

# A HERETICAL READING OF THOMAS HOBBS: THE MULTITUDE

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## ABSTRACT

The aim of this article is to trace the concept of multitude in Hobbes' political thought. It challenges the idea that the individuals of the multitude and the people are the same in Hobbes' political thought. This analysis shows that the contemporary argument that the multitude and the people are mutually exclusive concepts is invalid. Firstly, because there are four, instead of three agents, that are the *sovereign*, the *multitude*, the *people as the state* and the *people as the citizens*; and comparing the multitude to the *people as state*, which is a non-person is impossible and fruitless. Secondly, I claim that *the people as citizens* is a capacity that the multitude gains in its encounters with the state. Thirdly, I claim that the multitude is the only one with agency within the commonwealth apart from the sovereign. Fourthly, Hobbes acknowledges that it holds the capacity of acting against the sovereign's rule.

**Keywords:** Multitude, People, Commonwealth, State, Sedition.

## INTRODUCTION

When it comes to the theoretical debates on what the multitude corresponds to within state theory, the predominant discussion seems to always be built around Hobbes' political thought. Most of the literature is very clear that Hobbes' demarcation between political and non-political is associated with the strict distinction between the multitude and the people. The literature seems rather clear on this split, as it corresponds to an easy and well-defined demarcation. The multitude is the portrayal of the pre-political individual groupings, consisting of poor, confused, rebellious, and violent individuals. Even when its existence is acknowledged as possible within the *civitas*, the multitude signifies disorder and the possibility of sedition; overall, the multitude is the expression of a constant state of war among the nasty and brutish savages. The shift from the multitude to the commonwealth is the unification of the will of the individuals in this pre-political multitude. The covenant is the manifestation of this unification process, which allegedly transforms the multitude into a people. The people becomes the legal person of the state, and then assigns a sovereign through which it can act, particularly for the enforcement of the covenant. The multitude is left to the ambiguous and always uncannily unpredictable nature of the pre-political society that is dominated by the necessarily pernicious human desires for power and control.

The scholarship over the significance of the multitude largely focuses on the extent of the multitude's intrinsic texture as structurally a form rebellion against the monopoly capital materialized through state. The state, then, appears as the ultimate mode of capitalism and imposition. Virno claims that the assumed dual structure is the key to Hobbesian political understanding: "[the concept of people] ...is a reverberation, a reflection of the state: if there is a state, then there are people. In the absence of the state, there are no people". The multitude is the *anti-people*: if there are people, there is no multitude, and if there is multitude, there are no People. Hence the multitude in Hobbes, according to Virno, is the worst and *purely negative borderline* concept of the 17<sup>th</sup>-century *apologists*: "it is that which did not make itself fit to become people, in as much as it virtually contradicts the state monopoly of political decision making; in brief it's a regurgitation of the 'state of nature' in civil society" (Virno 2004, 23-24). Douzinas provides a rather broad summary of the two camps: one which follows the philosophy of One and Unification, and the other which promotes the existence of the Many or the Multiple. The first one that is built up on Unification *places the unity of sovereign and*

*the state at the center* (Douzinas 2013, 119-121). He agrees with Virno in the sense that the multitude consists of a representation of human beings in the state of nature. They are wolves to each other and can only be transformed into civilized beings through the Contract that creates the Leviathan. He, too, refers to Hobbes's words in *On the Citizen*: "the People is somewhat that is one, having one will and on whom one action may be attributed" (Hobbes 1998, § XII.9). He calls the state of being disorganized "the famous Hobbesian problem of order" and presents this situation as a problem to be solved. To him, Hobbes solves this disorganized and so problematic status through a "duty to obey" (Douzinas 2013, 120). It is, eventually, the essence of law and according to mentioned philosophers; obedience is the cause and effect of the sovereign.<sup>1</sup> On the other end, opposite to the People, stands the multitude, referring to Niccolò Machiavelli, Baruch Spinoza, and Karl Marx. The losing term of the European history of the nations, states Virno, as well as the whole 18<sup>th</sup> century, is the multitude. Similarly, Hardt and Negri consider the multitude as the basis for political action that aims at transformation and liberation of individuals (Hardt and Negri 2004, 99). For them, the multitude consists of individuals 'who work under the rule of capital and thus potentially as the class of those who refuse the rule of capital' (Hardt and Negri 2004, 106). The multitude, then, is designed in a way that primarily distances itself from the fictive unities of populism, and that necessarily rejects the market (Bull 2005, 20-21). Hobbes's construction is the theoretical building block of the duality, and thus he emerges as the Marx of the bourgeoisie (Negri 1991, 19). The multitude, accordingly, is a plurality of singularities that have constituent power. The appraisal of the multitude is taken to the very extreme to claim that Hobbes's multitude is what will create the new proletariat to rescue the laboring class from neoliberalist capitalist structures that establish and maintain the right to property as a tool to subordinate others and exploit their capabilities at its own expense. Not only the Marxist tradition, but independent scholars treat the multitude as a resistance force against the established state that unifies all. Thus, *the real problem and the starting point for Hobbes is not the individuals but the multitude* (Jakonen 2013, 27). Jakonen presents the multitude as the epitome of the political puzzle about which Hobbes attempted to provide a legal solution. Accordingly, Jakonen too frames the multitude as the opposite of and structural opposition to the state, since the multitude represents the political existence of the lonely individual image (Jakonen 2013, 181-183).

