

## The Liberal Subject in Hobbes's *Leviathan*

### 1. Two Sides of Hobbes's Theory of Political Subjectivity

Hobbes's relation to liberalism remains a matter of contentious debate in contemporary political philosophy. In this article, I exposit one underappreciated aspect of Hobbes's contribution to liberal thought: his theory of political subjectivity as developed in *Leviathan*.<sup>1</sup> Building on the work of Leo Strauss and C. B. Macpherson, I argue that Hobbes advances a two-sided theory of political subjectivity, one which unifies the political subject's status as a *natural* being, attuned by her nature to the market and as an *artificial* entity instituted by law and bearing inalienable rights. These two aspects, I argue, are not independent but mutually support Hobbes's liberalism.

Here is a sketch of the two-sided theory of political subjectivity that I wish to attribute to Hobbes. In his political science, the term 'subject' takes on two meanings. On the one hand, 'subject' designates the human individual insofar as she is bound to the sovereign's power and is obliged to obey the laws of the commonwealth. This is the *artificial subject* that Hobbes theorizes as authorizing the sovereign and as constituting herself out of the multitude by mutual covenant. For this reason, the legal subject does not exist before the institution of the commonwealth, and it is this legal subject that antiquity erroneously calls citizen. But Hobbes also intends 'subject' to denote his conception of eternal human nature, describing what it is to be a human being at all. This *natural subject* appears most prominently in Part One of *Leviathan*, "Of Man," as the individual held under the sway of felicity, her fundamental drive to her future

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<sup>1</sup> Thomas Hobbes, *Leviathan*, ed. Noel Malcolm (Oxford: Clarendon Press, 2012). References to *Leviathan* are given by page number to this edition, followed by chapter (if available) and page numbers for the 1651 edition in brackets.

self-interest. Unlike her legal counterpart, the natural subject exists prior to the constitution of the commonwealth in the state of nature. The individual of modern civil society is a political agent who embodies, in a unified way, these two aspects of subjectivity.

This paper will proceed as follows. In the next section, I review the textual basis for Hobbes's theory of the political subject in *Leviathan*, showing it to be importantly connected to his theory of personality. In sections four and five, I reconstruct Hobbes's theory of political subjectivity in its legal and natural dimensions, drawing on the work of Strauss and Macpherson, respectively. In the final section, I address the debate over Hobbes's liberalism, arguing that Hobbes's theoretical unification of these two sides of political subjectivity ranks among his most important contributions to liberal political philosophy.

## 2. Subject and Subjects in *Leviathan*

We can distinguish between two meanings of subject in *Leviathan*, one generic and another specifically political. At the highest level of generality, 'to be subject' (*subjectus*) means, for Hobbes, to be *conditioned* in the sense of being subjected to some external force or mode of classification. In short, to be a subject is to be subjected.<sup>2</sup> It is this generic sense of 'subject' that arises most often in the first part of *Leviathan* ("On Man"). For example, Hobbes speaks of thoughts and representations as being "subject to sense";<sup>3</sup> of the types of things that are "subject to names";<sup>4</sup> of the quality of being "subject after motion to pain";<sup>5</sup> and of someone with the

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<sup>2</sup> See Celi Hirata, "Subject and Subjectivity in Hobbes and Leibniz: Cosmology and Artifice," *Hobbes Studies* 32, no. 1 (2019): 7–10, 15. As Hirata indicates, Hobbes uses subject generically to characterize bodies as inert, passive, and non-self-determining.

<sup>3</sup> *Leviathan*, 46 [ch. 3, 12].

<sup>4</sup> *Leviathan*, 58 [ch. 4, 15].

<sup>5</sup> *Leviathan*, 26 [ch. 2, 4].

propensity to perceive spirits as being "subject to [...] fancies."<sup>6</sup> This generic sense of subject attributes passivity to that which is subjected vis-a-vis that to which it is subject.

The specifically political meaning of 'subject' first appears only in chapter 17 ("Of the Causes, Generation, and Definition of a Common-Wealth"), which begins Part 2 of *Leviathan* on politics.<sup>7</sup> In this chapter, Hobbes defines the political subject negatively, contrasting two types of persons: the single person (either an individual or an assembly) who is sovereign and all other non-sovereign persons who are subjects. Hobbes writes:

[I]n him consisteth the Essence of the Commonwealth; 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 use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*  
 And he that carryeth this Person, is called SOVERAIGNE, and he said to have  
*Soveraigne Power; and every one besides, his SUBJECT.*<sup>8</sup>

Hobbes does not explicitly call the subject a person in this passage; he attributes personality only to the sovereign. However, we can infer that each subject is also necessarily a person. This is

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<sup>6</sup> *Leviathan*, 34 [ch. 2, 7]. Hobbes also uses subject to denote the material, field, or object of an inquiry or concept (*Leviathan*, 124 [ch. 9, 40], 66 [ch. 5, 18], 212 [ch. 14, 69]).

