

The State as an Artificial Person by Hobbes

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The British Civil War (1642-1651) as well as its former conflicts, were the background not only of Hobbes's political trilogy *The Elements of Law* (1650), *De Cive* (1642) and *Leviathan*, (1651) but also of his work *Behemoth* (1668) specially dedicated to these happenings from a historical rather than a philosophical point of view. Expressing his feeling in a shocking way, from the point of view of a disappointed citizen, the author stresses that if someone could have a sight of England between the years 1640 and 1660, he could not have found another period in history where violence and brutality were worse than that. In his own evaluation, the historical scenario could not have been worse than the one he testifies. As an attempt to restore the former State's order, broke up by the public disorders just before the British Civil War, the author turns his mind to the study of the causes of conflicts and wars between men and the necessary ways to avoid them. Under the pressure of the historical circumstances he leaves behind his surveys in the field of natural philosophy that in his own evaluation brings nothing else than a private pleasure of mind and any kind of improvement towards humankind's welfare.

Still due to the pressure of the historical environment, the author's survey on politics is placed above any other field of his philosophical investigation. Whether superior or not to theoretical philosophy, political philosophy is certainly more necessary than the former. The welfare of the mankind in face of historical troubled moments has certainly changed the ancient hierarchy of the philosophical knowledge.

The British author feels obliged to focus his analysis exclusively on practical philosophy, urging the search for peace and conflict resolution primarily through educational reforms and claiming for it a central place in the university curriculum. Stressing a great hope that his survey on politics should be considered somehow useful, Hobbes presents his conclusion of the second part of *Leviathan* explicitly comparing his work to Plato's *The Republic* as follows:

"I am at the point of believing this my labour, as uselesse, as the Common-wealth of Plato; For he also is of opinion that it is impossible for the disorders of State, and change of Governments by Civill Warre, ever to be taken away, till Sovereigns be Philosophers. But when I consider again, that the Science of Naturall Justice, is the onely Science necessary for Sovereigns, and their principall Ministers; and that they need not be charged with the Sciences Mathematicall, (as by Plato they are,) further, than by good Lawes to encourage men to the study of them; and that neither Plato, nor any other Philosopher hitherto, hath put into order, and sufficiently, or probably proved all the Theoremes of Morall doctrine, that men may learn threby, both how to govern, and how to obey; I recover some hopem that one time or other, this writing of mine, may fall into the hands of a Sovereign, who will consider it himselfe, (for it is short, and I think clear), without the help of any inteeested, or envious Interpreter; and by he exercise of entire Sovereignty, in protecting the Publique teaching of it, convert this Truth of Speculation, into the Utility of Practice." (Hobbes, *Leviathan*, XXXI)

The transition from medieval to modern political thought through the renaissance period means, above all, that the role of God in political matters should be minimized or rather totally abolished. On the other hand, the role of man reaches a new status. The contractualist philosopher, followed by Locke and Rousseau, stresses that the King as God's representative on Earth is definitely replaced by a new concept of the State, which is supposed to be, not only as artificial as possible, but also as profane as possible. Neither a product of God, such as presented by the Medieval thought, neither of nature as it was formerly defined by political thinkers, such as Robert Filmer (1588-1653) and Jean Bodin (1530-1596) stress respectively in *Patriarcha* (1680) and *Six Livres de la République* (1576), the State, on its modern sense, is a human creation.

As an artificial person the political power is, from this point of view, understood as artificially built by means of a contract with no connections with the power that could rule the private sphere.

As a key starting point of his modern political thought Hobbes stresses, above all, that the political power lies not anymore in God's but rather in men's will, in other words, that the political power is an artefact. Its legitimacy lies therefore on human's will as its origin.

"For by Art is created that great Leviathan called a Common-wealth, or State, (in latine Civitas) which is but an Artificiall man;" (Hobbes, *Leviathan*, "The Introduction")

Furthermore, he distinguishes a political commonwealth from other kinds of sovereign powers such as, for instance, the master towards his slaves and the father towards his family, named sovereignty by acquisition. Either named *polis*, *civitas*, republic, commonwealth, civil Estate, civil power, civil government, political power, and up to the nineteenth century also, the civil society, or, in the metaphorical sense, *leviathan*, the sovereign, the prince, a monster, a ship, a political body, a civil person, an artificial person, the State is, in opposition to the so called state of nature, intrinsically or essentially related to the public sphere.