All of these claims are constructed upon the assumption that Hobbes's political thought necessarily and structurally locates the multitude and the People as opposites. The problem in

agreeing with this claim without an analysis of what the statement “multitude transforms into the people” actually means, is that one inevitably ends up treating the People of the commonwealth as a completely irrelevant matter from any human agency. In this line, the multitude’s transformation is depicted in a way that every individual completely submits to the sovereign that acts on behalf of the commonwealth. Perhaps by virtue of the frontispiece of *Leviathan* by Abraham Bosse in 1651, the people is understood as individuals without any individual capacity to think for themselves, to the point that the reason of their existence becomes serving to constitute the commonwealth. The implication is that Hobbes claims that the human agency represented by the multitude should be completely excluded from any civilization, since it is a malicious obstacle before functional order. The state, in this narrative, expands to any and every region politics can reach, so that it does not leave any possibility for the multitude to express its agency as the human element. Further, when human agency is completely excluded from the practice of politics, then the governing of the commonwealth is populated with two agents, one sovereign and the other the person of the state. Since the individuals have become the people, and the people have collectively become the person of the state, the agents of Hobbesian politics are reduced to two. Overall, even Skinner states that the total number of agents that partake in statecraft is three: the multitude, the People as the state (the commonwealth), and the sovereign. Skinner explains the first relationship as representation, where the people as the state represent the multitude in a unified manner; and the second relationship as authorization, where the sovereign, in her capacity of natural persona, personates the artificial person of the state. In other words, the sovereign is authorized by the people as the state, in order to act on its behalf. The multitude, at the end, disappears from the political arena after its contribution to the covenant.

In reading Hobbes’s political theory, I primarily asked the questions which appeared to me to go unanswered in the narrative provided by the scholarship. Where the multitude is after the state, considered that they are the same exact individuals before and after the establishment of the commonwealth? If they were completely transferred to another title in their relationship with the newly assigned sovereign, then what would this transfer imply about the rights and duties of the individuals who now accepted to submit themselves to the rule of the sovereign? If the covenant is a contract that requires full obedience from individuals to the sovereign’s rule, then was not Hobbes aware of the impossibility of in alienating some rights from the body that holds the power to exercise them? Otherwise, if the covenant was formed with the content

of the will that the multitude decides to unify, would that mean the covenant could be limited to the content of the will? To what extent is the person of the state is capable of fulfilling what the multitude expects from it: representing the multitude's unified will? Similarly, how does a state have the capacity to authorize a sovereign, if the first reason for the requirement of the sovereign is the incapacity of the state to take any action? In other words, how can a people undertake the action of authorization if it is incapacitated from taking any legal action at all? As is evident from their structure, answering this set of questions requires a two-phase resolution. It is obvious that the individuals of the multitude existed somewhere within the state organization, under the name of the citizens, yet it was not clear to me how to mark the boundary between the People as the state and the People as the citizens. Therefore, my investigation will concern the relationship between the multitude, the People as a state, the People as citizen-subjects, and the sovereign. Even thus far, four political agents have appeared instead of three.

Contrary to what has been extensively claimed by the contemporary literature on Hobbes, his contemplation of the multitude proves to be highly interesting. The multitude stands in Hobbes's political theory of the modern state similar to Machiavelli's: a last resort of agency when all else fails. Not only does multitude remain as a political agent within the modern state, it is the only one that is capable of challenging the sovereign when the sovereign fails to obey the commands of the god that is above her. Overall, this article claims that even if Hobbes strove to cut out human agency from the theoretical construction of the political arena in an attempt to consolidate the commonwealth as an institution beyond the reach of any human intervention, his political thought eventually made it clear that such an exclusion is not possible. The multitude, as the original author of sovereignty, remains the only agent capable of correcting a sovereign that is unfit to govern the commonwealth appropriately. The People as the person of the state (the commonwealth) finally appears as a folding screen that aims at disintegrating the direct relation between the sovereign and the ruled, yet it does not suffice in erasing the multitude as a political agency from the modern state. The multitude remains a corrective force within the Hobbesian modern state, perhaps the only other political agent that has the agency and capacity to act against imposition.

## MULTITUDE AND THE PEOPLE AS THE STATE

My analysis starts with understanding into what exactly does the multitude's unified will transforms. As Hobbes infamously states, '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 that Multitude in particular. For it is the Unity of the Representator, not the Unity of the Represented, that maketh the Person One' (Hobbes 2012, § XVI). In other words, through the covenant, the multitude assembles and agrees upon unification, with the aim of engendering the person of the state through a relationship of representation. This leads to an examination of the authorization of the sovereign in bearing the personality of the state, thus acting and speaking on behalf of the commonwealth.

