"That Democratic Ink Must Be Wiped Away": Hobbes and the Normativity of Democracy

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Abstract: Hobbes's preference for monarchical sovereign forms and his critique of democratic political organization are well known. In this article I suggest, however, that his opposition to democratic life constitutes the central frame through which we must understand some of the most important theoretical mutations that occur throughout the various stages of his civil science. Key alterations in the Hobbesian political theory from *The Elements of Law* to *Leviathan* can be interpreted as efforts to retroactively foreclose the emergence of a substantive democratic normativity that the prior theoretical framework allowed for or suggested. Hobbes's opposition to democracy is ultimately so significant so as to fundamentally structure various key elements of his political philosophy.

Introduction

It is well known that in *Leviathan* Hobbes reformulates his account of the mechanics of political institution. The earlier model, presented in both *The Elements of Law* and *De Cive*, considered the establishment of the commonwealth in terms of an alienation or relinquishment of right proceeding through two temporally distinct moments: an originary constitution of a democratic assembly that functions as an initial corporate body, and this assembly's subsequent institution of a definitive sovereign form. In *Leviathan* this two-step process is replaced with a simplified one, in which each subject simultaneously authors a set of representative relations that results in the creation of the artificial persons of the state and the sovereign representative that bears it. In light of the so-called contextual turn in the study of the history of political thought, numerous Hobbes scholars have

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attempted to explain the adoption of this new terminology and framework by situating it in relation to the historical accounts of political representation that were prominent immediately prior to and during the English Civil War. Quentin Skinner, the most influential such reader, sees Hobbes as responding specifically to contemporaneous parliamentarian theorists of representation. On Skinner's account, Hobbes is attempting to develop a philosophy of representation that, while utilizing the parliamentarians' terminology, denies their specifically democratic conclusions: he "is seeking to discredit them by demonstrating that it is possible to accept the basic structure of their theory without endorsing any of the radical implications they had drawn from it."[1] Whereas prior to *Leviathan* Hobbes does not extensively engage with the English parliamentarian writers, whose works were mainly produced after or at the same time as *The Elements of Law* and *De Cive*, the third major political text is an entirely different matter: "Hobbes's entire theory of representative government in *Leviathan* takes the form of a critical commentary on the parliamentarian arguments."[2] The innovation in conceptual language characteristic of this book reveals the extent of this engagement, Hobbes strategically deploying his opponents' terminology and certain of their premises in order to repudiate the conclusions that they draw, the most notable being their idea of the people as an original sovereign subject retaining a superior right in relation to the government, a right that would thereby validate the negotiation or resistance of the conditions of the latter's sovereignty.

In this article I attempt to further contextualize, via textual analysis, this historical contextual argument. I suggest that when readers of Hobbes focus exclusively on his engagement with the parliamentarian writers in order to explain his new model of political obligation, they miss something fundamental about his intentions. Textually situating this conceptual movement within a larger context that includes his earlier work clarifies our understanding of Hobbes's philosophical goals.

The need for interpretation to be adequately sensitive to textual context has been recently highlighted by Adrian Blau, in various of his programmatic

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[1]Quentin Skinner, *From Humanism to Hobbes: Studies in Politics and Rhetoric* (Cambridge: Cambridge University Press, 2018), 211. See also, for example, Deborah Baumgold, *Hobbes's Political Theory* (Cambridge: Cambridge University Press, 1988), 43–45; Glenn Burgess, "Contexts for the Writing and Publication of Hobbes's *Leviathan*," *History of Political Thought* 11, no. 4 (1990): 675–702; Quentin Skinner, "Hobbes on Persons, Authors and Representatives," in *The Cambridge Companion to Hobbes's "Leviathan"* (Cambridge: Cambridge University Press, 2007), 159–61; Alison McQueen, "Mosaic Leviathan: Religion and Rhetoric in Hobbes's Political Thought," in *Hobbes on Politics and Religion*, ed. Laurens van Apeldoorn and Robin Douglass (Oxford: Oxford University Press, 2018), 128–32; Ellen Meiksins Wood, *Liberty and Property: A Social History of Western Political Thought from Renaissance to Enlightenment* (London: Verso, 2012), 255.

[2]Skinner, *From Humanism to Hobbes*, 208.

writings on those methodological principles that should characterize all research in the history of political thought, regardless of the specific intellectual tradition one is working within.[3] If historical context most generally refers to the historical conditions that inform the production of the text, conditioning it in some meaningful way, then textual context refers to "an aspect of an author's text which informs another aspect of that author's text."[4] Just as interpretative misunderstanding of a text's meaning may result from ignoring the particular historical circumstances structuring authorial intention, so too might misunderstanding emerge from focusing exclusively on isolated textual elements at the expense of others.[5] Interpretation thus must include not only historical analysis, but philosophical analysis as well, the latter looking to reconstruct a consistent theoretical logic through placing passages in their textual contexts.[6]

My argument is that we cannot fully understand the shift in *Leviathan*'s language of political institution through historical contextual analysis alone, but must also theoretically situate it within Hobbes's philosophical critique of the logic of democracy, which he was consistently committed to throughout his scholarly life. My goal is to reveal that the theoretical innovation that characterizes Hobbes's presentation of the mechanics of authorization and representation in *Leviathan* is merely one manifestation of a more general theoretical strategy that can be identified as the source of key alterations in his political thought. Specifically, these alterations can be read in the context of his opposition to democracy, as deliberate efforts intended to retroactively

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[3]See especially Adrian Blau, "Textual Context in the History of Political Thought," *History of European Ideas* 45, no. 8 (2019): 1191–1210, but also Adrian Blau, "History of Political Thought as Detective Work," *History of European Ideas* 41, no. 8 (2015): 1178–94; Adrian Blau, "Extended Meaning and Understanding in the History of Ideas," *History and Theory* 58, no. 3 (2019): 342–59. For an elaboration of these methodological principles in relation to Hobbes scholarship specifically, see Adrian Blau, "Methodologies of Interpreting Hobbes: Historical and Philosophical," in *Interpreting Hobbes's Political Philosophy*, ed. S. A. Lloyd (Cambridge: Cambridge University Press, 2019), 10–28.

[4]Blau, "Textual Context in the History of Political Thought," 1200.

[5]Ibid. Although there is nothing preventing a historian from thinking philosophically, or a philosopher from thinking historically, Blau attributes much of the failure to do so to the nature of disciplinary training, which must emphasize certain skills at the expense of others. For an instructive example, see Blau's account of the tendency of historians to misinterpret Hobbes's famous discussion of the "Foole" in *Leviathan* to the extent that it is not analyzed philosophically. Blau, "History of Political Thought as Detective Work," 1189.

[6]Blau believes that although obscured by his programmatic methodological writings, Skinner's interpretations are exemplary in their combination of historical and philosophical analysis. Especially notable here, for example, is his reading of Hobbes on liberty. Blau, "History of Political Thought as Detective Work," 1189.

foreclose the possibility of the emergence of a substantive democratic norma-tivity that the prior theoretical framework allows for or suggests.

By "democratic normativity," a phrase Hobbes himself does not use, I mean a theoretically grounded inclination that prefers democracy to other forms of regime on some ethical basis. Hobbes's political philosophy wants to ward off any such ethical preference, and in each of his two major modifications of his civil science after *The Elements of Law*, in both *De Cive* and *Leviathan*, he addresses a philosophical content that can be seen to generate it.[7] Within the two modifications that I examine, the issue of generalized political partic-ipation is fundamental, and functions as a unifying thread.

