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A Fatal Hobbesian Charm?*

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Summary

The discussion on Hobbes's "doctrine of politics" is confronted with J. F. Spitz's methodically challenging standpoint: the latter radically refutes Hobbes's theory of the State and sovereignty, deeming it to be a fatal epochal trap. This work approaches Hobbes through acknowledgement of the principal insights of political theory with regard to the conception of State as the politico-juridical project of modernity (A. Passerin d'Entrèves, Q. Skinner). Relying on the said insights, and building upon a critical scrutiny of Hobbes's *Leviathan*, the author shows that the epistemological status of the "state of nature" concept is crucial for the understanding of Hobbes's theory of the sovereign State. In so doing, he must resolve the following query: is the state of nature a logical construction aspiring to an ontological status, or rather a hypothetical state which outlines the historical constellation of Hobbes's time? Instead of the struggle of covetous individuals for power, the main drawback of the state of nature proves to be the fact that people are lethally drawn apart and set against one another by their religious and political beliefs. There can be no lasting politico-juridical triumph over such a state of religious and civil wars unless the tasks of the representative sovereign are diachronically perceived as society-making. If and when, however, the sovereign should successfully fulfil his fundamental society-making task, the developed civil society would no longer find suitable the initial type of the sovereign absolute State. It would then require a new type – the liberal and democratic State.

Key words: State, sovereignty, state of nature, J. F. Spitz, A. Passerin d'Entrèves, Q. Skinner

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A Methodical Remark: Sovereignty as a Trap?

The central challenge I wish to tackle is the radical refutation of Hobbes's theory of State sovereignty, as expounded in a quite severe but also stimulating fashion by Jean-Fabien Spitz, contemporary French political philosopher and historian of ideas. According to his fundamental thesis, which he put forward in his important study of J. Locke's political theory (2001), one must finally realise that *the theory of sovereignty is not a logical prerequisite for modern constitutionalism, but, on the contrary, the chief obstacle to the possibility of it being apprehended and established.*

Spitz's critical argumentation can be summarized as follows:

Hobbes's problem – freedom made possible by the State, engenders a new and even more difficult problem – in which way is it possible to defend *freedom against the State?*

Hobbes is a *radical individualist*. The individual is not a moral being, but a being of passion. The anthropological prerequisites for individualism (man is the centre of the urge of enjoyment) lead directly to *the domination of the concept of sovereignty*, taken in its most radical sense of *pure arbitrariness*: if people are dispersed individuals, the will of each constantly opposed to that of all others, how else could their unity be apprehended if not as submission to the will of some representative sovereign? Such a redefinition of man as a passionate, urge-driven being incapable of natural accord with his fellow beings regarding the norms of justice, i.e. the natural and objective order of values, causes a *destruction of politics* in its co-constitutive connection with the law and justice.

The approach described above permits a single line of thinking: the accord as regards the common legal norm is a willed and artificial process – fully determined by prudential reasons – which presupposes the submission of all to the understanding and will of the sovereign. It is a voluntary submission to the sovereign's will. This artificial unanimity, instead of being based on the mind which *discovers* legal norms whereby nature determines the relations between human beings, is in fact based on passion which deliberates the means of its optimal satisfaction. Thus it is the sovereign who is the source of norms, and the law is subordinate to the power (*puissance*) from which it results. Hobbes's political theory is a logically necessary consequence of his anthropological premises.

Consequently, if all common norms are artificial and a result of some contract, politics inevitably become nothing more than a pragmatic instrument for achieving maximum satisfaction of individual desires.

If *society* is no longer conceived as a *natural order* connected with the more comprehensive order of *societas humana*, the political artefact becomes the sole basis of society's unity and identity.

If unity of the social body is effectuated only through political power, society is in fact a mere nothingness of atomised individuals who definitely do not make up a "society", "body" or "people". Such a "society" does not have (nor could it have) an autonomous existence, which would enable it to set limits to the political instrument it needs, for the said political instrument is the more constitutive factor of the two.

The problem becomes unsolvable: one cannot simultaneously want a power sufficiently strong to ensure security and sufficiently limited so as not to degenerate into tyranny. In such conditions, the theorists of sovereignty had no difficulty in proving that the solution lies in the concept of *supreme and unlimited power*.¹ For power limited by the right of individuals to pass critical judgement on it would not be limited, but simply nonexistent.

