Hobbes points out, not all ‘civil persons’ are States. Other types of civil association are possible. In this case, the persona ficta does not hold the supreme power that belongs to the State. Well before Hobbes, for instance, the church had been termed a persona ficta. During the thirteenth century, Sinibaldo Fieschi coined the concept of person ficta precisely with the goal of explaining what the Christian ecclesia is. Nevertheless, for well-known reasons, Hobbes rejects any comparison between the church and the State, and this is the reason why he eventually excludes the Christian church from being a civil person: ‘Church is not one person; [. . .] Hence a church only exists where there is a definite and recognized, i.e. legitimate, authority’ (Hobbes 2011, 221 [chap. XVII.20]).

From Hobbes’s point of view, a much better example of persona ficta is the ‘people’, famously contrasted with the ‘multitude’. While the multitude is a collection of disconnected individuals or ‘natural persons’, the people is a persona ficta, namely, a collective subjectivity. According to Hobbes, this persona ficta is not just one among many. The people – demos or populus – is the first and foundational persona ficta of politics. It is the ‘we’ (‘. . . the people’) that results from that original agreement whereby all ‘natural persons’ delegate one ‘civil person’ to act for the good of all and to rule over all.

It would be a mistake to think that the multitude ceases to exist at that point, for Hobbes makes it clear that it rather turns into an object of government, into a collection of many individuals to whom the people’s command can be addressed. This means that, contrary to a common misreading, the multitude exists before the civil society, in the state of nature, and continues to exist after the establishment of the State. Within the Commonwealth, the multitude is in fact the set of citizens seen as subjects, whereas the people represents the same set of citizens seen as a sovereign power, as a unified ‘we’ that rules over individuals.

The doctrine of the authority of the Commonwealth over the citizens depends almost wholly on a recognition of the difference between a crowd of men ruling and a crowd
being ruled. For the nature of a commonwealth is that a crowd of citizens both exercises power and is subject to power, but in different senses. [. . .] Hence a crowd cannot make a promise or an agreement, acquire or transfer right, do, have, possess, and so on, except separately or as individuals, so that there are as many promises, agreements, rights, and actions, as there are men. For this reason a crowd is not a natural person. But if the same crowd individually agree that the will of some one man or the consenting wills of a majority of themselves is to be taken as the will of [them] all, that number then becomes one person; for it is endowed with a will, and can therefore perform voluntary actions, such as command, make laws, acquire and transfer a right, etc., and is more often called a people than a number. A distinction must therefore be made. Whenever we say that People or a number [of men] is willing, commanding or doing something, we mean a commonwealth which is commanding, willing and acting through the will of one man or through the wills of several men who are in agreement; and this can only happen in a meeting [conventus]. But whenever something is said to be done by a number of men, great or small, without the will of that man or meeting, it means that it was done by a people as subjects.

(Hobbes 2011, 76–77 [chap. VI.1, Note])

Along these lines, ‘number of men’ [multitudo] comes to mean the people as subjects, whereas ‘people’ stricto sensu comes to mean the sovereign people, the civitas, the whole of the citizenry that says ‘we’ and can act as a single political person. There is no doubt that we find a theory of political subjectification here, a theory that could be better qualified as a theory of popular subjectification. This is indeed a theory that explicitly associates the foundation of the State with the political subjectification of the sovereign people: ‘In every commonwealth the People Reigns’ (Hobbes 2011, 137 [chap. XII.8]).

The people and the State emerge simultaneously, and both result from that agreement which enables scattered individuals to withdraw from the state of nature. The people does not pre-exist that agreement; the people is rather established by it. It is the first ‘civil person’, the first person plural, ‘we’, that coincides with civil society. In light of the above, it is no surprise that for Hobbes democracy, that is, the government of the people, represents the first and foundational form of the Commonwealth. If the people is the first civil person, then democracy is the first form of civil society.

Democracy is not constituted by agreements which individuals make with the People, but by mutual agreements of individuals with other individuals. The first part of the statement is evident from the fact that in every agreement the persons making the agreement must exist before the agreement itself. But prior to the formation of a commonwealth a People does not exist, since it was not then a person but a crowd of individual persons. Hence no agreement could be made between the people and a citizen. But after a commonwealth has been formed, any agreement by a citizen with the People is without effect, because the People absorbs into its own will the will of the citizen.