In the first section of the paper I examine Hobbes's early articulation in *The Elements of Law* of the specificity of the democratic regime in terms of the popular realization of liberty, citizens being free only in this type of city to the extent that it uniquely facilitates their participation in the formulation of law. I also detail Hobbes's account of how democracy devolves precisely when this facilitation is no longer feasible given the institutional failure to pre-serve popular spaces of participation. In the second section I turn to *De Cive*, which attempts to address the possible democratic imperative that *The Elements of Law* implicitly affirms through its account of civic freedom. In this text the effort to delegitimize democracy takes the form of the disentan-glement of the concept of liberty from active citizen participation in govern-ment, and the subsequent redefinition of the former in terms of the absence of impediments. The third section examines *Leviathan*'s effort to address the leftover democratic problem of *De Cive*. This occurs through the denial of the logical and practical necessity of an originary democratic moment, and hence of a participatory endeavor that can be read as potentially natural. Finally, I note how, after the abandonment of this originary moment from the process of sovereign institution, be it real or merely apparent, the language of democ-racy has been definitively purged from the account of political foundation. Overall, then, consideration of the textual elements that I highlight allows us to see that Hobbes's opposition to democracy is ultimately so significant that it leads him to fundamentally reformulate key elements of his political

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[7]I do not here consider the Latin *Leviathan* to constitute a substantial new moment in Hobbes's political philosophical development, at least with respect to the issues I deal with in this paper, the major conceptual formulations I highlight from the English *Leviathan* being reiterated in the Latin version. For a recent and highly useful summary of the differences between the two *Leviathans*, see Mónica Brito Vieira, "'Leviathan' contra 'Leviathan,'" *Journal of the History of Ideas* 76, no. 2 (2015): 271–88. See also Noel Malcolm, general introduction to *Leviathan*, vol. 1, *Editorial Introduction*, ed. Noel Malcolm (Oxford: Clarendon, 2012), 175–95. In any case, however, it should be noted that Hobbes himself declares that he wished for *Leviathan* to appear in Latin as part of the pedagogical effort to counter the "seditious principles" of the democrats. Hobbes, *Leviathan*, vol. 3, *The English and Latin Texts (ii)*, ed. Noel Malcolm (Oxford: Clarendon, 2012), 47, 1129. References to *Leviathan* will be to chapter followed by page in Malcolm's edition.

philosophy. Contrary to the dominant historical contextualist interpretation of Hobbes, on my reading the alterations he makes to his civil science are not just discrete reactions to existing political debates, but rather expressions of an auto-critique that takes democratic normativity as its object.

Freedom and Democratic Participation in *The Elements of Law*

As is well known, for Hobbes the general structure of sovereign power is identical regardless of the specific arrangement of the regime, the marks, rights, and characteristics of sovereignty being articulated identically irrespective of the particular constitution of the political entity. That being said, distinct kinds of commonwealths are subject to distinct difficulties, sovereign forms differing with respect to the "Convenience, or Aptitude to produce the Peace, and Security of the people."[8] It is on the basis of the perceived variation in the constitution of forms of sovereign office that Hobbes produces his critique of the internal mechanics of democracy. Democracy is labeled the most undesirable expression of political authority, even if civil science is incapable of definitively proving this.[9]

The main elements of Hobbes's critique of democratic political organization remained relatively consistent throughout his philosophical career, a fact noted by Hobbes himself in both his "Prose" and "Verse Life," each of these texts reaffirming the legitimacy of what he perceives to be Thucydides's assessment of democratic decision-making in major assemblies. He writes in the former, for example, that "of all the Greek historians, Thucydides was his source of particular delight. . . . In [his history] the weaknesses and eventual failures of the Athenian democrats, together with those of their city state, were made clear."[10] While in the latter he reflects that "There's none that pleas'd me like *Thucydides*. / He says Democracy's a Foolish Thing, / Than a Republick Wiser in one King."[11] A detailed account of the major elements of Hobbes's critique of democracy is outside the scope of the present paper, and these elements have in any case been well documented by readers.[12] Central to the critique, though, is the extent to which

[8]Thomas Hobbes, *Leviathan*, vol. 2, *The English and Latin Texts (i)*, ed. Noel Malcolm (Oxford: Clarendon, 2012), 19, 288.

[9]On the inferiority of democracy in relation to monarchy especially, see *Leviathan*, 19, 2:288–94. On Hobbes's failure to definitively prove the inferiority of democracy, Skinner writes, "Faced with this sore point in his argument, Hobbes takes considerable pains to cover it up. He does so in part by calling attention to his lack of proof as little as possible." Skinner, *From Humanism to Hobbes*, 317.

[10]Thomas Hobbes, "The Prose Life," in *The Elements of Law, Natural and Politic*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1994), 247.

[11]Thomas Hobbes, "The Verse Life," in *The Elements of Law*, 256.

[12]See, for example, Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa Sinclair (Chicago: University of Chicago Press, 1952), 59–60; Alan

major assembly activity generalizes political participation, thus exasperating the inconveniences that result from the deliberative activities which necessarily characterize decision making in these institutional fora. Specifically, if all individuals are subject to the vicissitudes of their passions such that the latter might overwhelm the exercise of reason, in assembly contexts this potential is intensified in two ways. First, the number of inherently passionate individuals occupying sovereign office is multiplied. Second, passion is further stimulated as a result of the confrontation between opposed opinions expressed through eloquence, the main technique of persuasion deployed in such environments.[13] In the final instance democratic assemblies are intrinsically impulsive and unstable, their inability to adequately moderate desire preventing the psychological and social stabilization needed for peaceful civil life.

Democracy is thus a regime of inconstancy and instability. In his first major effort to outline a systematic political philosophy in *The Elements of Law*, democracy has an additional characteristic that is not identifiable later. Hobbes maintains that the democratic regime is a unique form of body politic, precisely to the extent that it is the only one capable of generalizing the realization of liberty. The specificity of Hobbes's early definition of liberty in the *Elements*, and its general place within the overall conceptual movement of the category throughout the development of the Hobbesian oeuvre, is well known.[14] Within a civil society, only the sovereign can be

Apperley, "Hobbes on Democracy," *Politics* 19, no. 3 (1999): 165–71; Richard E. Flathman, *Thomas Hobbes: Skepticism, Individuality, and Chastened Politics* (Lanham, MD: Rowman & Littlefield, 2002), 135–42; Tomaž Mastnak, "Godly Democracy," in *Hobbes's Behemoth: Religion and Democracy*, ed. Tomaž Mastnak (Exeter: Imprint Academic, 2009), 210–40; Kinch Hoekstra, "A Lion in the House: Hobbes and Democracy," in *Rethinking the Foundations of Modern Political Thought*, ed. Annabel Brett, James Tully, and Holly Hamilton-Bleakley (Cambridge: Cambridge University Press, 2006), 191–218; William Lund, "Neither 'Behemoth' nor 'Leviathan': Explaining Hobbes's Illiberal Politics," in Mastnak, *Hobbes's Behemoth*, 288–91; Mikko Jakonen, "Needed but Unwanted: Thomas Hobbes's Warnings on the Dangers of Multitude, Populism and Democracy," *Las Torres de Lucca*, no. 9 (2016): 89–118; Daniel J. Kapust, "The Problem of Flattery and Hobbes's Institutional Defense of Monarchy," *Journal of Politics* 73, no. 3 (2011): 680–91; Bruce J. Smith, *The Sense of Injustice and the Origin of Modern Democracy* (Rochester, NY: University of Rochester Press, 2018), 70–89; Christopher Holman, "Hobbes and the Tragedy of Democracy," *History of Political Thought* 40, no. 4 (2019): 649–75.