Therein lies *the trap of the concept of sovereignty* – what is more, the "charm of Hobbesism" which is fatal to freedom. But one must resist them, and come to realise that there exists a natural community of moral beings, and that "le pouvoir n'est pas à lui même sa propre norme, et sa légitimité peut reposer non pas sur le seul consentement arbitraire de ceux qui y sont

¹ The problem is definitely not unsolvable: political power can be both absolute and limited, both sufficiently strong and sufficiently limited. Spitz himself indicates it in his book on Bodin, in which he proves that there are no logical impediments preventing the notion of sovereignty to be conceived simultaneously as absolute power and limited power. He seems, however, to be seized by a strange obsession when it comes to Hobbes. On the other hand, when analysing Bodin's conception of sovereignty, Spitz begins by acknowledging that the "birth of the concept of legislative sovereignty" is *the capital revolution in the history of political theories*. The absoluteness feature is not problematic at all; the matter at issue is not arbitrary power, but a description of "perfect sovereignty", i.e. of a power capable of performing lawful regulation of the community. The notion of the sovereign as legislator playing a creative role in the production of law is an "innovation majeure" as regards the French constitutionalist tradition. It is an essential historical shift from a passive and instrumentalized medieval power to a power active and innovative, which is indispensable to the new, dynamic and development-oriented society in the making. In Spitz's judgement, Bodin is justified in asserting that "seul une souveraineté sans supérieur, sans partage, et sans droit de résistance répond à cette exigence". Limitation and division of power, as well as the right to resistance, are by no means guarantees of the community's freedom. In fact, they would present a fatal impediment to the active implementation of the legislative function. As an apt illustration of his point, Spitz approvingly quotes the English parliamentary Thomas Hedley (1610), who stated: "This kingdom enjoys the benefits and advantages of an absolute monarchy and a free State... Let no one think that freedom and sovereignty are incompatible, and that whatever is given to one of them must be taken away from the other; rather they are twin sisters and are in such fine accord that one cannot subsist for long without the other". Nonetheless, here too he deems it necessary to include occasional remarks on Bodin being "Hobbes's antipode", and on the untenability of the thesis that Bodin's and Hobbes's theories of sovereignty are linked by a line of "evolution" (Spitz, 1998: 6-10, 16-7, 21; cf. Bodin, 2002; Lalović, 2002a).

assujettis, mais sur sa conformité à la *norme de la communauté prépolitique*” (Spitz, 2001: 9-12; italics added).

Consequently, we must be wary of Hobbes and not fall prey to his fatal charm and influence. Hobbes’s theory of the State and sovereignty as a whole is rejected as a major epistemological obstacle to pondering the logic of political power and to the establishment of genuine prospects of political freedom in modern times.

What is it, therefore, that is so bemusingly debatable in Hobbes’s *Leviathan*, in his new science of politics and of the State? Is sovereignty (of the State) truly such a fatal trap?

Conceptions of Sovereignty in Political Theory

Being faced with such a challenge as to the character and meaning of Hobbes’s science of politics in general, and his theory of sovereign power in particular, we must seek the right answer in contemporary political theory, which is systematically preoccupied with the modern State issue. It goes without saying that the scope of this work allows but a very brief reminder of the basic insights regarding *State sovereignty*. In no other way can we establish an interpretational approach that can be appropriate for the comprehension of Hobbes’s political thought (Lalović, 2005).

According to the methodically decisive branch of contemporary theory of the State (Passerin d’Entrèves, 1969, ¹1962), sovereignty (as the fundamental characteristic of the State) is eminently a politico-juridical concept, specifying the meaning of the State not as mere force or might, but as institutionalised power or lawful system. The concept of sovereignty must be perceived, logically and historically, as a trans-epochal project of *transformation of force into power by the mediation of law (droit)*, thus subjecting force to laws (lois). Accordingly, the historical process of State formation can in itself be perceived as the problem of formation and final acceptance of sovereignty. The said acceptance implies the acknowledgement that there is a unique supreme power in each independent, national political community, that it is both founded on law and generates law, and that it is the cohesive element of the community as a whole. The principal feature of sovereign power is its *legislative function*, whereby the sphere to which sovereignty applies is specified. It is the legal sphere, the domain of *positive law*, for the law is the sovereign’s command. He is the bearer of legislative power *legibus solutus*, but it does not follow that his absolute power is tyrannical and unlimited, for this would contradict the notion of sovereignty as *lawful power*. No sovereign power is possible if there are no *free subjects (franc-sujets)*, if it does not at least ensure a formal equality to all its subjects, regardless of secondary, social differences. It is true that Bodin deserves credit for *discovering the internal logic of sovereignty*, which can be aptly expressed by the formula: *sovereignty is the general and formal nature of po-*