(Hobbes 2011, 95 [chap. VII.7])

That said, democracy is not the only possible form of civitas, nor is it the most convenient according to Hobbes, for it lacks stability. The people, the foundational ‘we’ of politics, exists when ‘we’ assemble and express one single voice. When the assembly is dissolved, conversely, ‘we’ disappear – until the next meeting. This is to say that in a democracy the supreme power tends to periodically disappear, thus making room for a ‘disorganized crowd’ [dissoluta multitudo] which
is no longer subject to any imperium. The same can be said of the aristocracy and its council of optimates, that is also doomed to meet and then to melt away, thus creating a dramatic vacuum of power. Hence Hobbes’s well-known predilection for monarchy, namely for a form of civitas in which the ‘we’, the civil person, can be embodied by a natural person who holds the supreme power without interruption: ‘Optimates, and the people, need to assemble, because they are not one thing by nature. A Monarch, who is one by nature, is always ready and able [in potentia proxima] to perform acts of government’ (Hobbes 2011, 97 (chap. VII.13)).

Yet, how can the supreme power pass from the people to the optimates, or from the people to the monarch? This is the crucial question raised in On the Citizen. With regard to the transition from democracy to aristocracy, Hobbes’s solution is as follows:

An Aristocracy, or a council of optimates with sovereign power, has its origin in a transfer of right from Democracy. This implies that certain men who are distinguishable from the rest by name or family or some other mark are put before the people and elected by a majority of vote, and the total right of the whole people, or of the commonwealth, is transferred to those who have been elected, with the effect that the council of elected optimates may now rightly do what the people could rightly do before. One this is done and the sovereign power has been transferred into their hands, it is evident that the people, as single person, no longer exists.

(Hobbes 2011, 95 [chap. VII.8])

When it comes to the transition from democracy to monarchy, the line of reasoning remains substantially the same:

Monarchy, like Aristocracy, is derived from the power of the people, viz., by the transfer of its right (i.e. sovereign power) to one man. Here too the implication is that one specific man who is distinguished from all the rest by his name or some other mark, is put forward, and the whole right of the people is transferred to him by a majority of votes; with the effect that, once elected, he may rightly do all that the people could do before his election. Once this has been done, the people is no longer one person, but a disorganized crowd, since it was one person only by virtue of its sovereign power, which they have transferred from themselves to him.

(Hobbes 2011, 96 [chap. VII.11])

In either case, we face the same logic: a) the people ‘transfers’ its supreme power to a council of optimates or to a king by ‘transferring’ its own personality to the council or to the monarch; b) as soon as this happens, the people ceases to exist as one person. For this reason, as Hobbes emphasizes, there cannot be any binding ‘agreement’ [pactum] between the people and the monarch, or between the people and the council of optimates. In point of fact, for an agreement to be possible it is always necessary that the persons who make that agreement do not vanish into thin air but continue to exist, as is the case with the original agreement establishing the civitas. The natural persons who made that agreement continued to exist even after the agreement, and for this reason they were bound. As regards the transfer of rights and civil personality from the people to the monarch or to the council of optimates, by contrast, the civil person of the people disappears; in other words, the people are stripped of their civil personality, which is now transferred to someone else. As a result, there cannot be any binding ‘agreement’ [pactum] between the people and the monarch, or between the people and the council of optimates.
Yet, the question then arises as to whether we can actually speak of a transfer of rights when a transfer of personality is also at stake. If we follow the definition of *translatio juris* provided by Hobbes, a right can be transferred if and only if two persons show each other, through clear and unequivocal signs, their will to do so (to transfer a right, on the one side; to acquire it, on the other).

One is said to *give up a right* either when he simply renounces it or when he transfers it to someone else. [...] He *transfers* a right when he declares by an appropriate sign or signs to the party which wants to acquire *that particular right* from him that he no longer wants it to be licit for him to offer resistance to his doing some specific thing in which he could *rightly* resist him before. [...] The *transfer of a right* requires the will of the recipient as well as of the transferor.

*(Hobbes 2011, 34–35 [chap. II.4–5]*)

From this definition it follows that the transfer of personality and the transfer of rights are not really compatible. When a transfer of personality takes place, one is never in front of two persons who show up and see each other, as must be the case with a *translatio iuris*. As soon as one appears the other one disappears, and this makes it impossible to think of any transfer of rights from one to another.