[13]Hobbes, *Leviathan*, 25, 2:410.

[14]For a systematic effort to trace out Hobbes's changing conception of liberty from *The Elements of Law* to *Leviathan*, particularly in relation to the republican problematic, see Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008). For a recent challenge to Skinner's account, which does not see the conceptual mutation as being motivated by an engagement with republican thought, see Robin Douglass, "Thomas Hobbes's Changing Account

said to have freedom, to the extent that it is only the sovereign that monopolizes legislative authority. Democracy, meanwhile, is that commonwealth in which the actualization of freedom via participation in government is extended such that all individual subjects have access to various modalities of such participation.[15] In defining liberty in terms of collective self-government Hobbes refers us to the crucial issue of participation, and in particular its characteristic as a constituent marker of democratic life. Such is clearly revealed in the *Elements* through Hobbes's account of the originary institution of the body politic in time.

Hobbes notes that of democracy, aristocracy, and monarchy, "the first in order of time of these three sorts is democracy, and it must be so of necessity, because an aristocracy and a monarchy, require nomination of persons agreed upon; which agreement in a great multitude of men must consist in the consent of the major part; and where the votes of the major part involve the votes of the rest, there is actually a democracy."[16] Democracy is characterized by the creation of a space of assembly which all citizens may attend in order to vote regarding public matters, the outcome of this decision process being taken to represent the will of the people.[17] Indeed, the people here, as opposed to the multitude of discrete individuals, emerges as a singular entity—and in this case a sovereign person—only through this activity of reduction. Hobbes recognizes, however, that although in a democracy all citizens must have access to the general assembly, in practice not all are capable of actively participating in each deliberation. He thus clarifies that in this regime the right of sovereignty and its use are typically located in different places, the people as a whole formally possessing the right, but the use being deployed in practice only by some.[18] It is this observation that informs Hobbes's general strategy, within the *Elements*, to neutralize the potential for the development of a democratic normativity rooted in democracy's singular facilitation of popular participation, and its consequent realization of civic freedom.

Hobbes asserts that democratic assemblies, because they do not allow a literal universality of participation, tend to become dominated by particular

speakers.[19] As has been observed by several commentators, Hobbes often characterizes democracies as de facto aristocracies of orators on this basis.[20] The very nature of deliberation in democratic assemblies is seen to promote a form of demagoguery in which the few are able to deploy their unique rhetorical skills in order to cultivate popular support for their positions. Such readings, however, in attributing to Hobbes a typology which posits an identity between the two regimes on the basis of the restriction of activity within the institutional space to a distinct minority, are not properly sensitive to Hobbes's recognition of the particular background conditions that mediate the establishment of such an identity. For Hobbes it is not that a multitude of speakers necessarily comes to be dominated by a few, but that such remains a possibility under certain undefined circumstances. Democracy is not intrinsically an aristocracy, although independently of legal moderation, it seems to tend towards it.[21] Indeed, generally when Hobbes critically discusses this feature of democracy—its tendency to devolve into an aristocracy of orators—it is the latter group that remains his primary object of reproach.

Such is revealed most clearly, for example, through his discussion of the so-called democratical gentlemen of *Behemoth*, actors he is consistently at pains to unmask as fundamentally oligarchic in orientation.[22] Hobbes is explicit in maintaining that the greater part of parliamentary leaders, even well before the outbreak of war, had wished not for democracy but for aristocracy. They "desired the whole and absolute sovereignty, and to change the monarchical government into an oligarchy; that is to say, to make the Parliament, consisting of a few Lords and about four hundred Commoners, absolute in the sovereignty, for the present, and shortly after to lay the House of Lords aside."[23] That the Rump, for example, was "doubtless an oligarchy" is very simply revealed by the fact that not all had access to the sovereign assembly:

> For the supreme authority must needs be in one man or in more. If in one, it is monarchy; the Rump therefore was no monarchy. If the authority were in more than one, it was in all, or in fewer than all. When in all, it is democracy; for every man may enter into the assembly which makes the Sovereign

Court; which they could not do here. It is therefore manifest that the authority was in a few, and consequently the state was an oligarchy.[24]

Ultimately democracy is not identical with aristocracy, although it exponentially exasperates the latter's problems as a result of its generalization of the quantity of persons who participate in assembly activities, and although it may be transmuted into the latter given the mechanics of deliberation in decision making, and in particular given the place of rhetoric in political persuasion.

Consider how, in *The Elements of Law*, Hobbes transitions from the discussion of democracy to that of aristocracy. Hobbes explains that the emergence of the latter from the former is stimulated by the decline in the desire for political participation on the part of the generality of citizens within those regimes that take the form of de facto aristocracies or monarchies. Desire falters precisely when it is incapable of being expressed as a result of the body politic's specific, although in no way necessary, organizational form. This suggests that even though in a democratic assembly the majority of citizens may not manifest an intensity of participation on par with the leading orators, they nevertheless must be seen as participants in some substantive sense, and that they indeed originally are so. For democracy to be preserved in time they must remain invested in active political participation, aristocracy being instituted precisely once subjects become no longer devoted to democratic rule: "When the particular members of the commonwealth growing weary of attendance at public courts, as dwelling far off, or being attentive to their private businesses, and withal displeased with the government of the people, assemble themselves to make aristocracy."[25]

In highlighting the features of Hobbes's account of democracy in *The Elements of Law*, I have intended to reveal two facts. The first is the extent to which democracy is seen as singularly allowing for the actualization of a civil liberty considered in terms of citizen participation in political deliberations. The second is the extent to which citizens initially possess a desire for such participation in democratic regimes. What Hobbes would come to realize in *De Cive* is that these two facts could be interpreted as providing a normative rationale for preferring democratic regimes to aristocratic and monarchic ones. Hence in *De Cive* Hobbes revises his political philosophy, purging both of these assertions. The rejection of an originary political desire, and the more well-known reformulation of the concept of liberty, constitute the main elements of the antidemocratic innovation within this work.

The Disarticulation of Freedom and Participation in *De Cive*

The originary popular desire for political participation, and the actualization of liberty via a mode of social institutionalization that is capable of facilitating

[24]Ibid., 359.
[25]Hobbes, *Elements of Law*, 2.2.9.

said participation, constitute the potential ground of democratic normativity that *De Cive* must overcome. Hobbes undertakes a two-pronged strategy on this front. First, liberty and participation are disentangled through the redefinition of the former in terms of the mere absence of impediments to motion. And second, any ethical basis for democratic participation grounded in a consideration of human desire is rejected through the perception of a lack of participatory interest among the commonality of citizens. In *The Elements of Law* the desire for political participation on the part of subjects was seen as having been lost over time. This loss was stimulated, for example, by the constitutional failure to maintain deliberative spaces capable of ensuring the integration of common citizens in legislative modes, while warding off capture by elites who would seek to monopolize authority. Now in *De Cive*, however, Hobbes says that this desire is one that never existed in the first place.