litical power as the unified, indivisible, permanent and absolute legal power in the State. But it is Hobbes's scrutiny of sovereignty that marks the crucial stage in the development of modern political thought. Hobbes's analysis of sovereignty (power) is the "first modern theory of the modern State". Consequently, one may assert that "*Hobbes is possibly the greatest political philosopher of the modern age*" (cf. Passerin d'Entrevès, 1969: 127-129, 133-144; italics added).

We owe the crucial step towards the comprehension of historical and theoretical shaping of the State and the logic of sovereignty to the investigations of Q. Skinner. His renowned study *The State* (1997, ¹1989) is a precise reconstruction of the historical shaping and "crystallisation of the concept of the State". In the pre-modern view, political power was conceived as personalised domination. Hobbes was the first to successfully carry through a breach with this traditional conception, which had been gradually relinquished from as early as the 14th century. The republican tradition of the Renaissance played a key role in the process, for in it the idea assumed shape for the first time of the State as an autonomous form of political authority, which regulates public matters of an independent community and has a monopoly on the legitimate use of force in its own *civitas* or *respublica*. Still, the classical republican theorists made but the first step in conceiving the "abstract notion of the State". They rejected the identification of the ruler or magistrate with political power (they are nothing more than the highest-ranked public servants). Instead, they resorted to equalization of the State and the community of citizens, i.e. of the sovereignty of the State and the sovereignty of the people. With Hobbes, at last, the modern apprehension takes shape that there has to be a *doubly impersonal form of political authority*, which must be sharply distinguished from both the ruling and the ruled. For this reason, it is precisely Hobbes's political thought (and not the republican political theory) that merits the designations of epochal revolutionary conception of the State or "*conceptual revolution*".

According to Skinner, however, theoretical advocating of the State must be recognized as an "ideology of State power", which is a product of the earliest "major counter-revolutionary movement in modern European history, the movement of reaction against the ideologies of popular sovereignty developed in the course of the French religious wars, and, subsequently, in the English Revolution of the seventeenth century" (Skinner, 1997: 9, 11, 13, 16-18).

In the final version of the study, entitled "From the state of princes to the person of the state", the central point of Hobbes's theory of State sovereignty is pointed out with even more resolution and plausibility. Hobbes was the "first philosopher to enunciate a fully systematic and self-conscious theory of the sovereign state". It was precisely Hobbes who first demonstrated the meaning of the fundamental thesis stipulating that sovereignty was "the property of an impersonal agency". "More clearly than any previous writer on public power, Hobbes enunciates the doctrine that the legal person lying

at the heart of politics is neither the *persona* of the people nor the official person of the sovereign, but rather the artificial person of the state” (Skinner, 2002a: 368-369, 403-404, 413).

There seems to be no doubt that Skinner’s comprehensive synthesis, *Visions of politics* (I-III), represents the greatest contemporary hermeneutical contribution to a fitting conception and reception of Hobbes’s doctrine of the State. In his methodically crucial study on Hobbes, Skinner provides a precise clarification of Hobbes’s “theory of public power”, shedding light on the meaning of the obscure thesis that the “true ‘subject’ of any lawful state must be the person of the state itself” (Skinner, 2002b: 177-208). Since contemporary political life also revolves around the notion of sovereignty, a re-examination of Hobbes’s theory, rather than being of merely historical interest, is a matter of eminent philosophical significance.² A fortunate blend of a strict theorist and a great historian (not only of political ideas), Skinner proposed an interpretation of Hobbes’s conceptual system (e.g. the State, sovereignty, freedom), which is thus far the greatest achievement in the constant critical scrutiny of the epochal relevance of Hobbes’s political theory.³

Hobbes’s Theory of the State and Sovereignty in Leviathan

In what way do the above-mentioned insights of political theory⁴ regarding the origins and nature of the sovereign State enable us to approach adequately the comprehension of Hobbes’s conceptual system?⁵

² Within the scope of this work I will refer quite briefly to Skinner’s interpretation of Hobbes. At present it is widely known and has already been incorporated into the standard textbooks; e.g. John Pike, Thomas Hobbes: *Leviathan*, pp. 68-98; (in: Warburton, Nigel / Pike, John / Matravers, Derek, 2000: 100-134).