<sup>7</sup> On the specifically political sense of subject in Hobbes, see Mary G. Dietz, "Hobbes's Subject as Citizen," in *Thomas Hobbes and Political Theory*, ed. Mary G. Dietz (Lawrence: University Press of Kansas, 1990), 91–119; Celi Hirata, "Subject and Subjectivity in Hobbes and Leibniz," 11; Eleanor Curran, "Hobbesian Sovereignty and the Rights of Subjects: Absolutism Undermined?," *Hobbes Studies* 32, no. 2 (2019): 214–18; Juhana Lemetti, "Citizen (Subject)," in *Historical Dictionary of Hobbes's Philosophy* (Lanham: Scarecrow Press, 2012), 79; Susanne Sreedhar, "Subjects," in *The Bloomsbury Companion to Hobbes*, ed. S. A. Lloyd (London: Continuum, 2013), 222–24; Yves Zarka, "The Political Subject," in *Leviathan After 350 Years*, ed. Tom Sorell and Luc Foisneau, trans. Edward Hughes (Oxford: Oxford University Press, 2004), 167–82;

<sup>8</sup> *Leviathan*, 260–62 [ch. 17, 88]. Parallel definitions of political subjectivity occur in *De Cive* (89–90) and *Elements of Law* (107).

because the capacity to transfer one's right through covenanting lies only with persons. Hobbes makes explicit this connection between subjectivity and personality in Part Three: "For we cannot understand, that one Power hath Power over another Power; or that one Power can have Right or Command over another: For Subjection, Command, Right, and Power are accidents, not of Powers, but of Persons."<sup>9</sup> Thus, the subject is, for Hobbes, a kind of person whose essential determination is to be a negation of sovereignty, a non-sovereign person.

It is evident, then, that we must come to a basic understanding of Hobbes's notion of a person if we are to comprehend his theory of political subjectivity. Hobbes develops his theory of personality in chapter 16 ("Of Persons, Authors, and things Personated"). 'Person' is Hobbes's generic name for anyone to whom an action can be attributed, i.e., be held responsible for the action; it is someone "who does things in his own or another's name."<sup>10</sup> A person is thus similar to what contemporary philosophers call an agent. However, this does not entail, for Hobbes, any form of self-determination of the person, unlike agency on some accounts.

Now, it is particularly important for Hobbes's division of political subjectivity into natural and legal dimensions that he distinguishes between two kinds of persons: natural and artificial. According to Hobbes, we can attribute responsibility for an action or utterance in two ways. First, we can consider the action or words as they are undertaken or uttered *directly* by a particular biological human being. This is to consider the actions or words of a *natural* person.

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<sup>9</sup> *Leviathan*, 914 [ch. 42, 315]. That subjects are necessarily persons is further indicated in the Latin *Leviathan*, in which Hobbes writes that, in the genesis of the commonwealth, the appointed sovereign "bears the Person of each individual" who covenants (*Leviathan*, 261 [ch. 17, 85]).

<sup>10</sup> *Leviathan*, 244 [ch. 16, 80], 245 [ch. 16, 79]. Cf. *Leviathan* 732 [ch. 39, 247]: a person is anyone who "can be said to have power to will, to pronounce, to command, to be obeyed, to make laws, or to doe any other action whatsoever." See Quentin Skinner, "Hobbes and the Purely Artificial Person of the State," in *Visions of Politics*, vol. 3, *Hobbes and Civil Science* (Cambridge: Cambridge University Press, 2002), 178–79.

Second, we can consider the same actions or words as *indirectly* representing the actions of another person or thing. In this latter case, we consider the actions or words of an *artificial* person.<sup>11</sup> We thus arrive at two distinctions within persons. On the one hand, there are persons who are sovereign those who are subjects, and, on the other, artificial and natural persons. These distinctions, however, do not map onto one another. In *Leviathan*, sovereign persons can only be artificial persons—even a monarch acts not as a natural person but only as the person of the state—whereas subjects can be both natural and artificial persons.<sup>12</sup> Thus, in Hobbes's theory of personality—*Leviathan*'s central theoretical tool with which Hobbes renders intelligible how a multitude of human individuals may constitute a body politic with a single, unified will—we find a dualistic account of the political subject split between its legal and natural dimensions, a dualism that is not mirrored in the sovereign person.