On his eventual rejection of the claim in the *Elements* that liberty is the ground of democracy, David Gauthier does not exaggerate when he notes that "Hobbes rarely shows such a marked change of opinion in his political writings."[26] The meaning of this change, however, can be fully grasped only through contextualizing it within, first, the text's correlative denial of participatory desire, and second, the further changes undertaken in *Leviathan* that I call attention to below. To begin with, and as has been observed by some commentators, Hobbes's later concepts of liberty have the effect of closing off the possibility of the language of freedom being utilized in order to ground an ethical imperative for self-government.[27] In *De Cive* Hobbes takes a significant first step forward in this project that culminates in the mature definition of liberty, defining the latter here as "the *absence of obstacles to motion*," the degree of liberty enjoyed being proportional to the scope of the space for movement enjoyed, such that "the more ways one can move, the more *liberty* one has." Hence one may be free even when one is a subject or servant, for one who is not "in bonds or in prison" may still move to some measurable extent. The specific concept of civil liberty must be grasped within this general context: "And this is what civil *liberty* consists in; for no one, whether *subject* or *child* of the family or *slave*, is prevented by the threat of being punished by his *commonwealth* or *father* or *Master*, however he may be, from doing all he can and trying every move that is necessary to

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[26]David P. Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 1969), 146.

[27]Don Herzog, for example, writes that "some of our historically minded theorists have complained that Hobbes's account of liberty seems too stifling and have called on us to resurrect notions of ancient liberty. They shouldn't be surprised that Hobbes's concept confines our political discourse. That's precisely what it was designed to do." Don Herzog, *Happy Slaves: A Critique of Consent Theory* (Chicago: University of Chicago Press, 1989), 104.

protect his life and health."[28] Although seemingly suggesting that subjection to law does not impinge upon freedom to the degree that resistance to law is always an option, Hobbes concedes on a point that he will expand upon in much greater detail in *Leviathan*: that contrary to the complete yet unproductive liberty possessed outside of government, "once a commonwealth is formed, every citizen retains as much liberty as he needs to live well in peace, and enough liberty is taken from others to remove the fear of them."[29]

In the civil state individuals retain a productive and functional liberty to the degree that the laws do not legislate behavior within the totality of the spheres of human activity within which subjects move. Liberty is thus, on *De Cive*'s account, the part of natural right that remains to the citizen after the institution of the civil laws: "since all the movements and actions of the citizens have never been brought within the scope of law, and cannot be because of their variety, the things that are neither commanded nor forbidden must be almost infinite; and each man can do them or not at his own discretion." Laws thus do not abolish movement, but rather guide and orient it: "for laws were invented not to extinguish human actions but to direct them; just as nature ordained banks not to stop the flow of the river but to direct it."[30] And indeed, it is the moral duty of rulers to legislate no more laws than are necessary for the maintenance of public peace and good.

For Hobbes now, political misapplications of the language of liberty derive primarily from a failure to comprehend this proper signification. Individuals tend to become confused regarding the meaning of civil liberty particularly as a consequence of the fact that, within a democracy, the many share in creating the laws by which they are all bound. Such a feature, the fact that citizens in this regime are themselves the authors of the limits on their movement via their legislative activity, does not render such citizens any more free than those in alternative forms of regime. To the extent that liberty is now defined as the absence of hindrances to motion, one cannot be any less free in a monarchy than in a democracy, to the degree that in both bodies politic one's motion is hindered by subjection to civil law. It is the unique articulation of the relation between the subject and the law within democratic regimes that causes the confusion, subjects failing to grasp that their authorship of the restrictions on their movement does not alter the fact that they are thereby restricted, and hence lacking a surplus of freedom specific to the popular commonwealth. As Hobbes puts it in *De Cive*, "What gives the impression that they [are more free in a democracy] is equal *participation* in public offices and in power. For where Power belongs to the *people*, individual citizens participate in it insofar as they are part of the sovereign *people*. And they participate equally in public offices in so far as they have equal votes

[28]Thomas Hobbes, *On the Citizen*, ed. and trans. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 9.9.

[29]Ibid., 10.1.

[30]Ibid., 13.15.

in electing magistrates and public ministers."[31] To believe that the nature of freedom is distinct in different types of regimes is to confuse the concepts of liberty and sovereignty.[32] In Robin Douglass's words, "The scope of the sovereign's laws, is coextensive with the restrictions to the citizens' liberty, for where there are civil laws the citizens have obligations, not liberty. To this extent the republican or democratic account of the relationship between liberty and sovereignty mistakes antonyms for synonyms."[33]

Although the problematic of liberty first emerges in *De Cive*, Hobbes deals with the issue again in *Leviathan*, in such a way as to more clearly shed light on what is at stake. Hobbes's definition of liberty in *Leviathan* is altered slightly, it now specifying the necessarily external impediments to motion, with internal impediments speaking not to a lack of freedom but a lack of power.[34] The text, however, still makes a point of highlighting the theoretical detachment of the concept of freedom from the activity of generating binding legal norms. The identification of these two things, liberty and sovereignty, again occurs as a result of their improper signification. In attempting to make sense of the political phenomenon that the ancient writers uniformly perceive yet mischaracterize, Hobbes claims that the liberty referred to by the latter is meant to signify not the freedom of subjects, but rather that of cities: "The Libertie, whereof there is so frequent, and honourable mention, in the Histories, and Philosophy of the Antient Greeks, and Romans, and in the writings, and discourse of those that from them have received all their learning in the Politiques, is not the Libertie of Particular men; but the Libertie of the Common-wealth."[35] Specifically, cities are free to the degree that they retain the absolute right to judge the means to their own self-preservation in an anarchic international order that does not regulate their relations via reference to a common standard of just and unjust. If commonwealths retain this freedom, however, the citizens that occupy them certainly do not, remaining each one equally bound:

> The *Athenians*, and *Romanes* were free; that is, free Common-wealths: not that any particular men had the Libertie to resist their own Representative; but that their Representative had the Libertie to resist, or invade other people. There is written on the Turrets of the city of *Lucca* in great characters at this day, the word *LIBERTAS*; yet no man can thence inferre, that a particular man has more Libertie, or Immunitie from the service of the Commonwealth there, than in *Constantinople*. Whether a Commonwealth be Monarchical, or Popular, the Freedome is still the same.[36]

[31]Ibid., 10.8.
[32]Skinner, *Hobbes and Republican Liberty*, 107.
[33]Douglass, "Hobbes's Changing Account of Liberty," 291.
[34]Hobbes, *Leviathan*, 21, 2:324.
[35]Ibid., 21, 2:332.
[36]Ibid. Although we will not deal with the question specifically here, Perez Zagorin (among others) argues that "Hobbes's claim that individuals possessed an identical