³ Skinner’s valuable contribution is worthy of a separate discussion; cf. a fine review of Skinner’s scientific opus in: Kari Palonen, 2003: *Quentin Skinner. History, Politics, Rhetoric*, Polity, Cambridge; specifically on Hobbes: 109-115; 145-151). It need also be said that the Anglo-centric character of contemporary political science results in a plainly unwarranted overshadowing of other excellent contributions within the secondary literature on Hobbes. I have in mind, in particular, the works of the French political philosopher Y.Ch. Zarka (1995, 1999) and his part in the momentous (international) project, the object of which was the publication of a critical edition of French translations of Hobbes’s complete works in 17 volumes (published by J. Vrin). Skinner himself can testify to this overshadowing. For he observes in his minute exegesis of Hobbes’s 16th chapter on the State as an artificial person, on citizens as creators, and on the sovereign as their representative and actor, that it is “remarkable how many surveys of Hobbes’s thought – even the best recent surveys – tend to glide past these issues in silence”. In a subsequent note he further elaborates, stating that such a lack of interest is characteristic of “Anglophone commentators. By contrast, the French literature includes a number of important studies of the *personne* of the state”. He then refers, *inter alia*, to Zarka (1999) (cf. Skinner, 2002b, notes 8 and 120 only). However, Zarka’s analysis of the issue is worthy of genuine and full attention (Zarka, 1995: 325-356).

⁴ I will mention here but a small selection of works essential to the acquisition of integral insight into the controversial issue of sovereignty. Cf. in particular B. Barret-Kriegel (1986,

First and foremost, it must be said that the Leviathan is the epochal answer to the central modern-age problem of the legitimacy of (political) authority, as opposed to the traditional problem of the best political regime.⁶

At the very core of the said epochal answer lies the theory of the emancipatory role of the sovereign State as a politico-juridical project, which implies the subjectification of man as legal person and free subject. The sovereign State is not a repressive instance of arbitrary force, but a legal and political institution of rational political power. As such, it is *society-making*; it produces a society of free individuals. According to Pierre Manent:

“Ce que fait le pouvoir, c’est la société. Le pouvoir est l’instrument de la socialisation, d’une socialisation continuée puisque la société n’est pas naturelle. L’unité qui fait la société est imposée de l’extérieur aux individus par le Souverain; en l’absence de ce dernier, il n’y a que *multitudo dissoluta*. Le pouvoir est le moyen par lequel la socialisation négative, guerrière, de l’état de nature est convertie en socialisation positive, pacifique” (Manent, 1977: 65).

The central thesis, methodically, in the comprehension of the State and the logic of sovereignty, is the acknowledgement of the mutually constitutive connection between the State and society, without which no genuine process of individual emancipation in modernity can be initiated. The State as the fundamental politico-juridical project of modernity is possible exclusively as a process complementary to the effectuation of civil *society as the fundamental politico-economic project of modernity*. Thus, the sovereign State and civil *society* are quite modern creations, and their purpose is primarily a legal and economic, and then also a political subjectification of individuals.

The State as a doubly impersonal form of public authority is functionally appropriate to civil society as a work- and exchange-based community of individuals/proprietors. Such a political power alone guarantees the necessary minimum of legal security and personal rights, and the predictability of conduct of all actors in the economic process. As a historical process of transformation of political force into political power, State sovereignty is a mere

1989, 1998), J. Bartelson (1995), Q. Skinner (2003), É. Balibar (2001), G. Mairet (1997), Ch. Merriam (1972/1900), F. L. Neumann (1957, 1986).