In addition to personality, political subjectivity in *Leviathan* has two further noteworthy features. First, political subjects are necessarily members of a commonwealth. Sovereignty and subjectivity are, on Hobbes's account, co-constitutive of one another; they therefore arise

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<sup>11</sup> Cf. Hobbes's definition of a person in the Latin *Leviathan*: "A person, is *he who does thing in his own or another's name*. If in his own, he is a *proper* or natural person; if in another's, he is the *representative* person of the one in whose name he acts" (245 [ch. 16, 79–80]). Hobbes helpfully glosses this distinction between natural and artificial persons in *De Homine*: "What concerns the civil use of the term person can be defined as follows. *A person is someone to whom the words and actions of men are attributed, whether they are his own or those of someone else*. If they are his own, then the person is a *natural* one. If they are those of someone else, then the person is a *fictitious* one" (ch. 15, §1, p. 130 in volume 2 of the Molesworth edition of the *Opera Philosophica*; quoted in Skinner, "Hobbes and the Purely Artificial Person of the State," 189).

<sup>12</sup> *Leviathan*, 376 [ch. 23, 123]: "[E]very man, or assembly that hath Sovereignty, representeth two Persons, or (as the more common phrase is) has two Capacities, one Naturall, and another Politique, (as a Monarch, hath the person not onely of the Common-wealth, but also of a man; and a Sovereign Assembly hath the Person not onely of the Common-wealth, but also of the Assembly." In monarchy, the monarch is a sovereign person who represents the monarch's natural person and the person of the state. The monarch thus never acts in its own name but always in the name of another, it is solely an artificial person. But a subject may act either in her own name or in the name of another.

simultaneously in the genesis of the commonwealth; without sovereignty, and thus without an established state, there can be no political subjects. Second, political subjects are distinct legal entities in at least three senses. First, because, in becoming members of the commonwealth, subjects consent to the sovereign's use of any necessary means for securing peace, subjects are obligated, or bound, to the commonwealth's positive laws.<sup>13</sup> Second, because political subjectivity is the negation of sovereignty (all persons who are not sovereign being, for that very reason, subjects), and because sovereignty is a legal determination such that the sovereign acts only through enacted law and public officers, political subjectivity must also be legal in nature.<sup>14</sup> Third, because individuals in the state of nature necessarily enjoy a natural right of self-preservation, a right that individuals can subsequently transfer to the sovereign, and, furthermore, because subjects in civil society retain, on Hobbes's view, if not a right of resistance, then at least the right to pledge one's allegiance to a new sovereign when the reciprocity between protection and obedience has been broken,<sup>15</sup> subjects are essentially rights-bearing, and so legally determined in this third sense.

To be a political subject is thus to be (1) a person in Hobbes's technical sense of the term, i.e., being something to which an action may be attributed, (2) a member of the commonwealth, and (3) a distinctly legal entity. Hobbes's theory of personality therefore explains how the political subject is divided into natural and legal dimensions. However, Hobbes remains silent regarding how these two aspects of personality are integrated within the political subject. The

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<sup>13</sup> *Leviathan* [ch. 26, 136–37]; Sreedhar, "Subjects," 222.

<sup>14</sup> That the sovereign in principle acts publically, i.e., through law and officials, is reflected Hobbes's metaphorical depiction of the sovereign's laws as "Artificiall Chains" (*Leviathan*, 328 [ch. 21, 108]) and "publique Conscience" (*Leviathan*, 502 [ch. 29, 169]). See David Dyzenhaus, *The Long Arc of Legality: Hobbes, Kelsen, Hart* (Cambridge: Cambridge University Press, 2022), 99–121.

<sup>15</sup> *Leviathan*, 1141 [A Review and Conclusion, 395–6], 344 [ch. 21, 114].

remaining task of this article is to show how Hobbes implicitly accounts for the unity of the political subject's natural and legal dimensions in *Leviathan*. I will examine each dimension and their unification, beginning with the legal side.