After rejecting the idea that democracy may be ethically preferred to other forms of commonwealth to the extent that it allows for the realization of a more expansive civil liberty, Hobbes turns in *De Cive* to the question whether democracy may be preferred on the basis of its generalization of participation in political decision-making. If participation in legislative activities is not a mode for the actualization of a unique condition of freedom, why would individuals have an interest in it? Specifically, Hobbes interrogates the question whether political participation may allow for the actualization of a certain type of intrinsic pleasure, rendering it desirable for the majority of persons: "because in that state, in which of course everyone manages public business, everyone has been given leave to publicly display his prudence knowledge and eloquence in deliberations about matters of the greatest difficulty and importance; and because the love of praise is innate in human nature, this is the most attractive of all things to all those who surpass others in such talents or seem to themselves to do so."[37] Hobbes flatly denies any such argument, suggesting that outside of a small minority of individuals there is no evidence of such participatory desire, citizens generally preferring to attend to their own private as opposed to public business. Exclusion from deliberative activities in council contexts is thus no hardship: "I will tell you. To see the proposal of a man whom we despise preferred to our own; to see our wisdom ignored before our eyes; to incur certain enmity in an uncertain struggle for empty glory; to hate and be hated because of differences of opinion (which cannot be avoided, whether we win or lose); to reveal our plans and wishes when there is no need to and to get nothing by it; to neglect our private affairs. These, I say, are disadvantages."[38] Hobbes's repudiation of a desire for participation in these passages thus operates on multiple levels. Such desire is initially presented merely as a possibly instrumental means to achieve adoration, it being the "love or praise" that is intrinsic to human nature, as opposed to the love of public service or civic engagement. But second, given the antagonistic form of politics, the latter itself is not appropriate for this task, which is best pursued in private life. In the final instance, and contrary to what a reader might have intuited based on the conceptual articulation of the form of relationship between the categories of freedom and participation in *The Elements of Law*, Hobbes is now explicit that there is no reason for the typical subject to prefer living under a democracy than any other type of political regime.

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freedom in every type of polity is one of the worst defended in his work." Perez Zagorin, *Hobbes and the Law of Nature* (Princeton: Princeton University Press, 2009), 81.

[37]Hobbes, *On the Citizen*, 10.9.

[38]Ibid.

Authorization and Representation in *Leviathan*

In *De Cive* Hobbes thought he had successfully neutralized the ground of
any source of democratic normativity through the redefinition of the
concept of liberty and the rejection of a generalized participatory desire.
What would become clear, however, is that it was possible to construct an
ethical defense of democratic preference based on the consideration of the
temporality of political institution, that is to say, if—as was still the case
in *De Cive*—democracy was considered to necessarily precede all sovereign
constitutions as a logical and practical moment. As was the case in *The
Elements of Law,* in the subsequent text Hobbes continues to insist on the
originary democratic origin of all civil states, writing that "when men
have met to erect a commonwealth, they are, almost by the very fact that
they have met, a *Democracy*."[39] It could plausibly be argued, then, that on
this basis democracy was the most natural of constitutions. And indeed,
shortly after Hobbes produced the book there emerged within the context
of the political and ideological dynamics of the civil war a flourishing of rev-
olutionary texts that implicitly affirmed such a moral imperative. Even if the
democratical gentlemen were not democrats, there certainly existed a mul-
tiplicity of revolutionary actors and factions opposed to the parliamentary
oligarchs, actors and factions that harbored democratic sympathies that
were often expressed in the language of natural law. For example, a charac-
teristic feature of much Leveller political thought was the insistence that the
people possessed an inherent and natural sovereignty that predated any
instituted political form, be it a monarchy or a parliament. Such was
given an early expression in "England's Miserie and Remedie," where it is
asserted that the people possess an original "sovereign or legislative
power" which is only "lent" to the representative for the sake of the
advancement of the former's well-being.[40] Sovereign power inheres not in
a king, a parliament, or any representative body whatsoever, the latter
needing to be considered as a mere executor of the more fundamental sub-
stance from which it draws life.[41] That being said, it remains the case that a
popular parliamentary government retains an ethical privilege relative to
others, to the extent that it most adequately expresses natural political
right. As the Levellers note in the "Large Petition," "no government is

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[39]Ibid., 7.5.

[40]Anon., "England's Miserie and Remedie in a Judicious Letter from an Utter-
Barrister to His Speciall Friend, concerning Leiutenant Col. Lilburn's Imprisonment
in Newgate, Sept. 14 1645," in *Divine Right and Democracy: An Anthology of Political
Writing in Stuart England*, ed. David Wootton (Harmondsworth: Penguin Books,
1986), 277.

[41]Richard Overton, "An Arrow against All Tyrants and Tyranny. . .," in *The English
Levellers*, ed. Andrew Sharp (Cambridge: Cambridge University Press, 1998), 62–63.

more just in the constitution than that of the parliaments—having its foundation in the free choice of the people."[42]

That Hobbes's introduction of the schema of authorization in *Leviathan* is intended to foreclose the possibility of thinking the existence of a "fundamental popular sovereignty"[43] revealed through the necessarily democratic foundation of all political societies has been suggested by many readers.[44] With the new model this singularity of democracy is annulled, each particular form of commonwealth deriving its authority from the same source and through the same process. The first step in this movement is the reclarification of the language of personhood and personation. In his earlier work Hobbes had referred to the body politic as an artificial civil person. In *De Cive* it is written that in their submission each individual "transfers to that other the *Right to his strength and resources*," and in possession of these strengths and resources the one can "use the fear they inspire to bring the wills of individuals to unity and concord," through the fear of the deployment of the former.[45] Such a union is known as a commonwealth, civil society, or civil person: "A COMMONWEALTH, then, (to define it) is *one person*, whose *will*, by the agreement of several men, is to be taken as the *will* of them all; to make use of their strength and resources for the common peace and defence."[46] The individual or council to whom all particulars have subjected their will, and whose will stands in for them all, possesses supreme power or dominion, every other citizen standing as a subject in relation to this entity. Note that the relation here between the sovereign and the civil person as commonwealth is still somewhat unclear, it not yet being explicitly specified that these are two distinct entities, the former being that artificial person who represents the latter. Monarchy is just as much a city as a democracy, the city simply being "contained in the person of the King."[47] This is because the will of the sovereign is identical with the will of the city, and contains within itself the wills of all particular citizens.[48]

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[42]Anon., "To the Right Honorable and Supreme Authority of This Nation, the Commons in Parliament Assembled," in Sharp, *The English Levellers*, 77.

[43]Baumgold, *Hobbes's Political Theory*, 54.

[44]See, for example, M. M. Goldsmith, *Hobbes's Science of Politics* (New York: Columbia University Press, 1966), 157–60; Alexandre Matheron, "The Theoretical Function of Democracy in Spinoza and Hobbes," in *The New Spinoza*, ed. Warren Montag and Ted Stoltze (Minneapolis: University of Minnesota Press, 1997), 207–17; Noel Malcolm, "Hobbes and Spinoza," in *Aspects of Hobbes* (Oxford: Oxford University Press, 2002), 38; Karlfriedrich Herbe, "Au-delà de la citoyenneté: Hobbes et le problème de l'autorité," *Rivista di storia della filosofia* 59, no. 1 (2004): 220–21; Paul Sagar, "Of Mushrooms and Method: History and the Family in Hobbes's Science of Politics," *European Journal of Political Theory* 14, no. 1 (2015): 109.

[45]Hobbes, *On the Citizen*, 5.8.

[46]Ibid., 5.9.

[47]Ibid., 6.13.

[48]Ibid., 6.14.