⁵ Fortunately, any interpretation of Hobbes’s political theory can rely on indispensable contributions by numerous excellent interpreters, notably F. Tönnies (1896, ²1927), L. Strauss (1936, 1953), M. Oakshott (1946), C. B. Macpherson (1962, 1968), C. Schmitt (1938), P. Manent (1977, 1987), M. Villey (1957, 1968), Y.Ch. Zarka (1995, 1999).

⁶ Cf. “La question fondamentale de la doctrine hobbesienne est celle de *l’obéissance*: à qui suis-je tenu en conscience d’obéir?” The said question “ne jouait pas un rôle politique central dans la formulation classique, grecque, du problème politique. Celle-ci était sous-tendue par la question: quel est le meilleur régime politique? Ou encore: qui a le plus de titres à *commander*?” (P. Manent, 1987: 81-82).

illusion, unless it is based on suppression of destructive social power through the establishment of an institutional network of interest-related interdependence of individuals in the sphere of a possessive, civil society.

Sovereign power is, therefore, not a purpose unto itself, but a political and legal instrument whereby the state of nature is abolished and *status libertatis* of subjects, individually and as a whole, is ensured. But there is more to it than that, for it also guarantees the existence of a free sphere of movement and intercourse among individuals/proprietors. In other words, the fundamental task of sovereignty is to make possible the establishment and development of a civil, market-based society.

The abolition of the state of nature is by no means a clear-cut and one-time operation. If one perceives Hobbes's construction of State sovereignty solely as a synchronic logical construction, one fails to grasp its scope. It is true that his construction is suitable for a full expansion of private initiative under the protection of laws as general and formal legal norms, which are attuned to the well-perceived individual interest, i.e. the urge to appropriate. That is the liberal aspect of Hobbes's conception of the State, where the State is seen as a political power in which force is institutionalized and transformed into a legal order.⁷

But it is also true that the logic of Hobbes's construction of the State, even independently of his explicit statements, indicates a dynamic-diachronic aspect of sovereignty as a politico-juridical project. Namely, the project cannot possibly aim at a "leap" out of the natural state of negative socialisation, but rather at a gradual and lasting establishment of a new, legal, political and social state – a *modern civil society*; or, to put it differently, at a tendentially *all-embracing legal normalisation of the political body and a moral education of its members*.

Can the sovereign be successful in this?

Everything depends on the *epistemological status of the state of nature*.⁸ Is *status naturalis* conceived ontologically, as the underlying structure of man's subsistence in which man's true nature is revealed (the way Hobbes himself seems to conceive it)? Or else is it an epochal constellation of a new historical reality of a completely possessive and market-based society, as C.B. Macpherson enunciated in his classical interpretation (1981, 1984)?

⁷ Cf. "The *raison* of Hobbes's jusnaturalistically constructed absolutist State is a liberal one [...] Hobbes is the real founder of liberalism" (Habermas, 1980: 72-74).

⁸ On the "politico-theological" origins of the "state of nature" concept and its importance as "notion clef de la réflexion politique, et qui le restera pendant plus d'un siècle, pendant la période formatrice des régimes libéraux modernes: l'état de nature, c'est la condition des hommes avant toute obéissance à la cité ou à l'Église, *condition à partir de laquelle on pourra construire un corps politique invulnérable à leur conflit*", see P. Manent, 1987: 85-86; italics added).