### 3. The Political Subject as Bearer of Rights: Strauss and the Legal Subject

The legal dimension of Hobbes's theory of political subjectivity receives its fullest exposition in the work of Leo Strauss.<sup>16</sup> Strauss's writings on Hobbes in the 1930s, culminating in his book *Hobbes's Political Philosophy*, argue that the foundational "moral basis" of Hobbes's political philosophy—i.e., Hobbes's normative anthropology—is prior to and independent of his natural science and the methodological influences of Euclid and Galileo.<sup>17</sup> What is innovatively modern in Hobbes, according to Strauss, is instead Hobbes's original conception of human nature and, more specifically, Hobbes's conception of the political individual as being fundamentally a bearer of *natural rights* rather than being a subject of *natural law* as she is on the traditional, premodern view. The connection between Hobbes and liberalism is, for Strauss, the following: Hobbes founds liberalism because he first construes the political subject as an originally rights-bearing, and so legal, entity. It was this line of argument that won Strauss praise from one of his

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<sup>16</sup> Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa Sinclair (Chicago: University of Chicago Press, 1952); "Some Notes on the Political Science of Hobbes," in *Hobbes's Critique of Religion and Related Writings*, trans. Gabriel Bartlett and Svetozar Minkov (Chicago: University of Chicago Press, 2011); "Notes on Carl Schmitt, *The Concept of the Political*," in *Carl Schmitt & Leo Strauss: The Hidden Dialogue*, by Heinrich Meier, trans. J. Harvey Lomax (Chicago: University of Chicago Press, 1995), 91–119; *Gesammelte Schriften*, ed. Heinrich Meier and Wiebke Meier, Bd. 3, 6 Bde. (Stuttgart: J. B. Metzler, 2001), 3–192, 243–65, 217–38.

<sup>17</sup> *Hobbes's Political Philosophy*, 3–8, 29, 166–70; "Some Notes on the Political Science of Hobbes," 124–27.

contemporaries for having been the first to underscore Hobbes's "true place in the history of liberalism."<sup>18</sup>

To better understand Strauss's claim that Hobbes is the founder of liberalism because he establishes for the first time the legal and rights-bearing dimension of political subjectivity, I will examine two sets of distinctions concerning the political subject. This examination is necessary because Hobbes's reconceptualization of the political subject appears only in relief against its alternative conceptions. These distinctions correspond to two polemics advanced by Hobbes that aim to rectify erroneous conceptions of the political subject, the first common among his contemporary interlocutors and the second in the political authors of antiquity. The first distinction is between the subject and the legally differentiated roles of *the prisoner and the soldier*. This is a legal distinction because it concerns the different obligations pertaining to an individual within a commonwealth. The second distinction is between the subject and the figure of *the citizen* as portrayed in the Greek and Roman republican tradition. This distinction is conceptual because it concerns the proper name for the political agent and the meaning of this name, i.e., its conceptual content. In developing his view of the political subject in *Leviathan*, Hobbes rejects these two alternative conceptions of the political agent. While these are not Strauss's own examples, they corroborate his insight into the epochal rights-bearing or legal-artificial dimension of Hobbes's theory of political subjectivity.

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<sup>18</sup> Michael Oakeshott, "Dr. Leo Strauss on Hobbes," in *Hobbes on Civil Association* (Indianapolis: Liberty Fund, [1937] 1975), 142.



### 3.1. Subjects, Prisoners, and Soldiers

The first set of distinctions arises in two paragraphs in the "Review and Conclusion" which concludes *Leviathan*.<sup>19</sup> In this passage, Hobbes chastises his contemporaries (in "divers English Books lately printed") for failing to apprehend the right of conquest held by the victors of war. Hobbes's dispute with these authors concerns under what conditions an individual should rightfully be counted as having consented to her subjection to a new sovereign during war. Hobbes's answer—that a potential subject must not only express consent but must also possess the "liberty to submit"<sup>20</sup>—requires him to further distinguish between the obligations of "an ordinary Subject" from those, on the one hand, of the prisoner (who has no obligations and so has this liberty to submit) and, on the other, of the soldier (who has extraordinary obligations and so may not have this liberty).<sup>21</sup> I will now consider these two alternative figures of political agency.

Regarding the former, a prisoner is, for Hobbes, anyone denied the liberty of her body.<sup>22</sup> Hobbes contends that a prisoner bears no duties toward her capturer; instead, the prisoner, so long as she is forcibly constrained and so provided with no bodily security, has returned to the state of nature, and thus regained her natural right to all things.<sup>23</sup> Because she no longer has any obligations, including those to her previous sovereign, she is at liberty to submit herself to a new sovereign power. This is because the prisoner, being denied liberty to her own body, is also denied any guarantee of her self-preservation, and, by being so deprived of this basic security,

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<sup>19</sup> *Leviathan*, 1133–35 [A Review and Conclusion, 390–91].