In conclusion, the theory of political subjectification presented in 1642 does not work. In the transition from democracy to monarchy or aristocracy something goes wrong. If it is true that ‘*in every commonwealth the People reigns; for even in Monarchies the People exercises power [imperat]*’ (Hobbes 2011, 137 [chap. XII.8]), then another explanation for the passage from democracy to monarchy had to be sought. A solution emerged after nine years, through changing the question.

**Leviathan**

The theory presented in the *Leviathan* is still a theory of political subjectification, as it aims at explaining how ‘the many’ are changed into one, but is no longer a theory of *popular* subjectification. It is rather centred on the notion of ‘authorization’. From our point of view, the speculative core of this theory is to be found at the end of Part I, *Of Man*, in Chapter XVI, *Of Persons, Authors, and Things Personated*. This chapter leads to Part II, *Of Common-Wealth*, where Hobbes finally focuses on the definition, genesis, and structure of the ‘Mortall God’. Again, the crucial question is how to define the ‘artificial person’.

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

*(Hobbes 2011, 217 [chap. XVI]*)

The argument that follows is surprising. Hobbes, taking his cue from the Latin word *persona*, ends up equating every ‘Person’, natural or artificial, with an ‘Actor’. The only difference between a natural and artificial person is the fact that the former *represents, acts, and personates* herself, her own words and actions, whereas the latter *represents* the words and actions of someone else. Therefore, according to Hobbes, even a natural person is an actor insofar as she puts on stage a *persona*, a permanent identity to which a number of words and actions can be attributed and imputed.
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Without such a personal imputability, based on the fictional representation of the *persona*, the civil society would not be possible, because the civil society is made possible and kept together precisely by the threat of sanctions and, hence, the imputability of actions.

*Persona* in Latin signifies the *disguise*, or *outward appearance* of a man, counterfeited on the Stage; and sometimes more particularly that part of it, which disguiseth the face, as a Mask or Visard: And from the Stage, hath been translated to any Representer of speech and action, as well in Tribunalls, as Theatres. So that a *Person*, is the same that an *Actor* is, both on the Stage and in common Conversation; and to *Personate*, is to *Act*, or to *Represent* himselfe, or an other; and he that acteth another, is said to beare his Person, or act in his name.

(Hobbes 2011, 217 [chap. XVI])

The reference to ‘Tribunalls’ makes Hobbes’s concern explicit: in order to ground the civil society on the threat of punishments, one has to preserve the imputability of actions, that is, the *personality* of actors. But why does Hobbes insist so much on the mutual implication of personality and imputability? Why can imputability not be taken for granted? Why is a theory of personality needed?

The answer comes several pages later, in Chapter XXI, where Hobbes gives a definition of freedom from which it follows that the human will is not free. Everything in nature is caused by something else, and human actions are no exception. Therefore, freedom means only and exclusively an absence of opposition, a freedom of movement. In this sense, the word can be applied ‘no lesse to Irrational, and Inanimate creatures, than to Rationall’ (Hobbes 2011, 261 [chap. XXI]).

But when the words *Free*, and *Liberty*, are applyed to any thing but *Bodies*, they are abused; for that which is not subject to Motion, is not subject to Impediment: [ . . . ] from the use of the word *FREewill*, no liberty can be inferred to the will, desire, or inclination, but the liberty of the man; which consisteth in this, that he finds no stop, in doing what he has the will, desire, or inclination to doe. [ . . . ] *Liberty* and *Necessity* are Consistent: As in the water, that hath not only *liberty*, but a *necessity* of descending by Channel: so likewise in the Actions which men voluntarily doe; which (because they proceed from their will) proceed from *liberty*; and yet because every act of man’s will, and every desire, and inclination proceedeth from some cause, and that from another cause, which causes in a continuall chaine (whose first link in the hand of God the first of all causes) proceed from *necessity*.

(Hobbes 2011, 262–63 [chap. XXI])

At this point, we are finally in a position to understand why the concept of person is so important for Hobbes: because it enables him to distinguish between the human being, who is always imputable for his actions, and the water, that is not imputable. According to Hobbes, the human being is imputable, and this is why he can enter a civil society. However, human beings are not imputable for the reason that they are endowed with a free will. Rather, they are imputable because they are able to impersonate their own acts and speeches. They can recognize as their own a number of words and actions for which they are not ontologically responsible but personally imputable. From this perspective, the human being looks like an actor who puts on stage a script that is written by others, ultimately by God. And I am human precisely because I can read, interpret, and assume this script as my own *in the first person*, without being free to want it *in the first person*. This is the cornerstone of the anthropology that Hobbes introduces in the *Leviathan*. 