The more refined account of personation in *Leviathan* clarifies the nature of the plurality of forms of person and the distinct modes of representation, the theory of sovereign institution rooted in authorization emerging from this examination.[49] Although *De Cive* had distinguished between a natural and an artificial person, Hobbes had failed to clarify with precision the mechanics through which an artificial person was capable of representing the words or actions of another, an account he now seeks to provide via the notion of authorization. Hobbes will here, as he will do in a slightly amended account later in *De Homine*, emphasize the theatrical root of the concept by highlighting the signification of the Latin term *persona*, the origin of the English word.[50] A person is defined as one who produces significations which may be attributed either to themselves or to somebody or something who they act for. As he puts it in *Leviathan*, 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*."[51] Note that Hobbes introduces a further distinction here: all representatives are artificial persons, but these latter persons may represent either "*Truly* or *by Fiction*," the former occurring in instances where the author is the represented and the latter where they are not. Importantly, Hobbes thus maintains that things lacking natural personhood may be represented, even if they cannot give authority to their representative.[52] In a sense, the inanimate thing through this process gains the capacity for animation, acquiring a will through the representation.[53] In any case, an actor is thus an artificial person whose words and actions are owned by them whom they represent, the latter in this process of representation retaining ownership of the words and actions performed by the former. An author is thus ultimately defined as one "*that hath declared himself responsible for the action done by another according to his will*."[54] It is through this process, whereby an actor is charged with exercising that right of action belonging to an author, that authority is generated.[55]

[49]For a recent attempt to outline the various types of personhood and representation that can be identified within *Leviathan*, many of which have not been generally noticed by readers, see Sean Fleming, "The Two Faces of Personhood: Hobbes, Corporate Agency and the Personality of the State," *European Journal of Political Theory* 20, no. 1 (2021): 5–26.

[50]Hobbes, *Leviathan*, 16, 2:244; Thomas Hobbes, *On Man*, in *Man and Citizen (De Homine and De Cive)*, trans. Charles T. Wood, T. S. K. Scott-Craig, and Bernard Gert (Indianapolis, IN: Hackett, 1991), 72.

[51]Hobbes, *Leviathan*, 16, 2:244.

[52]Ibid., 16, 2:246.

[53]On this point see Mónica Brito Vieira, *The Elements of Representation in Hobbes: Aesthetics, Theatre, Law, and Theology in the Construction of Hobbes's Theory of the State* (Leiden: Brill, 2009), 154.

[54]Hobbes, *On Man*, 84.

[55]Hobbes, *Leviathan*, 16, 2:246.

After outlining in general terms the nature of the process of authorization, Hobbes turns to examine the degree to which it elucidates the nature of political institution. As was the case in both the *Elements of Law* and *De Cive*, the problem of this institution is identified with the need to transform a mere multitude into a unified entity endowed with a capacity for action. As already detailed in the earlier texts, a multitude is incapable of self-organizing as a subject for the sake of generating substantive determinations regarding common life, social interaction between human beings lacking the type of spontaneous correlation of interest that marks the association of the so-called political animals.[56] The radically singular individuals of the multitude each possess a range of opinions and interests specific to them, there being no natural mechanism capable of resolving this discursive plurality so as to allow for consensus in decision making. Hence unregulated human relations are marked by perpetual dispute regarding what is, and what is to be done.[57]

Given the lack of a homogeneity of opinion or interest, the particular wills of the disunited multitude are only capable of being reduced to a unity through being personated. The becoming one of the multitude is achieved not through the literal identification or fusion of the particular wills of those natural persons composing it, but rather through the representation of each of these wills in a unified artificial person expressing a single will.[58] In this situation every particular natural person, as a unique singularity, must specifically authorize the institution of the representative relation, the multitude again being incapable of forms of coordinated action allowing it to function as a single author. On Hobbes's account in *Leviathan*, then, the commonwealth is generated through the reduction of the plurality of wills to a single one via a process of authorization, the multiplicity of authors each consenting to be represented by an artificial person whose acts will henceforth be attributed to them all.[59] Only in this way can the multitude of individuals be combined in a genuine substantive unity, not through the merely accidental concordance of distinct wills, but through the artificial generation of a singular and internally self-identical will that represents all. The one person through which the multitude is unified is called the commonwealth. But as Hobbes notes, the personhood of the commonwealth, as an entity lacking a natural will, is only capable of being animated through the concentration of authority in a representative that is able to bear this

[56]Ibid., 17, 2:258–60.

[57]Ibid., 17, 2:256.

[58]As David Runciman points out, without this representation, authorization would reduce politics to a set of fragmented interpersonal relations, the multitude of individuals remaining a mere conglomeration of distinct natural persons as opposed to a collective body. David Runciman, "Hobbes's Theory of Representation: Anti-Democratic or Proto-Democratic?," in *Political Representation*, ed. Ian Shapiro et al. (Cambridge: Cambridge University Press, 2010), 21.

[59]Hobbes, *Leviathan*, 17, 2:260.

commonwealth, that is to say, "one Man, or Assembly of men."[60] The sovereign ultimately, to the degree to which it "carryeth this Person," is the one authorized by each individual to act for it.[61] Thus within the sovereign "consisteth the Essence of the Common-wealth; which (to define it,) is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*"[62]

As David Runciman has cautioned, readers must not conflate the distinct places of authorization and representation in this process.[63] When Hobbes speaks of authorization he refers to relations between the sovereign and individual subjects, but when he speaks of representation he refers also to a relation between the sovereign and the subjects as a whole, to the degree that that which the sovereign represents is not just each of the multiplicity of natural persons who authorize it, but the commonwealth, that is, the people as a singular corporate entity.[64] It is precisely the authorization of the sovereign by the multitude of individuals that allows for the representation of the state by the former. In *Leviathan* the act of covenanting, then, brings into existence two new persons: the sovereign, whom each member of the multitude authorizes to act and speak in each's name, and the commonwealth or state, a person by fiction that unites the multitude under a single will, thereby converting the former into a people proper. The state is a fictional artificial person to the extent that it is capable of achieving its personhood only through being represented by a distinct sovereign whose actions are attributed to it. Recall that the nature of personation differs in the case of the representation of inanimate things because objects cannot authorize representative relations themselves, thus introducing the need for a third term to mediate the representative relation: one needs not just the object to be represented and the representative, but a third party who authorizes the actor to act for the object. In the political case, the sovereign is authorized by the multitude to speak and act in the name of the state, for the benefit of the people who are united through the person of the state. Even if the commonwealth cannot perform the acts of the sovereign itself, then, it can still

[60]Ibid.

[61]Ibid., 17, 2:262.

[62]Ibid., 17, 2:260.

[63]Runciman, "Hobbes's Theory of Representation," 19.

[64]Regarding the former, Arash Abizadeh highlights that the sovereign bears not only the person of the state, but in addition that of each individual who authorizes the representative relation: "The state is an artificial person that a sovereign represents by fiction. It is not the state itself but the individuals who covenant to establish it, who authorize the sovereign to represent the state. . . . The sovereign bears not only the person of the state, but also the person of each individual covenanter: each authorizes the sovereign to act in the name of both the commonwealth as a whole and in his own name as subject." Arash Abizadeh, *Hobbes and the Two Faces of Ethics* (Cambridge: Cambridge University Press, 2018), 257.

be seen as the source of these acts, which are attributed to it via the mechanics of representation.[65]

We are now in a position to note the implications of Hobbes's description of political institution in *Leviathan* from the standpoint of democratic theory. If the development of the schema of authorization and representation constitutes the major theoretical innovation in *Leviathan*'s account of political institution, what is less noticed is that this addition is accompanied by a major theoretical subtraction. Specifically, the language of democracy disappears from *Leviathan*'s account. In the following section I suggest that the fact that this terminology is expunged from Hobbes's text, even when the earlier account of political foundation as having an originally democratic foundation seems to reemerge in a later chapter, reveals Hobbes's motivations. In asserting that the neutralization of civil strife and faction, the latter being associated with the democratic contestation over meaning and values, can be achieved only through a concerted pedagogical effort against "the writers of heathen politics and philosophy," Hobbes in the Latin *Leviathan* demands that "that democratic ink must be wiped away by preaching, writing, and arguing."[66] Far from being merely a prescription for the instructors in the schools and universities, this imperative is one that Hobbes sees as applying to himself, the "democratic ink" of his earlier political philosophy being "wiped away" in *Leviathan*.