Let's take a step back at this point to understand Hobbes' theory of legal persons. Hobbes defines three types of legal persons in *Leviathan*<sup>ii</sup> (Hobbes 2012 § XVI): the natural person who acts on behalf of and in the name of herself, the artificial person whose actions are owned by another, and the fictitious person who has the ability to own her own actions through a granted pretense. The difference between the natural person and the artificial person is very clear, and in line with the relationship between the represented and the representor: 'A person is he who acts in his own name, or another's: if in his own name, he is his own, or a natural person; if in another's name, he is a person representative of him in whose name he acts.' According to Hobbes the relationship between the natural and the artificial person, is that between the representative and the represented. This overlaps with the actor and the author of the covenant, and therefore the multitude and the personality of the state. The multitude, as Hobbes says, is the author of the relationship that defines representation, whereas the people is the actor of that relationship. This relationship, as in all other relationships of representation, is demarked and defined by the social covenant. The actor, who undertakes the role of representation, is the artificial person who *should have had* the agency of acting on behalf and in the name of the represented. The fictitious person, on the other hand, should 'bear or carry,' or in other words, personate. Personation can be constituted towards anything, regardless of whether if it is an artificial person or a natural person. In this regard, anything can be personated by fictitious persons: 'There are few things that are incapable of being represented by Fiction' (Hobbes 2012, § XVI). The capacity of such a personation is not representation, primarily

because representation requires a contract. Instead, bearing a personality is a relationship of authorization.

In the triangular diagram that Skinner offers, the multitude is the represented, the person of the state is the artificial person that represents, and the sovereign is the person that bears the person of the representative, since the person of the state is incapable of acting or speaking on its behalf (Skinner 2014, 26). Runciman takes up the debate at this point, claiming that the personality of the state fails to correspond to an artificial person (Runciman 2000, 270). Any artificial person should hold the capacity of representing another one, by acting and speaking on her behalf, while the person of the state, as Skinner agrees, has no such capacity.

Then, to start with, the person of the state is not an artificial person. What is it? Considering the fact that it is impersonated by the sovereign, it may be an inanimate thing, a *non-person*, similar to a church or a university being impersonated by a priest or a rector. Considering the fact that it is a collective of natural persons without agency, it can be a ‘likewise the children, fools and mad-men that have no use of Reasons’, thus impersonated by guardians or curators. If the person of the state is one that is impersonated by the sovereign, then it is at best a child, fool, mad-man, or an inanimate thing. Yet, it can be none of them, since it is too alive of sort for the first, and too much loaded with the fact that it is, at the end, a collective that is supposed to represent the original authors of the state’s sovereignty. Runciman claims that the state can only be a person by fiction, instead of an artificial person (Runciman 2009, 18; Runciman 2000, 275).<sup>iii</sup>

The debate continues with a striking twist. Fleming views the triangular relationship between the multitude, the person of the state and the sovereign as analogous with Moses, Christ and the Apostles (Hobbes 2012, § XVI). However, in order to connect this detour on the personality of the state with the multitude, I will jump to what I find very informing in Fleming’s words. Fleming states that the distinctive and novel element of Hobbes’ idea of state personality is the fact that personhood and agency are decoupled (Fleming 2017, 19). In other words, the person of the state is stripped from any agency, incapable of imposing any will through actions that it cannot act, thus lacking autonomous rational action (van Mill 2001). The person of the state, whether an artificial person or person by fiction, is a non-agency; and, for what it’s worth, it does not really have a character far from an inanimate thing or a person without reason, as a legal person per se. Viewing the debate of personality of the state with regard to Hobbes’ theory

of legal persons, the literature has failed to focus on the implications of this non-agency for the concept of the multitude. Perhaps this is due to a predominant omission of the concept of the multitude as a political agent, which seems to have been excluded initially from the equation. Or, perhaps it is due to a concern that the possible implications of reconsidering the concept of the multitude would shake the grounds of the mainstream understanding of Hobbes' authoritarianism, which is customarily considered as not leaving any room for any agent other than the sovereign. However, tracing the footprint of the multitude in Hobbes' theory is closely related to the lack of capacity of the person of the state.

A brief sketch would aid understanding the implications. To go back, each of the individuals of the multitude, using their very birthright of being singular sovereigns, agree to be the authors of sovereignty by contracting with the rest of the multitude to establish a unification in commonwealth. These individual sovereignties originate from the fact that each individual has the capacity for rational choice, liberty, and self-sovereignty to facilitate the choice of being represented. By the power of their sovereignty, they give up their right to self-sovereignty, with the hopes of being represented by a unified, single will. This unified will is impersonated by the sovereign through a one-sided declaration of authorization by the sovereign. This is because the unified will that held a promise to represent the unified will is one with zero agency. Accordingly, the person of the state can neither represent, nor *do anything* at all. Perhaps then Runciman was right, claiming that the unity of society was only created by the establishment of the sovereign, which leads to the thought that the person of the state never exists at all (Runciman 2005, 11-13; Runciman 2000, 272-275). Perhaps, the multitude is never really transformed into any tangible entity, since the state matters reside solely with the sovereign.

Going back to the multitude, I must say that acknowledging the non-agency of the person of the state has unavoidable implications. First, it completely invalidates the dichotomy between the multitude and the people as the state, as presented at the core of Hobbes' absolutism by contemporary scholarship. The people as the state emerges as an impossible comparison, since it is impossible to even compare two phenomena as equals when one is a complete fiction, and the other is a heterogeneous crowd of individuals. If the contrast is invalidated, then the reputed mutually exclusive relationship between the people and the multitude does not exist at all. When we rule out this mutual exclusivity, then we have no option to go back to Bull's

emphasis: what happens to the multitude after the social contract, if it does not evaporate into thin air, and particularly if without those same individuals, the sovereign would have no one to enjoy her sovereignty on.