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On this Shakespearean stage, the natural person is not the only possible actor. The artificial person is another kind of actor that can enter the play. The natural person is the actor of his own acts and speeches, which are ultimately dictated by God, while the artificial person is the actor of words and actions that other natural persons ‘own’. But what does the verb ‘to own’ (Latin: *agnoscere*) mean here?

In some respects, its meaning is not too far from that of Hegel’s *Anerkennung*. On the one hand, ‘to own’ certain acts and speeches means to recognize them, or to acknowledge them; on the other, it also means to take possession of them, to recognize them as our own acts and speeches. Here lies the secret of authorization. When we ‘own’ acts and speeches made by others, then we ‘authorize’ them.

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

(Hobbes 2011, 218 [chap. XVI])

In this passage, at least in the English version, Hobbes seems to play with the words ‘to own’ and ‘owner’, but he is not kidding us. In reality, he is trying to shed light on the plural nature of *dominium*, that is always an act of ‘owning’, an act of acknowledgement. When speaking of material goods, such as money or land, I can only acknowledge that something is yours and something else is mine. In this case, it is always a matter of things that are literally ‘owned’ by you or by me. I cannot ‘own’ that which is yours. This is not the whole story though. For in the realm of words and action, that is the realm of politics, a further possibility comes to light. In the first place, as far as I am a ‘natural person’, I figuratively ‘own’ [*agnoscere*] a number of acts and speeches, in the sense that I ‘represent’, or ‘act’, or ‘personate’ them, thus recognizing as my own those acts and speeches. But then, in the second place, I can also ‘own’ [*agnoscere*] the acts and speeches made by someone else, and this means, according to Hobbes, that I can acknowledge those acts and speeches as if they were mine, as if they were imputable to my person. At that point, I become the ‘author’ of those acts and speeches, even though the ‘actor’, the one who actually ‘represents’ and ‘acts’ them on the stage of the world, is someone else, namely an ‘artificial person’. Such a conclusion is possible, of course, only on the condition that everything – even the ‘natural person’ – is artificial when it comes to human beings. In the end, this is what makes the passage from the natural to the artificial person plausible. The fictional clause *as if ( . . . those acts and speeches were mine)* is always already at work, no matter whether we speak of a natural person or of an artificial person. The clause is always already at work, thus paving the way for the process of political ‘authorization’.

Along these lines, indeed, one can think of a *translatio iuris* from a natural person to an artificial one, from an ‘author’ to an ‘actor’, without falling into the traps of *De Cive*. Within the new theoretical frame, the transfer of rights must not be combined with a transfer of personality leading from democracy to monarchy or aristocracy. For the monarch can be ‘authorized’ by the multitude and can bear the ‘Person of the people’, that is still the mask or *persona* of the supreme power, without passing through the previous establishment of any *populus* and any democratic civil society.5
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That said, the genesis of the 
*civitas*, the genesis of the Commonwealth, keeps on coinciding with the genesis of a civil personality, without which the Commonwealth would never see the light of the day.

The only way to erect such a Common Power, as many be able to defend them from the invasion of Forraigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is, 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: which is as much as to say, to appoint one man, or Assembly of men, to beare their Person; and every one to owne, and acknowledge himselfe to be Author of whatsoever he that so beareth their Person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safetie; and therein to submit their Wills, every one to his Will, and their Judgements, to his Judgement. This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Convenant of every man with every man, 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, 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 latin 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 Immortall God, our peace and defence.

*(Hobbes 2011, 227 [chap. XVII])*

We shall not insist further on the ‘real Unity’ which, according to Hobbes, constitutes the *civitas* as ‘one and the same Person’. Nor shall we insist further on the fact that the *civitas*, for Hobbes, does not result from any general ‘Consent’ but from a process of political personalization, or subjectification. Before concluding our brief analysis of Hobbes’s masterpiece, we would rather focus on his definition of the State as a ‘Mortall God’, that is probably something more than just a rhetorical expression. The person of the *civitas* resembles God for at least two reasons that help understand Hobbes’s absolutism. First of all, the State resembles God because its existence is absolutely necessary. Secondly, the State resembles God because its power is absolutely unconditional. Both features stem from Hobbes’s deterministic Weltanschauung.