The answer to this crucial question depends on the comprehension of the method and structure of exposition in Hobbes's systemic political writings (primarily in *Leviathan*, but also in *The Elements* and *De Cive*), and on the status of the "state of nature" concept in those writings. According to the usual interpretation, the state of nature is the incontestable logical prerequisite and the starting point of exposition, for it is the result of application of a resolute-compositive method, i.e. of dissolution of the political body to its elementary constituents – the individual wills of the political body's members. The said interpretation, however, seems to be questionable (e.g. Casirer, 1982: 255-260). Namely, the conceptual definition of the state of nature simply is not the *starting point of exposition* in *Leviathan*. The chapter on the state of nature (Hobbes refers to the "natural condition of Mankind") is but the 13th chapter of the first part on man! Macpherson pointed out the problem: in his notable preface to *Leviathan*, having closely followed Hobbes's line of argument in the opening chapters on man as a self-activating urge-driven machine, he noted that the "logical abstraction" of the "hypothetical state" was not at all necessary to Hobbes, for he was perfectly able to infer the indispensability of a permanent sovereign power on the basis of previously expounded anthropological theses regarding the nature of man (preface to *Leviathan*, Macpherson, 1980: 40-41). The problem seems to be difficult to solve. If indeed Hobbes follows the resolute-compositive method in his analysis of the political body, sound logic would require that he should begin with the state of nature. But he does not, and, according to Macpherson, he could even have avoided it altogether. Hobbes did not begin with the state of nature, but with considerations on *man and his nature*. And the latter can be fathomed through introspection, through analytical immersion into one's inner being. Which means that the true nature of man as a being is not uncovered in the so-called natural state of mankind, but through *abstraction from it*. In other words, the so-called state of nature is insufficiently natural, *it is not the original state of mankind*. It is merely the hypothetical state of *present-day man, assuming there is no political power and no positive laws*. Thus, in chapter 13 on the state of nature, two aspects of man merge: man as such and man given in history. Apparently, their nature is identical. But only apparently! An immanent analysis may show the entirety of determinations of man as an urge-driven and national being, and even encompass the natural laws as rational "precepts or general rules", "propositions of peace" for the preservation of life. But it can definitely not encompass man as a *being of conscience*, a being with a Christian soul, which interiorizes natural laws as *moral or divine laws*. And precisely such a man-Christian in the hypothetical state of nature, when there is no compelling (public) spiritual authority, is able to offer and impose on all an unequivocal interpretation of natural or divine laws.

In this way, contextual elements of a given historical situation are inserted in the purely logical construction of the state of nature. Hobbes undoubtedly aspired to elevate the nature of historically-given man into the

ontological discourse of contemplation of man *in abstracto*.⁹ But the specific considerations in the very chapter on the state of nature prove to be quite contingent. Thus Hobbes appeals to the reader's experience in order to reinforce his conclusion that nature sets people apart and incites mutual conflicts.¹⁰ He is even more off the mark when he asserts that "there are many places, where they [people] live so now [in such a state]", stating as an example "the savage people in many places of *America*", who "live at this day in that brutish manner" (*L*, 13, 187).

In my judgement, and in spite of Hobbes's obvious uncertainties and inconsistencies, the state of nature (substantially defined in chapter XIII), denotes a specific historical constellation, *the exceptional situation of religious "civil" wars*.¹¹ It is *a transitional historical constellation*, which characterizes the final transition from the seigniorial feudal pre-state to the new, modern state. Namely, the state of nature provides us with a notion of the behaviour of people in general, and each man in particular, assuming that there is no efficient power and no indisputable political authority. In this state of general insecurity and conflict, people do not fight each other merely out of the urge for self-preservation. Competition, mistrust and fame are not the sole causes of the "war of everyone against everyone", nor are gain, security and esteem its sole objectives. Such a state would, in fact, not be war¹²

⁹ Without delving into the more involved considerations regarding Hobbes's theoretical starting point and the logic of his argument, everything leads to the conclusion that *two concepts of the "state of nature"* can be discerned in Hobbes's theory. The state of nature is conceived either as a logical abstract hypothesis (pertaining to man as being) or as a historical hypothesis regarding the character of man's existence in his time (the religious-civil war period). A methodical separation of the two concepts (which Hobbes himself did not carry through) prompts the conclusion that the existing "natural" state cannot be subject to criticism from the standpoint of the authentic state of nature, nor the existing belligerent man from the standpoint of man's original nature. Hobbes finds it important to show that there is no substantial basis and no anthropological norm for overcoming the current unhealthy social ("natural") state, i.e. that no healthy state of nature exists. This is precisely why one has the impression that there is but a single state of nature concept.

¹⁰ What does man do, Hobbes asks the reader: "when taking a journey, he armes himselfe, and seeks to go well accompanied; when going to sleep, he locks his doores; when even in his house he locks his chests; and this when he knows there bee Lawes, and publike Officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow subjects, when he rides armed; of his fellow Citizens, when he locks his doores; and of his children, and servants, when he locks his chests. Does he not there as much accuse mankind by his actions, as Y do by my words?" (*L*, XIII, p. 187). The above is not the experience of man in general in any form of living together, neither in Hobbes's time nor in any other time.