Leviathan and the Disappearance of Democracy

Recall that in his earlier writings, Hobbes posited that a multiplicity of natural persons became a people through self-organizing into a city by way of the constitution of an originary democracy. The people so constituted only afterwards became either a monarchy or an aristocratic assembly, depending on the next form of sovereign authority the existing democratic assembly wished to institute. It has been pointed out that Hobbes's reformulation of the mechanics of political institution in *Leviathan* in terms of authorization is meant to eliminate the logical priority of democracy as a sovereign form.[67] A democratic assembly is no longer needed to choose the form of

[65]Skinner sees Hobbes as appreciating that which is overlooked by much contemporary Anglophone political theory, which has a reductive view that narrowly identifies the state with government, the former being thereby reduced to a mere apparatus of rule. Skinner, *From Humanism to Hobbes*, 377. On the importance of maintaining this distinction see also Brian Trainor, "Hobbes, Skinner, and the Person of the State," *Hobbes Studies* 14, no. 1 (2001): 59–70.

[66]Hobbes, *Leviathan*, 47, 3:1129–31.

[67]See, for example, Goldsmith, *Hobbes's Science of Politics*, 157–61; Gauthier, *Logic of Leviathan*, 145; Murray Forsyth, "Thomas Hobbes and the Constituent Power of the People," *Political Studies* 29, no. 2 (1981): 191–203; Yves Charles Zarka, "Droit de résistance et droit pénal chez Hobbes," in *Hobbes oggi*, ed. Andrea Napoli and

government at the point of institution, the process of authorization both establishing obligation and determining the structure of the person to whom each is obliged. If before, the institution of the commonwealth was seen as taking place in two steps—the covenanting of individuals so as to form a civil society via unanimous agreement, and the selection of a sovereign via majority vote—*Leviathan* is intended to simplify this process through reducing it to a single step of authorization, thus jettisoning the originary democratic moment. Unlike in the earlier model, there is here supposedly no communal entity—the initial democratic assembly—that precedes the sovereign. The sovereign must come into being cotemporally with the commonwealth to the degree that the commonwealth is defined in terms of the possession of a single unified will, and the sovereign is precisely that representative capable of expressing this will through its words and actions. Unity is immediately achieved through the figure of the sovereign person, and not before. Collective political participation on the part of the people as a presovereign democratic assembly, in other words, is apparently unnecessary for the foundation of the commonwealth.

On the basis of the new model in *Leviathan* Hobbes believes he has definitively foreclosed the possibility of reading into the act of institution a democratic normativity grounded in the fact of an obligatory popular participation, an obligatory popular participation that could be theoretically transmuted into an image of natural popular sovereignty. The parliamentarian writers who attempt to initiate this latter theoretical move are thus thwarted: political institutions cannot be seen as representative of a prior popular community that retains supremacy within the commonwealth, to the degree that such a community only comes into existence through the artificial generation of sovereignty. Parliament cannot represent the people in the sense that the parliamentarians think, for the people is only created through the act of sovereign institutionalization, human diversity precluding the spontaneous formation of any such prior collective entity. As was always the case, the unity upon which the being of the people rests is not a natural fact, but must be constructed. Now, however, such construction proceeds via the simultaneous generation of a representative which personates the commonwealth in order to immediately express the former's singularity. The second reduction

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Guido Canziani (Milan: Angeli, 1990), 177–96; Burgess, "Contexts for the Writing and Publication of Hobbes's *Leviathan*," 684–90; Matheron, "Theoretical Function of Democracy," 211–13; Malcolm, "Hobbes and Spinoza," 38; Johan P. Sommerville, "Hobbes and Independency," *Rivista di storia della filosofia* 59, no. 1 (2004): 60; Herbe, "Au-delà de la citoyenneté," 220–21; Deborah Baumgold, "The Composition of Hobbes's *Elements of Law*," in *Contract Theory in Historical Context: Essays on Grotius, Hobbes, and Locke* (Leiden: Brill, 2010), 105–28; Paul Sagar, "Of Mushrooms and Method," 106–9.

—which is the creation of the sovereign—no longer necessarily relies on a preceding democratic moment.

What Hobbes's new schema of representation is trying to demonstrate is that the self-activity of the people, the generalized participation of all in collective political processes, is not necessary for political institution. That being said, it would certainly remain the case that within a specifically democratic commonwealth such self-activity would still characterize the deliberative mechanics of the government. Philip Pettit is correct to emphasize the extent to which the nature of personification in a democracy must be unique, the procedural operation of the representative person being characterized, regardless of the range of potential variation to be located within distinct such persons, by a general political activity lacking in other sovereign forms: "Clearly, the personator group associated with democracy would be of a different sort of people, a different sort of civil person, from the personatee group envisaged in a monarchy; it would have an *active, participatory* character."[68] Pettit speculates that Hobbes deliberately deemphasizes this singularity to the degree that it would render democracy more appealing to individuals than other sovereign forms: "While insisting on the contrast between a multitude and a people, he downplays the difference between the passive mode in which a people comes to be constituted under a monarchy or an aristocracy, and the active form that it achieves under a democracy."[69] Recall that it was the necessary origin of the civil person in such collective democratic action that was identified as the major conceptual ambiguity of *De Cive*, from the antidemocratic perspective. Now that this element has been overcome, Hobbes sees no reason to call particular attention to this democratic singularity.

Historical contextualist readers are correct to see this conceptual innovation as Hobbes's response to parliamentarian theorists who attempt to see political foundation as an expression of a natural popular sovereignty. The innovation, however, is just one manifestation of a larger philosophical effort, the recognition of which becomes acute when we consider not only *Leviathan*'s addition of the schema of authorization and representation, but also a certain linguistic subtraction. Philosophical-textual analysis helps us explain why, even when in *Leviathan* Hobbes reverts to his earlier model of institution—which had been explicitly framed as democratic—the language of democracy does not reappear. We have seen that in his primary discussion of sovereignty by institution in chapter 17 Hobbes thinks the process of covenanting aimed at the generation of sovereignty in terms of the particular acts of individual natural persons, as opposed to the shared act of a previously unified collective subject. The eighteenth chapter, however, is marked by a reappearance of the

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[68]Philip Pettit, *Made with Words: Hobbes on Language, Mind, and Politics* (Princeton: Princeton University Press, 2008), 80.
[69]Ibid.