In the first place, the existence of the State is absolutely necessary because men *do not freely choose to establish it*. If men could freely choose, this would mean that they are endowed with free will. As already said, however, Hobbes denies that they are. Hence, the institution of the State has to be seen as the outcome of a deterministic process, and the *Leviathan* has to be read as an explanation of some deterministic laws, detailing theorems and demonstrations *more geometrico*, as if it were a handbook of physical or mechanical politics.

In the second place, the power, *imperium*, command of the Leviathan is unconditional because the will cannot will itself; it cannot command itself. If the will could actually will itself, or command itself, this would mean that the will is both cause and effect of itself, thus escaping the deterministic chain of events and starting a new chain of events. This is not Hobbes, however; this is Kant. In contrast, for Hobbes, the will of the supreme power is unable to command itself and for this reason is absolute, in the sense that it is absolved from civil laws.

Given these premises, the political mechanism of the *Leviathan* can be deployed: the many exercise their will upon each other until the institution of the artificial person of the *civitas*,...
which in turn, once established, exercises its own will on the many without ever exercising it upon itself.

Two dimensions of the State are shaped in this way: the first one is the active dimension of the civitas, of the artificial ‘Person of the people’, that is produced by a process of collective subjection of all the cives; the second one is the passive dimension of the multitudo, of ‘the many’, who are the same cives to be seen now, not as the authors of the Leviathan, but as the subjects over whom the State can exercise its unconditional power. Following Hobbes’s tracks, we may say that the former dimension is subjectivizing as it creates a collective personality that makes ‘the many’ one, changing them into one civil person who speaks and acts on their behalf. By contrast, the latter dimension is desubjectivizing as it creates a collective body which is totally passive and voiceless with respect to the State.

As a matter of fact, Hobbes did not realize that this second dimension inevitably accompanies the first one and represents a kind of topological reverse of it, without which the sovereign power would fall into the void. In other words, Hobbes did not see, or fore-see, that the unity of the modern civitas, namely the ‘real Unity’ of the artificial ‘Person of the people’, necessarily entails the creation of a parallel political unity which appears as the reverse side of the sovereign subjectification of the cives, and emerges in the form of a unitary and collective desubjectivized mass.

This blind spot in Hobbes’s masterpiece is attested by his uncertain use of the word multitude in a book which is otherwise characterized by a very precise use of terminology. On the one hand, multitude means ‘the many’, that is, both the set of disconnected singularities prior to the institution of the civitas and the set of disconnected singularities over which the State exercises its power afterwards. Hobbes defines such a multitude as being without unity, since ‘unity’ (of all the cives) is achieved only through collective subjectification and artificial personalization of the Leviathan.

A Multitude of men, are made One Person, when they are by one man, or one Person, Represented; so that it be done with the consent of every one of that Multitude in particular. For it is the Unity of the Representer, not the Unity of the Represented, that maketh the Person One. And it is the Representer that beareth the Person, and but one Person: And Unity, cannot otherwise be understood in Multitude.

(Hobbes 2011, 220 [chap. XVI])

Here, unity would seem to belong only to the personalized side of the multitude. The many, in this sense, would acquire unity only when they are changed into the sovereign ‘Person of the people’. There would be no other way to circumscribe the boundaries of a single multitude.

Yet, on the other hand, if one follows Hobbes’s line of reasoning, one is logically brought to speak of a unity of the multitude in a different way. Hobbes himself is forced to do so, perhaps unwittingly, when he speaks, for instance, of the ‘government of a Multitude’ (Hobbes 2011, 222 [chap. XVI]). In this case, Hobbes refers to a unity which is not the unity of one civil person but the unity of a multitude, that is not the unitary depositary of the supreme power but a unitary object of imperium. And it makes sense to do so, because a multitude is precisely that unitary body over which the ‘Person of the people’ – whether it be embodied by a demos, an aristocracy, or a monarch – has to exercise its sovereign power. What we detect here is the silent, almost invisible emergence, in Hobbes’s text as well as on the world stage, of a political magnitude that is parallel to and perfectly coextensive with the sovereign power of the Leviathan. A magnitude that constitutes the desubjectivized reverse of the multitude’s political subjectification. A magnitude that represents the objective unitary target of imperium and government. A magnitude that in the following centuries will be termed ‘population’.