¹¹ Cf. the judgement of the great historian Koselleck: "It is Hobbes who is paradigmatic for the genesis of the modern theory of the State from the situation of religious civil wars [...] Hobbes unambiguously developed his theory of the State, with the historical situation of civil war as his starting point" (Kozelek, 1997: 51).

¹² Cf. "...dans la doctrine de Hobbes, cette notion [l'état de nature] n'apparaît pas comme l'hypothèse à laquelle conduit le projet de surmonter le conflit entre la politique et la religion,

in the sense of “battle only, or the act of fighting”. No, its logic is conveyed by *the tendency towards conflict with no guarantees for peace*. The problems reach deeper, and the fiercest conflicts are of a different character.

The first and deepest drawback of man’s state of nature results from the logic of qualitative equality among people, from their equality as believers. *Religious war* of all against all is the inevitable consequence of the right of each man/believer to *consider his own conscience as the highest instance of interpretation of natural or divine laws*. Man is definitely not a being whose nature is determined solely by urges and calculative understanding. No, he is also *a being of conscience, a Christian believer*. Consequently, he strives with all his might to escape the state of nature, for, apart from it being physically unsafe and dangerous, the state of nature is morally unbearable.

The second drawback of the so-called state of nature is the fact that enlightened people live in it, people imbued with “wrong” ideals of antique freedom and republican dignity. Unsubmissive people, who tolerate no master, and who perceive any rule of One as vicious tyranny. People “deceived by the specious name of Liberty”, besotted by the spiritual authority of “*Aristotle, Cicero, and other men, Greeks and Romanes*”, who erroneously taught them that man is free only if he lives under democratic government. Consequently, “it is no wonder if it produce sedition, and Change of Government” (*L, XXI, p. 267*).¹³

Therefore, the fundamental conflicts between people in the state of nature do not result from conflicts between unrestrained urge-driven beings, i.e. from their mutually conflicting subjective rights: *causa belli civilis* results primarily from the fact that strict and fanatical adherence to one’s own *moral duties* and *political beliefs* – with everyone aspiring to their public and objective validity – immerses man in ruthless religious and civil wars (see Kozelek, 1997: 58; Đindić, 2003: 42).

This is what the “representative sovereign” is faced with; his essential political task and *statesman’s duty* is to overcome such a catastrophic situation, in which the very survival of man is at stake. Man’s nature, religious duties, republican libertarian beliefs – none of them can bring people together in a political community. It is according to this criterion that one must evaluate in full earnestness how demanding the sovereign’s task actually is:

mais comme la réalité produite par le conflit réel: la guerre de tous contre tous. C’est pourquoi du reste il préfère l’expression de *natural condition of mankind* à celle de l’état de nature. Mais dans sa signification essentielle, l’état de nature *n’est pas* état de guerre” (Manent, 1987: 86).

¹³ With a malignant inference which greatly tarnished Hobbes’s reputation: “And by reading of these Greek, and Latine Authors, men from their childhood have gotten a habit (under a *false shew of Liberty*) of favouring tumults, and of licentious controlling the actions of their Sovereigns; and again of controlling those controllers, with the effusion of so much blood; as I think I may truly say, there was *never any thing so deerly bought, as these Western parts have bought the learning of the Greek and Latine tongues*” (*L, 21, pp. 267-268; italics added*).

everything depends on his *political skill* (see Manent, 1987: 56). And political skill, in turn, depends on the royal, salvation-bringing *science of politics*.

The course towards the overcoming of the existing “natural” state is set. First comes the forming of a completely de-politicized sphere of the subjects’ freedom, accompanied by a full guarantee of their legal security and an unlimited scope to their individualism as proprietors. In addition to that, private consciences are neutralised and religious oppression of the political community is made impossible.

Why is the sovereign a reliable solution? Why is it deemed fit that he, as a *public conscience* established through an accord of natural human beings themselves, should be the interpreter and protector of natural laws as *laws of peace*? For the only reason that his *natural right* to self-preservation – i.e. to governing his own life *according to his own judgement*, entices him to fully respect the natural or divine laws, as *necessary foundations of his positive, civil laws*. Thus it can be said that the state of nature can only be abolished if “le Souverain reste dans l’état de nature et lui seul”; still, “*parce qu’il est seul dans l’état de nature, l’état de nature se trouve aboli*” (Manent, 1977: 65; italics added).