## **THE MULTITUDE AND THE PEOPLE AS SUBJECTS (CITIZENS)**

The entirety of Hobbes's thought is built upon the concern of stripping the right to self-sovereignty from the individuals of the multitude, in order to assign it to the sovereign, and this stripping is facilitated by the person by fiction of the state. This is understandable on Hobbes' part. He sought an uninterrupted existence of the state that was cleared off from human error in the context of the debates on civil war in the English parliament in 17<sup>th</sup> century, which sought the identity of the state as well as for an answer to the extent of accountability of the parliament to the citizens. The civil war led to such claims, for example by Parker, of the parliament being nothing 'but the very people it self-artificially congregated or reduced by an orderly election, and representation', where the parliament was depicted as the state itself (Parker 1642, 34, 14). These non-functioning arguments must have been interpreted by Hobbes as a failure to craft the state as an untouchable entity that was capable of surviving regardless of that human error. It is no wonder that Hobbes opted to articulate the institutionalization of the state as a capacity that is without agency, one that is engendered through the unification of a highly intangible concept, the will of the multitude.

If the entire project of Hobbes' thought aims to strip off the natural right of self-sovereignty from individuals, and if the only thing that is supposedly transferred into 'one single entity' is the collective will of each individual of the multitude for the sake of institutionalization, then obviously the individuals of the multitude continue to exist after the establishment of the commonwealth. Physically, they are the same; yet, in the capacity of self-sovereignty, they gain a new title: people as citizens or subjects. Risking another detour, it would be best to first clarify what people as subjects means, and to what extent it corresponds to the actual physical individuals of the multitude.

In *Elements* and *De Cive*, Hobbes repeatedly uses the phrase ‘people as subjects’, stating that the ‘nature of a commonwealth is that a multitude of citizens both exercise power and is subject to power, but in different senses’ (Hobbes 2004, § 21.II; Hobbes 1998, § VI.1). In exercising power through the sovereign, ‘the multitude is united into a body politic, and thereby are a People,’ but when the actor (the multitude) is ‘people as subjects,’ their acts are then done by ‘many individuals at the same time, for example, by a multitude’ (Hobbes 2004, § XXI; Hobbes 1998, § VI.1). Then, the people as citizens constitute a different entity to the people as the state. Particularly in this paragraph, we can trace how Hobbes speaks of the four agents:

[the People] is something single, which has one will and to whom one action can be attributed. None of these can be said of the multitude. The people [People] reigns in every city; even in a monarchy the people [People] commands, for the [People] wills by the will of one man. The citizens, that is, the subjects are the multitude. In a democracy and an aristocracy, the citizens are the multitude [...] and in a monarchy, the subjects are the multitude [...] Common men, and other who do not notice these things always speak of a great number of men, that is, of the city as the people, they say that the city rebels against the king (which is impossible) and that the people will and nil what troublesome and murmuring subjects will and nil; under the pretext of the people, they rouse the citizens against the city, that is, the multitude against the people.<sup>iv</sup>

No doubt, the multitude equates to the citizens. Yet, there is a critical implication in Hobbes’ words. To start with, the people as the state, the people as the citizens, and the multitude are distinct entities. It is the people as the state that governs in every city, impersonated by the sovereign. The citizens are physically the same individuals as the multitude. Yet, imagining that the people as citizens would rebel against the sovereign is impossible, because the people as citizens signify a capacity that is stripped off from self-sovereignty in state matters. The only capacity that can rouse the citizens against the city is the multitude. The title of citizenship, then, is an oath to the sovereign not to rebel; yet, in this paragraph Hobbes acknowledges the possibility of sedition in every city. Accordingly, the title of ‘people as citizens’ corresponds to nothing else but a capacity of the individuals of the multitude, who, in their encounters with the state, learn how to obey (Hobbes 2012, § XXXI.41).

## **THE LIMITS OF OBEDIENCE, THE LIMITS OF TITLE OF PEOPLE AS CITIZENS**

However, there is another problem relating to the scope of this obedience, which facilitates an understanding about the relationship between the capacity of the same individuals as a multitude, and as the people as subjects. In other words, when does the multitude remain as a multitude within the commonwealth, and when does it hold the title of people as citizens? To what extent is the multitude obligated to obey by its renouncement of self-sovereignty? To what extent is the multitude obligated to act by the imposition of the title that ‘people as citizens’ require?

The answer lies in understanding the partiality of self-sovereignty that is resigned to the sovereign. In other words, the multitude does not completely concede its total self-sovereignty to the hands of the sovereign; and this is an impossible matter when considered that individuals still have to sustain a life on their own choices. Then, how can we draw the boundaries of when and to what extent the multitude retains its self-sovereignty, and when and to what extent it acts in the capacity of the people as citizens? The partiality of transferred self-sovereignty is closely linked with the limits of obedience.

The first mark is at the beginning of unification of the will. If we go back to the social contract, we see that the individual members of the multitude agree to

Confer all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of their voices, unto one Will: which is as much as to say, to appoint one man, or Assembly of men, to bear their Person; and every one to own, and acknowledge himself to be Author of whatsoever he that so bear their Person, shall Act, or cause to be Acted, in those things which concern the Common Peace and Safety, and therein to submit their Wills, everyone to his Will, and their Judgements...[It is] as if every man should say to every man, ‘I Authorize and give up my Right of Governing myself, to this Man, or to this Assembly of men, on this condition, that thou give up they Right to him, and Authorize all his Actions in like manner (Hobbes 2012, § XVII).