<sup>20</sup> *Leviathan*, 1133–34 [A Review and Conclusion, 390].

<sup>21</sup> *Leviathan*, 1134 [A Review and Conclusion, 390].

<sup>22</sup> *Leviathan*, 490 [ch. 28, 164], 344 [ch. 21, 114].

<sup>23</sup> *Leviathan*, 212 [ch. 14, 69], 344 [ch. 21, 114], 1134–35 [A Review and Conclusion, 391].

she is in fact indistinguishable from a captive or slave.<sup>24</sup> She therefore bears the natural right to escape these conditions at all costs and even a duty in conscience to do so by dint of the first law of nature.<sup>25</sup> Thus the subject who, in war, covenants with the victorious forces on pain of death is not a prisoner because her "life and corporall Libertie" are secured by her new agreement; she is simply the subject of a new sovereign.<sup>26</sup> As Hobbes puts it, "he that is taken, and put into prison [...] is not Conquered [...] for he is still an Enemy, and may save himself if hee can. But he that upon promise of Obedience, hath his Life and Liberty allowed him, is then Conquered, and a Subject; and not before."<sup>27</sup> For Hobbes, the prisoner occupies a distinct legal position from that of the subject involving no obligation to sovereignty.

The soldier, by contrast, takes on additional obligations relative to the political subject.<sup>28</sup> Hobbes distinguishes between two kinds of soldiering: that done by necessity in defense of the commonwealth against mortal threat and that undertaken voluntarily for payment.<sup>29</sup> It is the latter, voluntarily soldiering that Hobbes takes to be typical and with which he contrasts with political subjectivity. The former, emergency soldiering is taken on instead by ordinary subjects,

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<sup>24</sup> *Leviathan*, 312 [ch. 20, 104], 1028–30 [ch. 45, 357–58].

<sup>25</sup> *Leviathan*, 198–20 [ch. 14, 64].

<sup>26</sup> *Leviathan*, 334 [ch. 21, 114].

<sup>27</sup> *Leviathan*, 1134 [A Review and Conclusion, 391].

<sup>28</sup> Strauss addresses soldiering in *The Political Philosophy of Thomas Hobbes*, 114, 120. Cf. Arash Abizadeh, *Hobbes and the Two Faces of Ethics* (Cambridge: Cambridge University Press, 2018), 233–34; Johan Olsthoorn, "Worse than Death: The Non-Preservationist Foundations of Hobbes's Moral Philosophy," *Hobbes Studies* 27, no. 2 (2014): 167; Susanne Sreedhar, *Hobbes on Resistance: Defying the Leviathan* (Cambridge: Cambridge University Press, 2010), 38–40, 84–86; Deborah Baumgold, "Subjects and Soldiers: Hobbes on Military Service," *History of Political Thought* 4, no. 1 (1983): 43–64. Hobbes's views on conscription are a matter of ongoing interpretive debate. These have primarily centered around whether Hobbes understands the soldier as transferring her right to survival and thus being an exception to the otherwise inalienable right to self-preservation (*Leviathan*, 200 [ch. 14, 65–66]). In my view, the soldier does not violate the underlying principle that grounds the inalienability of the self-preservation right since we can readily interpret the soldier's transfer of her right to self-preservation during battle as having been done "in consideration of [...] some *Good to himselfe*," namely her wages.

<sup>29</sup> *Leviathan*, 338–40 [ch. 21, 113], 495 [ch. 28, 166], 1133 [A Review and Conclusion, 390–91].

but only "when the Defence of the Common-wealth, requireth at once the help of all that are able to bear Arms."<sup>30</sup> Thus, in normal conditions, soldiering is supererogatory; the political subject can refuse to expose herself to soldiering's inherent dangers by, for instance, hiring someone else in her stead.<sup>31</sup> Conversely, because the soldier consents to his office and so has "taken upon him a new obligation," he takes on additional duties and entitlements relative to an ordinary subject. First among these special duties is to not submit to a new sovereign during a war—even if captive—so long as his previous sovereign "keeps the field;" that is, only when his former sovereign no longer continues the fight can he "lawfully submit himself to his new Master."<sup>32</sup> For this service, the soldier can rightfully demand payment. Therefore, the soldier, like the prisoner, also occupies a different legal position than that of the subject, one which requires a more extensive obligation to sovereignty and voluntary exposure to mortal danger.