The natural human beings do not enter the new legal state of peace, guaranteed by the sovereign/Christian, in order to alter their nature. They already are moral beings in the natural state, but precisely as such do they exterminate one another like belligerent beasts. However, the “natural” *moral beings do not constitute an ethical pre-political community of believers*, for such a community cannot exist without a sovereign public conscience. Without a legitimate political authority, i.e. a representative sovereign, there can be no peaceful coexistence of believers, of people as moral beings. In order to be efficient, political power must also be legitimate. And it can be legitimate in the eyes and conscience of free subjects only if the sovereign is truly convincing in his interpretation and protection of natural or divine laws. For these fundamental laws are the sole condition for the possibility of a permanent civil state of positive socialisation.¹⁴

The reach of the *dynamic-diachronic logic of sovereignty* extends beyond Hobbes’s *initial model of the sovereign or legal State*. An absolute sovereign and radical de-politization are but the indispensable initial figures of the modern State and society. The sovereign’s differentiated juridization of human interrelations undoubtedly results in a successful transition to modernity in the political, economic and ethical sense. The development of civil society, as a process of market-exchange formation of sociability, also implies a

¹⁴ Cf. the judgement of the great philosopher of law: “...la loi naturelle demeure incessamment à l’œuvre dans la vie du corps politique. Elle est *son principe permanent* [...] C’est un chapitre capital de la politique hobbesienne (comme, plus tard, de celle de Bossuet) que celui des devoirs du souverain. *Rien ne marcherait dans le système s’il n’y avait la loi naturelle*” (Villey, 2002: 603; italics added).

historical change in the very status of the political body's member and of the sovereign. If (i.e. when) the sovereign successfully fulfils his fundamental society-making task, the initial type of the sovereign absolute State – which reduces individuals to free subjects – will no longer befit the developed civil society. To the immanent rationality of civil society a new type of State is appropriate: one which is characterized by full political subjectification of subjects as citizens (citoyens).

At present, when evaluating the cognitive and political potential of Hobbes's political philosophy, we have no reason to consider ourselves captives of the “magnificent logical tyrant” (H. Arendt). Hobbes deserves that we read him seriously and with confidence. If we do so, we are sure to discover, to our surprise, that his work is not a strict system, but rather a search for a system, full of hesitation and contradiction (according to the convincing line of argument put forward by Michel Villey, 2002: 559-618).

It is precisely in the consistency and magnitude of this unique quest for comprehension of *Common-wealth* as the modern politico-economic community (Strpić, 1998) that lies the unreduced charm and the epochal relevance of Hobbes's “doctrine of politics” project (or even “Doctrine of the POLITIQUES”, *L*, 47, p. 715). The Leviathan is not a machine for boundless accumulation of power (Arendt, 2004, 1951: 186-196).¹⁵ On the contrary, it is an epochal remedy against the “natural” state of Behemoth. Hobbes is possibly not our salvation-bringing contemporary, but he most assuredly is not a fatal one. The sovereign State remains an unattained (unattainable?) politico-juridical project of transformation and legal pacification of force in the present-day historical “post-national” constellation (Lalović, 2002b). That is why we are “condemned” to revisit *Leviathan* in full earnestness time and time again. For we are theoretically faced with contemporary counter-State eruptions of Behemoth, be it in the form of totalitarian movements of the 20th century, or of ethnic civil wars in the last decades thereof, or else, most recently, of “holy crusades” and imperial aspirations of the first great modern republic. As to our current preoccupation with the future, with nothing short of the end of the State as the epochal political creation and politico-juridical project, it is obvious that there can be no true insight in the matter without systematic research and valuation of the *birthplace of the sovereign State theory*. Which is none other than Hobbes's political-theoretical work.

Translated from Croatian by Damjan Lalović

¹⁵ She evaluates Hobbes's political theory as a daring and consistent *philosophy of power*: the Commonwealth has no basis and ultimate goal other than “accumulation of power”. In addition to that, she utters an apocalyptic prophecy that the Leviathan, as a finally procured machine for boundless accumulation of power, will be able to gradually “extend the reach of its tyranny to the entire world” (*op. cit.*).

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