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Biopolitics

In a recent essay on Hobbes, Agamben reaches a similar conclusion:

Hobbes already knows that distinction between the population and the people which Foucault will place at the beginning of modern biopolitics.

(Agamben 2015, 60)

Here Agamben is reading a passage from The Elements of Law where Hobbes focuses on the two meanings of the word 'people': on the one side, the people meant as the civil person that embodies the will of the many; on the other, the people meant as a 'dissolved multitude', that is the object of the sovereign will. The association of Foucault's population with Hobbes's multitude should prove that, as the camp and not the city is the basic paradigm of modern politics, so the homo sacer and not the people is the logical outcome of the modern political machinery. In other words, the 'dissolved multitude' cannot but be reduced to bare life within the frame of modern statehood.

In order to explain the equation between multitude and homo sacer, Agamben expands on the idea of iconologia philosophica and offers a detailed analysis of the image placed on the front-page of the Leviathan. Such analysis reveals that the frontispiece secretly portrays the logic of sovereignty that the Italian philosopher has developed since the first volume of Homo Sacer appeared. Agamben invites the reader to pay attention to the position of the sovereign in the picture. The figure does not belong to the polis but is external to it, as if the Commonwealth, the 'body political', did not coincide with the physical body of the polis. As is well known, the heads forming the 'body political' portray the subjects. If the subjects belong to the body of the sovereign and the body of the sovereign is external to the polis, then the city cannot but be empty. On closer inspection, the only figures within the walls are some armed guards and two other people in front of the cathedral who wear the beaked masks of the plague doctors' costume. The object of the guards' surveillance and of the doctors' care is the invisible figure of the homo sacer who inhabits a city which has become a camp.

The topology defines two entities ordered in a hierarchical manner and symmetrically placed at the two thresholds of the juridical order. On the one hand, the sovereign is excluded from the juridical order through his inclusion. His position can be formulated in the following way: 'the law is outside itself', or 'I, the sovereign, who am outside the law, declare that there is nothing outside the law' (Agamben 1998, 17). The sovereign – having the legal power to suspend the law – legally places himself outside the law. On the other hand, the homo sacer is included in the juridical order through an exclusion: he belongs to the polis only because he is excluded from it. This is the reason why he can be represented (included) only through his absence (exclusion). As Agamben writes, the multitude – 'the impolitical element whose exclusion is grounds for the city' – is 'literally un-representable – or rather it can be represented only indirectly, as we see on the emblem of the frontispiece' (Agamben 2015, 55).

Agamben suggests that the relation between the sovereign and the homo sacer is proof of the impossibility of creating precisely what Hobbes wanted to create: a collective subjectivity. On the contrary, Hobbes's political theory describes a process that begins with a multitude and goes back to a multitude. With the constitution of the body political the many renounce their natural right and transfer it to the sovereign. By so doing, the multitude should become a people – that is, according to Hobbes:

a single entity, with a single will, you can attribute an act to it. None of this can be said of a crowd. In every commonwealth the People exercises power [imperat], for the people wills through the will of one man.

(Hobbes 2011, 137 [chap.VIII])
However, as Agamben emphasizes by quoting again Hobbes, ‘once it has been done, the people is no longer one person, but a disorganized crowd, since it was one person only by virtue of its sovereign power, which they have transferred from themselves to him’ (Hobbes 2011, 96 [chap. VII.11]). Therefore, as Agamben concludes, the people is an ‘impossible concept’ (Agamben 2015, 53), because it is always already in the process of dissolving itself. A multitude can turn into the sovereign power only on the condition that it becomes the object of the same power, thus immediately losing its sovereignty. As a result, the people appears as a ‘politically unqualified multitude’ once more (Agamben 2015, 58). The subjects are included in the polis for they authorize the sovereign, and yet this very act excludes them from the polis. Likewise, the inclusion of the sovereign in the juridical order determines his exclusion. ‘It is important to note that for Hobbes the state of nature survives in the person of the sovereign, who is the only one that preserves his natural ius contra omnes’ (Agamben 1998, 27). On the basis of these and other remarks, Agamben claims that the fracture between the sovereign and the multitude remains the characteristic feature of Hobbes’s theory. The result of this impasse is the very impossibility of the people, or that which Agamben terms ademia:

The people are, in other words, the absolutely present who, in that way, cannot be represented. If, from the Greek term, demos, we call ‘ademia’ the absence of people, then the Hobbesian State, as well as every State, lives in a condition of perennial ademia.