### 3.2. Subjects and Citizens

The second distinction is that between the subject and the citizen, one of Hobbes's important contributions to the quarrel between moderns and ancients. As is well-known, it was not the authors of his day but ancient writers on politics, such as Aristotle and Cicero, with whom Hobbes most profoundly disagreed.<sup>33</sup> The worst of their political doctrines was their false identification of the subject of a commonwealth with the citizen of a republic. In this republican

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<sup>30</sup> *Leviathan*, 338–40 [ch. 21, 113].

<sup>31</sup> That Hobbes sees soldiering as supererogatory is further supported by the exceptionality he attributes to those who agree to excute corporal punishment: "Gaurds, or other Souldiers of the Sovereign Power" are drawn only from "those, in whom want of means, contempt of honour, and hardnesse of heart, concurred, to make them sue for such an Office" (*Leviathan*, 1136 [392]).

<sup>32</sup> *Leviathan*, 1139 [A Review and Conclusion, 390–91]

<sup>33</sup> "In these westerne parts of the world, we are made to receive our opinions concerning the Institution, and Rights of Common-wealths, from *Aristotle*, *Cicero*, and other men, Greeks and Romanes. [...] 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" (*Leviathan*, 334 [ch. 21, 110–11]).

tradition, a political agent counts as a "free man" only if this agent is a member of a popular government; in all other cases, she is a slave; and so, given our natural freedom, the only legitimate governments are democratic.<sup>34</sup> For Hobbes, this republican conception of the citizen makes three major mistakes that render it unusable as a theory of political subjectivity.

First, because a citizen is free only if she is a member of a democratic polity, this conception of the political agent erroneously makes the *legitimacy* of the state depend upon the form of its government. But Hobbes argues that the legitimacy of the state depends only on it being, first, the proper instrument for securing the self-preservation of individuals and, second, a political body to whose subjection individuals have lawfully consented. Conceptualizing the political agent as the citizen thus leads ancient writers to overlook the true function and normative foundation of the state.

Second and relatedly, republicanism posits an erroneous conception of *liberty*. In chapter 21, Hobbes develops his own conception of freedom explicitly against this republican one, wherein he defends a minimal and negative view of liberty as freedom from external impediments of motion, that is, freedom from chains and imprisonment.<sup>35</sup> Hobbes's defense of this negative conception of political freedom contains a critique of the view of freedom advanced by republicanism, a view which, according to Hobbes, must posit the absurdity of "A free subject": a subject who is free in virtue of the form of the political body of which she is a

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<sup>34</sup> *Leviathan*, 324–25 [ch. 21, 108], 1094 [ch. 46, 377]. Cf also Hobbes's addition to this latter passage in the Latin edition: "So, whence have arisen those civil wars about religion in Germany, France, and England, if not from the philosophy, ethics, and politics of Aristotle, and of those Romans who followed Aristotle? [...] Aristotle [...] calls the rule of all kings 'tyranny'; he says that liberty exists only in a democracy; and this is said both by him and by most Roman writers after him, who have transferred [...] the vice of a man to a form of government" (1095 [322]).

<sup>35</sup> *Leviathan*, 324 [ch. 21, 107], 328 [ch. 21, 109].

member rather than a subject who is free in virtue of being unhindered by opposition.<sup>36</sup> Instead, the freedom of the political agent lies only in being permitted to do what has not been proscribed by positive law, independent of the form of the body that legislated it.<sup>37</sup> Thus the subject, unlike the citizen, is free regardless of the form of her government so long as her basic rights to movement and self-preservation are protected.

Third, Hobbes identifies a further mistake of republicanism in its *application* of the concept of liberty. The ancient writers supposed that freedom is, in the first instance, not a predicate of "particular men" but a predicate of the state and then distributed this predicate, applying it to each of the state's members. So from the republic's "absolute Libertie" vis-a-vis other nations, with whom it necessarily stands in a relation of natural war, ancient writers could in this way infer the liberty of the citizen.<sup>38</sup> Hobbes agrees with the republicans that an independent state enjoys absolute freedom in the theater of international relations but rejoins that this freedom is not a distributive predicate but a *collective* one, pertaining only to the political body taken as a whole, i.e., as an artificial person and in no way applies to each of its members. Two consequences follow from Hobbes's view that freedom is a collective predicate.