This paragraph may be one of the key passages in Hobbes' text in regard to the theory of sovereignty, where he refuses the Monarchomach claim that individuals retain the core of *dominium* and transfer to the king only the *usufructs*. The *dominium* that is transferred to the people as state is the *dominium* of self-governing. It is considered a commonplace interpretation that Hobbes's sovereign possesses a limitless sovereignty; yet, the literature has not reached a consensus about the limits of obedience. In other words, what are those fields of *dominium*, that Hobbes leaves to the people as citizens, in order to 'function as a human being?' (Rieesenberg 1992, 245).

The absolute right on the part of the sovereign ruler corresponds so much obedience on the part of the citizens as is essential to the government of the commonwealth, that is, so much as not to frustrate the grant of that right. Though such obedience may sometimes rightly be refused for various reasons, we shall call it simple obedience, because it is the greatest obedience that can be given (Hobbes 1998, § VI.13).

The capacity to think for oneself, then, is completely a different *dominium*. Hobbes makes it explicit that while the laws of transferring property are part of the laws that the sovereign makes, the right to property, or the *dominium* over the property, belongs to whoever owns the property (Hobbes 2012, § XXIV). The father, or following Roman law the *paterfamilias*, is the sovereign in a family, thus Hobbes gives the father the *dominium* of governing his family. As it was in the state of nature, the citizens are assigned the power to personate their children, until they become capable of acting and speaking rationally (Hobbes 2012, § XVI). A father even has such a *dominium* over his children, in that he can make his children submit themselves to his government and destroy them if they refuse (Hobbes 2012, § XVII). Further, Hobbes assigns the possibility of personation of children, fools and mad-men to a particularly civil state, because, he claims before the civil state the *dominium* of persons did not exist (Hobbes 2012, § XVI). Then, the individuals of the multitude retain their *dominium* in matters that relate to their property, their family, their well-being and well-living, and their thoughts and beliefs, after the establishment of the contract (Hobbes 2012, § XLVI; Hobbes 2004, § III). What they submit, is then, 'the right to act on their own private judgement on matters dictated by law' (Sreedhar 2010, 103). The sovereignty of the state, in that sense, might be absolute and unlimited; yet the obedience that is expected from the subjects does not exceed complying with the actions that are arranged by law. Eliminating private judgment, just like the physical

existence of the individuals, is not Hobbes' aim. That would be impossible, and Hobbes seems informed enough to know this. The acknowledgment of private judgment is the boundary that demarcates when and to what extent the multitude retains its right to sovereignty, and to what extent the multitude has to oblige by that sovereign's sovereignty. It is only in stately matters that the multitude is obliged to act in the capacity of the people as subjects; in other matters that relate directly to their own lives, the individuals of the multitude remain as the multitude.

One other example of retaining the self-sovereignty right overlaps with the famous right of self-preservation, which Hobbes sees as a central topic. Let's turn back to Hobbes's explanations about why an individual has to have self-preservation contra a covenant:

A covenant not to defend myself from force, by force, is always void. For [...] no man can transfer or law down his right to save himself from death, wounds, and imprisonment, the avoiding whereof is the only end of laying down any right; and therefore the promise of not resisting force, in no covenant transfer any right, nor is obliging (Hobbes 2012, § XIV).

As Nunes da Costa states, Hobbes here reiterates 'that autonomous dimension in every single individual that remains solid and integral' (Nunes da Costa 2019, 64). Hobbes reiterates his point later in the book:

If a man, by the terror of present death, be compelled to do a fact against the Law, he is totally excused; because no Law can oblige a man to abandon his own preservation. And supposing such a Law were obligatory; yet a man would reason thus, 'If I do it not, I die presently; if I do it, I die afterwards; therefore by doing it, there is time of life gained;' Nature therefore compels him to the fact (Hobbes 2012, § XXVII).

On the other hand, Hobbes reiterates that the 'Soveraigne Power cannot be Forfeited' (Hobbes 2012, § XVIII). One distinction between justified resistance and unjustified resistance is the act of preserving oneself. If a person does a necessary deed in order to save herself, then it is justified:

In the making of a Commonwealth, every man giveth away the right of defending another, but not of defending himself (Hobbes 2012, § XXVIII).