The Hobbesian masterpiece *Leviathan* stresses that not only the sovereign but also the citizens should be aware of the very first principles of the political science that he is, according to his own judgement, founding. Hence, the author suggests in his conclusion that the scientific knowledge on politics presented in *Leviathan* should be printed and primarily taught in the universities. Ironically, they all have been forbidden due to their atheist contents. On the other hand, as a clear way of stressing the approach from the perspective of those who are under the power of the sovereign, whether sovereignty is concentrated in a single man (monarchy) or an assembly of men (aristocracy and democracy), Hobbes former treaty is entitled *De Cive*.

Hobbes names "leviathan" or just "sovereign" the one who holds the political power. His masterpiece title indicates that, the sovereign, inspired in the monster presented in the Bible's tradition, should be able to terrify those who are under his power either named subject, citizen or people.

Although history plays an important role Hobbes refuses to mention any kind of historical roots for the science of politics he is founding. Pretending to be recognised as a pioneer, he is extremely reluctant to locate his own ideas in any familiar intellectual or historical context. While Machiavelli describes and analysis the behavior of several rulers facing many different political crises, Hobbes, on the other hand, through a direct criticism of Aristotle *Politics*, seeks to establish a connection between politics and a rigid scientific methodology based on the principles of geometry. In order to emphasise the original feature of his inquires, Hobbes criticises the moral philosophers primarily due to the lack of methodology as well as to the lack of appropriate use of language. Dedicating his work *De Cive* to William of Devonshire, he stresses that geometry is to be understood as the base of any science, including the political science he is founding.

The contractualist tradition stresses a single origin for political power: the contract, also called by Hobbes pact or covenant, and later on by Rousseau, social contract. Any other possible origin for the State such as the divine right, the natural right, or the use of force are, from that point, definitely eliminated and replaced by a consensus or a common agreement expressed by the contract. Even in the case of a monarchy, Hobbes argues that the political power lies not anymore in God's but rather in man's will, and, in this sense, it is also an artifact or, in Hobbes's words, a *persona ficta*.

The Christian idea of the bloody as the key-element of political legitimacy was by the middle of the Seventeenth Century definitely superseded by the recently created notion of "consent" based on the individual free will. The divine right of kings as well as the idea of king's power as derived from the natural authority of parents, defended by Filmer (1588-1653) in his best-known work *Patriarcha* (1680), is replaced by an artificial approach that settles the contract as the only source of political power. Central to the Hobbesian political theory is the artificial nature of the political power.

"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 use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence." (Hobbes, *Leviathan*, XVIII)

While a natural person represents himself, an artificial person represents the words and actions of another one. The distinction is central for his theory of the sovereign as a representative from those who have established the political power through the contract. (Hobbes, *Leviathan*, XVI)

Hobbes defines its modern meaning, as a direct and exclusive result of a contract where the contracting parties are just a multitude of men in a free willing action.

Settling the State as an artificial person, that means, a creation of human reason, the author presents the process of transferring the natural right to a common representative through a contract, as the key-element that establishes not only the State but also settles the civil rights and duties of the citizens as well as the ones of the sovereign. It is important to bear in mind that sovereignty, according to his view, could be one person or an assembly. The contract is, therefore, the source not only of the State but also of justice itself.

The common agreement expressed through a contract is the element that defines the modern concept of the State, providing also its legitimacy. There is no other

origin for the State than a mutual contract between men, stresses Hobbes followed by Locke, Rousseau and Kant.

The Hobbesian conception of *persona ficta*, also stresses the contract as the only possible origin to any kind of political association. The same idea could be found in Kant's definition of the political power rather considered as moral person than its territory.

Either considered an artefact or a divine product, one must stress that the political power has the same end, that means, to assure peace and security. If the origin of the State has changed, one can say, from God's to human's will through a contract, in other words, from nature to artefact, its goals, one should emphasise, have remained the same. Although presenting very different approaches on their political theories, Machiavelli, Hobbes, Locke, Rousseau and Kant as well as the ancient and medieval thinkers such as Plato, Aristotle, Thomas Aquinas, and Marsilio de Padua do, nevertheless, agree that the nature and causes of conflicts among men and States are the subject of political philosophy, a branch of philosophy that, in opposition to metaphysics and epistemology, has a very accurate purpose: to promote the necessary means for peace.