First, it entails that there is a distinction between public and private freedom, the former being absolute and the latter being limited by civil law. Republicans, by contrast, overlook this public-private distinction and seek to annex the state's absolute liberty "for their Private Inheritance, and Birth right, which is the right of the Publique only."<sup>39</sup> Hobbes's transformation

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<sup>36</sup> *Leviathan*, 68 [ch. 5, 19]

<sup>37</sup> *Leviathan*, 328 [ch. 21, 109].

<sup>38</sup> *Leviathan*, 332 [ch. 21, 110].

<sup>39</sup> *Leviathan*, 334 [ch. 21, 110].

of the citizen into the subject as the agent of political philosophy thus corresponds to a transformation of freedom from a public affair into a matter of private concern. Second, it entails that political freedom, for Hobbes, must be understood individualistically, i.e., at the level of particular subjects. While one can justifiably speak of a collective sense of political freedom by referring to the state's independence and the military might that makes this independence possible, this freedom is not distributed to its members; instead, the subject's freedom is primarily determined by the "Silence of the Law," and this is so across all forms of government.<sup>40</sup>

These three contrasting conceptions of the political agent—the prisoner, the soldier, and the citizen—demonstrate the importance of rights and legal consent for Hobbes's theory of political subjectivity, as indicated by Strauss. The prisoner shows us that the subject retains an inalienable right to self-preservation; the soldier that she may voluntarily take on supererogatory obligations by transferring her natural rights, even if these expose her to mortal danger; and the citizen that predicates such as liberty and rights pertain only to isolated individuals and so do not depend upon the form of government taken by the civil body. These three figures thus exemplify the legal dimension of Hobbes's epochal introduction of the political subject as an agent whose

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<sup>40</sup> *Leviathan*, 340 [ch. 21, 113]. There remains a textual peculiarity here. Hobbes consistently distinguishes between the subject and the citizen only in the English *Leviathan*; in each of his other systematic presentations of his political philosophy—the *Elements of Law*, *De Cive*, and the Latin *Leviathan*—he abandons it, using both terms interchangeably. This difference is clearest in Hobbes's modifications to the Latin edition. I will not attempt to explain why Hobbes felt motivated to abandon this important distinction in this later work. However, that he did so suggests one reason why *Leviathan* might be considered the superior presentation of his political philosophy since only in this text does Hobbes fully and consistently present his theory of political subjectivity. For this reason, *Leviathan* must take pride of place for an analysis of this theory and its connection to liberalism. Accordingly, I have in this article restricted my focus to this text.

original determination is to be a legal entity, i.e., a rights-bearing person, a theory of political subjectivity which led Strauss to judge Hobbes to be the true founder of liberalism.

#### 4. The Political Subject as Bourgeois: Macpherson and the Natural Subject

The natural dimension of the Hobbesian political subject has been best explicated by C. B. Macpherson. In his work on Hobbes, Macpherson extends Strauss's insights into Hobbes's theory of political subjectivity.<sup>41</sup> In particular, Macpherson takes as his point of departure Strauss's insight that "the ideals set up in [Hobbes's] political philosophy are precisely the ideals of the bourgeoisie."<sup>42</sup> But Macpherson reverses the order of Strauss's investigation, giving the legal side of the Hobbesian subject uncovered by Strauss an inverted significance. Rather than beginning his study with an examination of Hobbes's views on human nature and the influence of the humanist-rhetorical tradition thereof, Macpherson instead opens his exposition of Hobbes with an examination of a particular model of society and then shows that Hobbes's views on human nature merely reflect what the ideal member of this society would look like, and so are not eternal features of humankind. Thus, like Strauss, Macpherson conceives of Hobbes's liberalism largely in terms of Hobbes's theory of political subjectivity. But rather than seeing Hobbes's political subject as being primarily determined as a bearer of rights, Macpherson takes Hobbes's subject to be the naturalization of an ideal member of bourgeois civil society—the natural subject whose articulation into a theory of human nature shows only the adaptive requirements of this historically novel form of society.

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<sup>41</sup> "Hobbes Today." *Canadian Journal of Economics and Political Science* 11, no. 4 (1945): 524–34; *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford University Press, 1962), 1–106, 263–71; "Natural Rights in Hobbes and Locke," in *Democratic Theory: Essays in Retrieval* (Don Mills: Oxford University Press, 2012), 224–37.

<sup>42</sup> Strauss, *The Political Philosophy of Hobbes*, 118.