What Hobbes means by ‘defending himself’ is curious particularly because of its ambiguity that Kavka reminded of (1986, 419), of the extent of the assets included in ‘himself’. Most of the time, as the examples above show, Hobbes refers to the right to life in the face of imminent death. Other times, he refers to limbs, body, liberty, and even to means of living (Hobbes 2012, § XIV; XVII).<sup>v</sup>

The scope of these rights and liberties are mostly formulated in *Leviathan* (Hobbes 2012, § XXII). Sreedhar (2010, 59) summarizes them as such: (1) the liberty to disobey commands to do those things which will ensure one’s death; (2) the liberty to disobey commands to inflict bodily harm on oneself, or not to resist such assaults; (3) the liberty to disobey a command to incriminate oneself without assurance of pardon; (4) the liberty to disobey commands to deprive oneself of corporal liberty. These are the true liberties that the subjects have. The liberty to disobey commands that will ensure one’s death is quite obvious, and Hobbes’s thinking that an individual always has the right to resist when she is faced by death by the state or the sovereign is quite apparent. The liberty to disobey actions and assaults that inflict bodily harm, such as loss of limbs and body parts, might sound a little awkward looking from modern Europe, England or the US, yet it makes perfect sense when we think of 17<sup>th</sup> century England. As Sreedhar points out, these practices were common in 17<sup>th</sup> century England (2010, 61). Any wounding or cutting of a limb was highly likely to result in death. Yet Hobbes’s granting of the right to resistance against wounding was irrelevant of whether or not death was the outcome in the end. It is the same logic as the right to resist imprisonment: regardless of the conditions and the possibility of death she might through imprisonment, Hobbes states that an individual will always retain the right to imprisonment and right against self-incrimination. According to Sreedhar, Hobbes’s project could be best understood as an effort to quarantine the private judgment, instead of eliminating it fully. It is not plausible in any way that Hobbes, while advocating for the right to resist in certain circumstances, would like to completely limit all the judgments and rights of an individual. Similarly, he would have seen, after all, something as apparent as resistance rights immediately, if the right to resist actually contradicted with his idea of sovereignty. Instead, according to Sreedhar, treating Hobbes’ rights of resistance as non-excludable first-order reasons facilitates understanding that ‘what Hobbesian subjects are not obligated to do turns out to be precisely what they cannot reasonably be expected to do and what they need not do’ (Sreedhar 2010, 131).

## THE MULTITUDE AS THE MULTITUDE WITHIN THE STATE

Yet, there is another explanation laid out by Olsthoorn (2014). Olsthoorn builds up his argument about the right to resistance, particularly against death, by taking Hobbes's religious writings into consideration. In these passages Hobbes claims that the worst possible evil that can befall Hobbesian agents is not death, but loss of eternal life. According to Olsthoorn, interpretations about the right to resistance tend to consider death as the ultimate evil and tend to neglect the real danger of losing the access to eternal life. Temporal death, according to Hobbes, can be reasonable and even necessary in procuring salvation, or in other words, avoiding eternal death. Desire, then, cannot be constructed only through the longing for not dying immediately. Olsthoorn calls the narrative which insists that the sane Hobbesian subject has to have the desire to live longer due to the fact that death is the greatest possible evil, the Orthodox Interpretation. He includes in this those scholars who criticize the Orthodox Interpretation through weaker claims, such as Kavka and Sreedhar (Olstroon 2014, 154). Instead, Olsthoorn, drawing upon Lloyd's ideas, states that the obligation not to resist in Hobbesian terminology of the contract does not correspond to obligation of obeying with a quarantined group of rights that are connected with imminent death. Instead, an obligation not to resist in a contract 'is an obligation to choose what will seem the greater of two present evils. For certain death is a greater evil than fighting' (Hobbes 2012, § XXVII). If earthly death is not the worst evil, if eternal death is worse than violating duties to the sovereign, then Schultz-Bergin would be right in saying that Hobbesian agents have the 'motivation through fear of eternal damnation just like they can be motivated by fear of earthly death' (Schultz-Bergin 2016, 165). If that is so, in the case of commanded blasphemy, a subject will naturally have the right to disobey sovereign's orders to blaspheme. This motivation seems to be justified within the borders of the state and in front of the sovereign. As Schultz-Bergin shows in his article, it does not constitute a threat or disobedience against the sovereign, because as Lloyd describes, the god surpasses the sovereign in the 'hierarchies of responsibility' (Lloyd 2014, 281). Further, in this case, the action of the sovereign will not bind the subject, and for the first time the actions of the sovereign will be acted, spoken and owned by herself and herself only, if the subject does not believe in the blasphemy.<sup>vi</sup> However, Schultz-Bergin asks a compulsory question: what happens if the subject owns the blasphemy, and does not appraise the sovereign only because it is her sovereign and she commands her? In this case, not being subject by law

but actually obeying the command to blaspheme would mean the sovereign's blaspheme is owned by all subjects; further, everyone owns another's blaspheme and thus, the blaspheme becomes the sovereign, which would be awkward. Besides awkwardness, 'the most frequent Pretext of Sedition and Civil War, in Christian Commonwealths, hath a long time proceeded from a difficulty, not yet sufficiently resolved, of obeying at once, both God, and Man, then when their Commandments are on contrary to the other' (Hobbes 2012, § XLIII). In that case, would that mean all the subjects and the sovereign would together be held responsible of all the consequences of blasphemy? Or would that mean a wide-scale disobedience resulting in insurrection?