(Agamben 2015, 59)

Agamben thinks not only that Hobbes was well aware of such a theoretical impasse, but also that this is the key to reaching an eschatological reading of the Leviathan. Given both the sources coming from the Christian and the Judaic traditions that identify the Leviathan as an eschatological figure and Hobbes’s well-attested theological knowledge, the title of the book cannot be accidental, according to Agamben. All these theological references mean the same: the death of the Leviathan announces the coming of the Reign of God. Evaluating whether Hobbes was really aware of the eschatological meaning of this Biblical monster or the choice of the title is the consequence of a ‘half-ironic literary idea born out of a fine sense of English humor’ (Schmitt 2008, 29), goes beyond the purpose of our essay. Among all of the theological sources, it is worth mentioning the one which is probably the dearest to Agamben. The rabbinic tradition tells that Leviathan and Behemoth, the two monsters of the origins, will fight each other and both of them will die in the end. Only at this point will the righteous sit at the messianic banquet. But who are the righteous, namely, those who will live through the biopolitical mechanism of sovereignty?

In the introduction, Hobbes says that the Leviathan is an automaton – ‘engines that move themselves by springs and wheeles as doth a watch’ (Hobbes 1985, 81 [chap. VI]). Taking his cue from Noel Malcom, Agamben states that this mechanism has to be regarded as an optical apparatus:

The giant body of the Leviathan, made by innumerable small figures, is not a reality, though artificial, but an optical illusion, a mere phantasm, as Bramhall polemically described it. Nonetheless, in accordance with the prestige that optics was gaining in those years as a scientific paradigm, the artifact is effective, for it enables to confer unity on a multiplicity.

(Agamben 2015, 47)

The Leviathan is ‘a mere phantasm’, a sort of inevitable illusion whose ontological status is fictional, ‘unreal’. When the eschatological moment will determine the vanishing of the optical illusion, the figure placed at the opposite end of the juridical order – the multitude, which is ‘real but
politically invisible’ (Agamben 2015, 72) – will finally emerge. Thus, the messianic banquet of the righteous is nothing other than the scene for the coming of ‘the multitude (and not a people, a city, or a particular community), the true subject of politics’ (Agamben 2007, 9).

The messianic eschatology follows from Agamben’s disavowal of seeing the State as a necessary stage of modern politics. Democracy, aristocracy, and monarchy are all placed on the same level, as they are all affected by the same illness: a disease that reduces the multitude to the bare life of the homo sacer. Hence, political philosophy is nothing but a grand variation on the same mistake: the sovereign exception. The inability to provide an alternative makes it ‘the most ephemeral and uncertain discipline among those which are taught in our universities’ (Agamben 2015, 35). As Hobbes writes, ‘the office of the Sovereign (being it a Monarchy or an Assembly) consisteth in the end, for which he was trusted with the Sovereign Power, namely the procuration of the safety of the people’ (Hobbes 1985, 376 [chap. XXX]). These words echo Cicero’s words: ‘The safety of the people shall be their highest law’ (Cicero 1989, 467). And Agamben sees in this law the greatest illness. The cure consists in deactivating the State’s immunitarian apparatus that inevitably infects the multitude. Agamben’s thesis tallies with a well-established tradition of Italian contemporary thought. Roberto Esposito, for instance, thinks that the biopolitics to come is ‘a vital reality that is extraneous to any kind of unitary organization because it is naturally plural’ (2004, 164). In the future, such a ‘plural and potentially rebellious multitude’ (165) will be finally free to express its centrifugal force. Paolo Virno, just to make a further example, affirms that:

the people are the result of a centripetal movement: from atomized individuals, to the unity of the ‘body politic,’ to sovereignty. The extreme outcome of this centripetal movement is the One. The multitude, on the other hand, is the outcome of a centrifugal movement: from the One to the Many. [. . .] The multitude does not converge into a volonté générale for one simple reason: because it already has access to a general intellect.