logic of the earlier account.[70] Indeed, Arash Abizadeh writes that the shift in the model of political institution in *Leviathan* is "merely apparent," chapter 18 revealing that "in practice this is not a feasible way to institute a common-wealth."[71] Here Hobbes seems explicit that the institution of the common-wealth entails a multitude initially coming together and assembling as a corporate body, while subsequently conferring sovereign power after a major-ity vote on whether the plurality of individuals will so commit to authoriza-tion.[72] If the result of this particular decision process binds both those who voted for and against the institution, then it logically presumes a prior unity existing before sovereign enactment. Individuals here agree to partici-pate in an assembly on the question of the establishment of a representative, the determination of which they will be bound to regardless of the vote to the degree that they each accept the legitimacy of the procedure. That is to say, in giving assent to the legitimacy of the procedure they act as a people prior to the institution of the commonwealth, thereby exercising an originary sover-eignty. This ambivalence is suggested in an even more explicit way when Hobbes identifies the third of the rights and capacities of the sovereign that derive from institution. Here he maintains that the minority of individuals is bound to the decision of the majority in this movement of political founda-tion: "For if he voluntarily entered into the Congregation of them that were assembled, he sufficiently declared thereby his will (and therefore tacitly cov-enanted) to stand for what the major part should ordayne."[73] Significantly, this procedural logic mirrors that which applies to decision making within commonwealths in which sovereignty inheres in an assembly. If the actor

[70]On the extent to which chapter 18 continues to reaffirm a democratic basis for sovereign institution see Janine Chanteur, "Note sur les notions de 'peuple' et de 'multitude' chez Hobbes," in *Hobbes-Forschungen*, ed. Reinhart Koselleck and Roman Schnur (Berlin: Duncker & Humblot, 1969), 233; Burgess, "Contexts for the Writing and Publication of Hobbes's *Leviathan*," 690; R. E. Ewin, *Virtues and Rights: The Moral Philosophy of Thomas Hobbes* (Boulder: Westview, 1991), 165–66; Richard Tuck, *Philosophy and Government, 1572–1651* (Cambridge: Cambridge University Press, 1993), 328; Hoekstra, "A Lion in the House," 212; Arash Abizadeh, "Sovereign Jurisdiction, Territorial Rights, and Membership in Hobbes," in *The Oxford Handbook of Hobbes*, ed. A. P. Martinich and Kinch Hoekstra (Oxford: Oxford University Press, 2016), 414–15; Robin Douglass, "Authorization and Representation before Leviathan," *Hobbes Studies* 31, no. 1 (2018): 24; Robin Douglass, "Hobbes sur la représentation et la souveraineté," in *Les défis de la représentation: Langages, pratiques et figuration du gouvernement*, ed. Manuela Albertone and Dario Castiglione (Paris: Classiques Garnier, 2018), 104.

[71]Abizadeh, "Sovereign Jurisdiction," 414.

[72]Hobbes, *Leviathan*, 18, 2:264.

[73]Ibid., 18, 2:268. Abizadeh thus notes that Hobbes repeats "the argument he had given in *De cive* for why an instituted commonwealth always begins as a democracy, namely, that merely to assemble with the intention of establishing a commonwealth is tacitly to covenant to abide by majority rule." Abizadeh, "Sovereign Jurisdiction," 415.

that each author authorizes to represent them is composed of many individuals, that is, if it is a council, the determinations are made via plurality vote, or as Hobbes says: "And if the Representative consist of many men, the voyce of the greatest number, must be considered the voyce of them all."[74]

Readers of Hobbes have provided a range of differing interpretations regarding what they see as the real or apparent tension between chapters 17 and 18 of *Leviathan*.[75] My suggestion is that the textual situation of the latter chapter within the context of Hobbes's critique of democracy can help us more adequately explain the ambivalence. In particular, it helps us understand why Hobbes implicitly reverts to the earlier model while failing to explicitly acknowledge as much. In chapter 17 Hobbes wants to provide a philosophical alternative to the earlier account of collective foundation through that of individual authorization. Chapter 18 reveals, however, that such an alternative must always remain theoretical only, the practical exigencies of political institution necessitating collective coordination between always distinct beings who lack the natural homogeneity of interest characteristic of the political animals. Human difference, which in Chapter 17 is identified as that which makes the commonwealth necessary in the first place, therefore seems itself to militate against the literally simultaneous authorization of distinct individuals.[76] Such an authorization would depend on the unrealistic establishment of an a priori consensus preceding the political act. In chapter 18 Hobbes concedes the unfeasibility of reaching this consensus, and hence the recourse to majority vote as a procedural mode.

Hobbes may very well have recognized the conceptual proximity between the presentation of political foundation here and the accounts given in *The Elements of Law* and *De Cive*. The fact that even within chapter 18 Hobbes refuses to characterize institution in terms of an originary democratic moment—despite the fact that the earlier works repeatedly and unequivocally make a point of emphasizing this essential characteristic—should be interpreted as a deliberate linguistic strategy. Hobbes refuses to acknowledge

[74]Hobbes, *Leviathan*, 16, 2:248.

[75]For statements on some of the representative positions see, for example, Goldsmith, *Hobbes's Science of Politics*, 161; Clifford Orwin, "On the Sovereign Authorization," *Political Theory* 3, no. 1 (1976): 31; Yves Charles Zarka, *La décision métaphysique de Hobbes: Conditions de la politique* (Paris: Vrin, 1987), 330–31; Katrin Flikshuh, "Elusive Unity: The General Will in Hobbes and Kant," *Hobbes Studies* 25, no. 1 (2012): 24.

[76]For arguments that Hobbes's philosophical anthropology, to the degree that it emphasizes the radical nonidentity of individual beings, renders impossible the minimal agreement required to institute sovereignty, see Nicholas Dungey, "Thomas Hobbes's Materialism, Language, and the Possibility of Politics," *Review of Politics* 70, no. 2 (2008): 190–220. See also Matthew M. Kramer, *Hobbes and the Paradoxes of Political Origins* (Basingstoke: Macmillan, 1997), 61–125; Daniel Skinner, "Political Theory beyond the Rhetoric-Reason Divide: Hobbes, Semantic Indeterminacy, and Political Order," *Review of Politics* 73, no. 4 (2011): 561–80.

what seems immanent to the logic of foundation, which would thereby reintroduce into his framework a ground that could be exploited by those partisans of democracy who would argue that this form of regime remains the most natural.

Conclusion

Regardless of whether we accept that Hobbes has fully emancipated himself from his earlier account of political institution as possessing an inherently democratic origin, what seems clear at least is that he recognized the degree to which such a conception potentially endowed democratic sovereignty with a unique normative legitimacy in relation to other constitutions. My suggestion has been that we can read certain significant changes in Hobbes's political philosophy as being motivated by this imperative, both *De Cive* in relation to *The Elements of Law* and *Leviathan* in relation to *De Cive*, looking to neutralize a democratic potential that could be located in the antecedent variant. The substance of Hobbes's critique of democracy remained consistent throughout his life, the refinement of certain aspects of his political theory being undertaken in light of the philosophical perception of elements of his framework that might be exploited so as to construct an ethical defense of democratic rule. On this reading, then, the alterations in Hobbes's thought that I have highlighted cannot be explained exclusively through historical contextual analysis, even if the latter is essential to aiding us in the identification of the sources that revealed to Hobbes the fundamental philosophical problems, as, for example, did those contemporaneous authors who extrapolated from the temporality of the logic of originary democracy a fundamental popular sovereignty. My argument has been that a richer understanding of the shift in the framework and terminology of Hobbesian political institution requires not just historical contextual analysis, but also the theoretical situation of this movement within Hobbes's uninterrupted opposition to democratic rule most generally. This political commitment shapes the contours of Hobbes's philosophy in fundamental ways, the latter having to be transformed if it can be perceived as allowing for a normative preference for democratic life.