Indeed, personal disobedience does not have a great deal of influence in threatening the sovereignty and the state. It is not a pretext for civil war, which seems to be the 'the internal disease' that kills the state (Hobbes 2012, § XXIX). A full quote from the passage mentioned above may help us solve the puzzle:

The most frequent pretext of Sedition, and Civil War, in Christian Common-wealth hath a long time proceeded from difficulty [...] of obeying at once, both God, and Man, then when their Commandments are one contrary to another. It is manifest enough, that when a man receives two contrary Commands, and knows that one of them is Gods, he ought to obey that, and not the other, though it be the command even of his lawful Sovereign (whether a Monarch, or a Sovereign Assembly,) or the command of his Father. The difficulty therefore consist in this, that men when they are commanded in the name of God, know not in divers Cases, whether the command be from God, or whether he that commands, doe but abuse Gods name for some private ends of his own. For as there ware in the Church of the Jews, many false Prophets, that sought reputation with the people, by feigned Dreams, and Visions; so there have been in all times in the Church of Christ, false Teachers, that seek reputation with the people by fantastical and false Doctrines; and by such reputation (as is the nature of ambition,) to govern them for their private benefit (Hobbes 2012, § XLIII).

To start with, while we may think that Hobbes was an atheist, as all other materialists before the theory of evolution emerged, he needed a god (Hill 1997, 264). Then to him, God represented the absolute law, thus the absolute power, since all law was command. Denial of God meant denial of the science. To reiterate, in the cases where the sovereign, who supposedly

represents the unified will of all the subjects, denies God's law and so pushes her subjects into a position of choosing either one of them, there is a possibility that the subjects can think and understand this lawless command of the sovereign. Just like the Church of the Jews, it is possible for the teachers and the sovereigns to use wrong commands in the name of God to achieve their own dreams, interests, and phantasms of whatever they desire in their natural person. The subjects, through their private judgments, might understand that the sovereign is using falsified commands in the name of God, and they may be certain that that command cannot be obeyed 'without being damned to Eternal Death, then it were madness to obey it' (Hobbes 2012, § XLIII). In such occasions, Hobbes appeals to Moses's words: 'Fear not those that kill the body, but cannot kill the soul.'<sup>vii</sup>

Accordingly, we land somewhere other than Sreedhar's idea of political disobedience against the fear and threat of imminent death, cutting off of the limbs, imprisonment and loss of other meanings of life. What Hobbes describes, as Schultz-Bergin shows, is another kind of right to resistance. Primarily, it is evident that Hobbes takes into account the influence of private judgment, as subjects can make the distinction between the commands of the sovereign in regard to if it is in compliance with God's law or not. Secondly, what Hobbes explains in this passage is not necessarily and strictly a personal right, because it is not inflicted on a body or right to life of a specific person. Instead, a wrongful command would mean that the sovereign inflicts her own interests upon and manipulates God's law, in order to manipulate the actions of the subjects by doing so. In that sense, we are not speaking of a personal right to resist anymore. As soon as the wrongful command becomes sheath sealed under the God's will, it becomes the concern of not only one person but many individuals. It becomes an imposition of force through the sovereign on their collective subjects.

However, the subjects will not be held responsible in the dungeons of eternity, if they either refuse obedience willingly, or refuse obedience because of their knowledge of God's law, inherited through their education. Such a disobedience is expected from a collective of persons, and the implications concern again, a collective of subjects. Similarly, a possible disobedience will not be from only one person, but many who have been taught to understand the wrongfulness of sovereign's commands. Thus, the obedience becomes one that is of collective sort. Further, the obedience that the sovereign asks for is by the law, and in the name of God's law, thus it is politic. Symmetrically, collective disobedience, contrary to the personal rights of

resistance against acts that will inflict upon the subject death, wounding, or imprisonment, becomes political. It is understandable, then, why Hobbes calls this sedition instead of the right to resistance. Hobbes acknowledges the presence of a rightful resistance and a wrongful resistance, as indicated by Astorga when he states that there is a distinction between a bad multitude and a good multitude in sedition (Astorga 2011, 12-14). Additionally, it is evident that, Hobbes does not want to hold the subjects responsible for the sovereign's wrongful actions in communicating wrongful commands of God. Hobbes therefore finds justification for collective disobedience to the sovereign's wrongful commands, even if he does not refrain from identifying it as a sedition. In doing so, Hobbes introduces a right to collective resistance.

Going back to the beginning of this section in this light, and looking at the multitude's capacity of revoking its capacity as a people, we now face another schema of resistance. Summing up the right to resistance, it must be firstly stated that personal rights to disobedience do not correspond to a collective resistance. Secondly, it seems like Hobbes did not only acknowledge the personal right to resistance against death, imprisonment and wounding, but he also acknowledged a collective right to resistance in the face of eternal death. This collective right to resistance is defined by sovereign's wrongful acts in manipulating God's laws and communicating them wrongly to its subjects. In the face of such a wrongful action, the subjects who have the education to distinguish between God's real will and laws and the sovereign's acts, have the rightful liberty to disobey the sovereign.

Who is the agent in this collective resistance? It cannot possibly be the people as subjects and citizens, because they are explicitly deprived of any sedition. A people cannot commit to a collective right to resistance, it is explicitly forbidden and accused by treason: '[Treason] is a word or deed whereby the Citizen, or Subject, declares [est factum vel dictum quo ciuis, seu subditust, declarat] that he will no longer obey that man or Court to whom the supreme power of the City is entrusted' (Hobbes 1998, § XIV.20). Further, *a people* is an entity that only has the retained rights, as Sreedhar suggests. A people, furthermore, is the capacity of the multitude, who agreed, within the borders of the State and under the command of the sovereign, to obey whatever the sovereign says. The only exception for a people to act against the sovereign's will is if the sovereign's commands threaten the survival of the people against death, imprisonment and wounding. Disobeying the sovereign's will outside these limited borders, and in a collective manner, takes the capacity of a people outside the equation. Further,

Hobbes frequently associates sedition with the multitude, not with the people as subjects. In that regard, the agent of the justified sedition cannot be the people as subjects, who have quarantined and limited rights. Instead, the agent can only be the multitude, who revoked its capacity of being a people in the face of very specific wrongful command of the sovereign. Otherwise, we could not have spoken of a justified sedition.