(Virno 2004, 18)

Agamben himself explains the meaning of this Marxian concept within a biopolitical horizon:

The diffuse intellectuality I am talking about and the Marxian notion of ‘general intellect’ [. . .] name the multitude that inherits to the power of thought. [They are] the unitary power that constitutes the multiple forms of life as form-of-life. In the face of the State’s sovereignty, that can affirm itself only by separating bare life from its form, they are the power that incessantly reunites life with its form or prevents life from being dissociated from its form.

(Agamben 2000, 10)

Here, the eschatological moment coincides with the liberation of the spontaneous potentiality of life, which is alien to any form of State. Obviously, one could immediately ask whether this ‘plural and potentially rebellious multitude’ or this ‘power that reunites life with its form’ do not imply a kind of vitalist drift whereby the revelation of the lack of any God – the ‘mortal God’ included – eventually turns into the real revelation and the theological advent of Life itself, to be revered as a new God. More generally, it might also be said that in order to neutralize the dangers of politics – for instance, the reduction of human life to bare life – these proposals seem to promote the end of politics itself. But apart from all these considerations, when Agamben writes that the modern populus is an impossible concept and in order to prove it he quotes a passage from De Cive where Hobbes would supposedly claim that in both aristocracy and democracy ‘the people is dissolved at the instant of the council’s formation [Latin: ea electa, populus simul dissolvitur]’ (Hobbes 2011, 96
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[chap. VII.9]), it should be noticed that Agamben is reading too much into Hobbes’s text (Agamben 2015, 52). For, in that passage, Hobbes is speaking of aristocracy and not of democracy. As he clearly states in the De Cive, the democratic demos does exist at the beginning of modern political life, even though it can transfevere its political personality to someone else after a while. Along these lines, the multitude, just like the population, appears as the reverse side of the sovereign ‘people’ within a democratic context like ours. And this is where the biopolitical turn of modern politics has to be placed, and investigated by a less ephemeral and uncertain political theory.

Notes

1 Hobbes (1994, 107 [chap. XIX.8], 109 [chap. XX.1], 119 [chap. XXI.2], 124–25 [chap. XXI.11], 168 [chap. XXVII.9]).

2 Although every commonwealth is a civil person, not every civil person (by converse) is a commonwealth. For it may happen that several persons will, with the permission of their commonwealth, unite as one person for the purpose of transacting certain business. These will now be civil persons, as companies of merchants are, and any number of other groups, but they are not commonwealths, because they have not subjected themselves to the will of the group simply and in all things, but only in certain matters defined by the commonwealth; and on terms which allow any one of them to sue the Corporation itself before outsiders; which citizens may not do against a commonwealth. Associations [societas] of this kind then are civil persons subordinate to the commonwealth. (Hobbes 1994, 73, [chap. V.10])

3 The passages where the ‘Person of the people’ is mentioned confirm that for Hobbes the ‘Person of the people’ is no longer the first and foundational form of collective subjectivity that establishes the first and foundational form of sovereign power, but rather the artificial mask of the sovereign power which is always and directly put upon his natural mask, persona.

Whosoever beareth the Person of the people, or is one of that Assembly that bears it, beareth also his own naturall Person. And though he be careful in his politique Person to procure the common interest; yet he is more, or no lesse careful to procure the private good of himselfe, his family, kindred and friends.

(Hobbes 1985, 241 [chap. XIX])

Thus, the Person of the people is no longer the first person plural ‘we’ that generates every ‘politique Person’, but the very mask of the ‘politique Person’. In this way, Hobbes is still maintaining that any form of civil society must legitimize itself as a masked democracy – the supreme power always belongs to the Person of the people. Yet, in this context, it is no longer necessary to pass through a true democracy in order to establish a monarchy or an aristocracy. ‘The King is the People’ even if and even when the People never take the floor as a first person plural, ‘we’. And even if, at some point, the People revolt against the King:

Therefore if the King bear the person of the People, and the generall Assembly bear also the person of the People, and another Assembly bear the person of a Part of the people, they are not one Person, nor one Soveraign, but three Persons, and three Soveraigns.

(Hobbes 1985, 372, [chap. XXIX])

4 Hobbes’s definition of the will is as follows:

In Deliberation, the last Appetite, or Aversion, immediately adhæring to the action, or to the omission thereof, is that wee call the WILL; the Act, (not the faculty,) of Willing. [. . .] Will therefore is the last Appetite in Deliberating.


5 On the ‘Person of the people’, see note 3.
Hobbes on political subjectification

Bibliography