## A CONCLUSIVE THOUGHT

Then, I suppose, we have found the agent of collective resistance. Individual disobedience can be practiced by any citizen if the conditions are met. Yet, the agent of the collective resistance is not the people as subjects, particularly because it is explicitly forbidden for them to resist (Hobbes 1998, XIV.20). The individual right to disobedience is acknowledged by Hobbes, only because cases of certain death, imprisonment, injury, and the amputation of limbs conflict with the idea of the contract: the individuals of the multitude resigned from their sovereignty primarily because they do not wish to face these particular acts. It is, for Hobbes, an inalienable self-defense and self-preservation that justifies individual disobedience at these occasions. However, collective resistance during times of rightful sedition is explicitly forbidden for the people as subjects. The entity that has the agency to act at times like blasphemy, is no one other than the multitude, who is the only one within the political realm with full agency. In the case of blasphemy, the multitude breaks free from the obligations that are prescribed by it holding the title of people as subjects (citizens). The individual *people* thus become re-activated in their own sovereign nature to act against what has been imposed on them wrongfully. The agent of the sedition, at this point, revokes the sovereignty of the sovereign by breaking the first and foremost prohibition of the State and the sovereign: collective resistance.

The multitude, then has two faces for Hobbes: The first is that depicted on the frontispiece of 1642's *De Cive*, the savage, as brutal and wolfish. This multitude is the one before the contract. However, Hobbes seems to have come up with another multitude that operates within the state, by being the only group of people with agency to do so. This collective agency, what Piasentier and Tarizzo calls the 'population', emerges when the sovereign commits one specific act that can be attributed to her person and her person only: manipulating God's commands in her own interests. In that case, the multitude revokes the capacity of the people, having the justified

right to sedition. The multitude, having the capacity of agency to the full extent even under the state after it has consented to obey the rules of the sovereign, defies being the people, and becomes the multitude again. Further, the possibility of the sovereign's manipulation corresponds to the possibility of sedition of the multitude, which means that the multitude always has the right to collectively resist against the sovereign whenever she communicates the *God's wills* wrongly.

Concluding this discussion leads to another question: Where would we have landed if we had treated Hobbes' God as Kelsen's basic norm (*Grundnorm*)? Substituting Hobbes' God with Kelsen's *Grundnorm* for the sake of modernizing Hobbes's theory would have unavoidably extensive implications for the multitude's collective right to resist (Kelsen 2005). In that case, the sovereign would be limited to the *Grundnorm*, while the multitude, revoking its capacity of acting as the people as subjects, would have the right to collectively resist whatever norm is situated as the core of the state, above the sovereign and the state. The mortal God, Leviathan, then would be held responsible to obey the rights of the basic norm, to which the multitude would be the only agent to justifiably resist against it, within the borders of the modern state, if the sovereign fails to comply by its rules. However, that seems like the topic of another lengthy work.

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## ENDNOTES

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<sup>i</sup> Douzinas mentions Immanuel Kant, Sigmund Freud, Emmanuel Levinas, Franz Kafka, and Jack Derrida.

<sup>ii</sup> Hobbes (2012, § XVI): '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. [...] When they are considered as his owne, then is he called a Naturall Person: And when they are considered as representing the words and actions of an other, then he is Feigned or Artificall Person.'

<sup>iii</sup> Indeed, at the end of the debate, Skinner came to agreement with Runciman, admitting that the State can only be identified as a person by Fiction, not an artificial person. See: Skinner (2005); Skinner (2008).

<sup>iv</sup> The brackets are my own emphasis, attempting to make the distinction that Hobbes makes between the people as the state and the people as the citizens clearer. Accordingly, I used capital 'p' for people as the state, and small 'p' for the people as citizens.

<sup>v</sup> Hobbes says: 'And therefore he which performeth first, does but betray himselfe to his enemy; contrary to the Right (he can never abandon) of defending his life, and means of living.'

<sup>vi</sup> This hierarchy of responsibility is particularly about the commanded blasphemy. Hobbes asks the question what would happen if the sovereign commands blasphemy and all the subjects obey the command even though it appears that doing so would lead to eternal damnation, since whatever Sovereign says is owned by all those subjects. Thus, Hobbes would like to know if the subjects would be held responsible if the sovereign publicly declares the rejection of Christ. Yet in this account, Hobbes suggests that commanded blasphemy, 'when done merely in obedience and not also in Accord with one's own beliefs, is the action of the sovereign and not the subject, that the sovereign blasphemes but not that subject.' See Schultz-Bergin (2014, 165-167).

<sup>vii</sup> In this passage, Hobbes states that for those people who are not taught to distinguish well between what is and what is not necessary for the eternal salvation, there will be no damnation for obedience that they will make to the sovereign. On the contrary, all those who can make the distinction should avoid obedience to reach the eternal salvation.