Macpherson's interpretation turns on Hobbes's inability to adequately explain the "lateness" of his political philosophy.<sup>43</sup> If it is true that civil science, like geometry, proves its propositions *a priori* because their genesis, like that of geometrical figures, comes about not by nature but by the will of the human being who thinks them, then these propositions, given their obvious value for the well-being of humanity, should have been discovered and disseminated long before Hobbes took up his pen. That Hobbes boasts of being the first to lay bare their elements—that the most useful of the pure sciences would have to wait until the seventeenth century to have its rudiments disclosed—challenges either Hobbes's originality or the manner in which he achieved it. By claiming that Hobbes did not uncover eternal truths of human nature but only historicized truths corresponding to the political subject in a modern market-driven society, Macpherson sides with the latter alternative. In particular, Macpherson identifies two features of Hobbes's bourgeois view of human nature relevant to the natural dimension of Hobbes's theory of political subjectivity: first, Hobbes's historicization of human nature; second, his determination of this nature as felicity. I will treat these in turn.

To begin with, Macpherson's argument calls us to reconsider the role of human nature in Hobbes's account of political subjectivity in *Leviathan*. This role is more ambiguous than it appears at first glance. First of all, in this text Hobbes generally avoids using the phrase "human nature" in his discussions of the physiological and psychological characteristics that he takes to be universal features of all human individuals.<sup>44</sup> Hobbes instead prefers to speak of "man" or "mankind," as suggested by the title of Part One. But this latter vocabulary, unlike that of human

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<sup>43</sup> As Strauss indicates in his review of *Possessive Individualism* (*Southwestern Social Science Quarterly* 45, no. 1 [1964]: 70).

<sup>44</sup> In *Leviathan*, the phrase "human nature" occurs only eleven times, "nature of man" only five.



nature, does not explicitly distinguish between those aspects of human behavior attributable to convention and those that arise naturally. Hobbes's vocabulary makes it unclear what modality he intends to attribute to his account of the inclinations of humankind.

One possible reason for this ambiguity is that Hobbes requires human nature to be significantly malleable if his justification of political obligation is to hold. This is because, on the one hand, Hobbes sees a certain determination of human nature as a touchstone for the adequacy of his political theory, taking as one of his primary theoretical tasks the demonstration of the compatibility of human nature and the sacrifices demanded by obedience. But, on the other hand, this human nature must be capable of being altered, so much so that the essentialism that it implies shows the imperfection of 'human nature' as the proper name for Hobbes's account of the natural subject. In the "A Review and Conclusion," Hobbes writes:

[T]here has been an argument taken, to inferre an impossibility that any one man should be sufficiently disposed to all sorts of Civill duty. [...] To which I answer, that these are indeed great difficulties, but not Impossibilities: For by Education, and Discipline, they may bee, and are sometimes reconciled. [...] There is therefore no such Inconsistence of Humane Nature, with Civill Duties, as some think.<sup>45</sup>

This passage shows us two criteria Hobbes sets up for his political philosophy. The first criterion is that Hobbes's account of human nature, or the natural subject, must cohere with that of the legal subject, the person who freely transfers her natural right to an artificial body and so takes on obligations to secure her self-preservation. But this criterion is in fact even stricter. Shortly thereafter, Hobbes reports that his theory of the natural subject must not only be consistent with

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<sup>45</sup> *Leviathan*, 1132–33 [A Review and Conclusion, 389–90].

the legal subject but that the latter is *grounded* upon the former: "I ground [...] both the Duty and Liberty of Subjects, upon the known naturall Inclinations of Mankind."<sup>46</sup> A unity is required between the natural and legal subjects.

Second, the passage shows us that Hobbes understands this unity between the natural and legal subject to arise not by nature but through education and discipline. Subjects must be inculcated into obedience and have their passions tamed through public instruction.<sup>47</sup> Human nature, in other words, must be sufficiently malleable; the demonstration of this is the second criterion of his political philosophy. Conversely, if human nature were immutable, resistant to substantial modification through education, then, on Hobbes's account, political obligation would be unjustifiable, both because the subject could not come to identify herself with obedience to the law (like the Fool) and because she could foster no expectations of obedience on the part of others. It follows that the natural subject's capacity to be educated into the proper civil disposition is central to the stability of the commonwealth and so to Hobbes's political philosophy as such: left to their own devices, subjects are unlikely to comport themselves with civil duty; however, through civic education, this human nature can be made consistent with civil duty's demands. Only in this developmental sense does human nature cohere with subjection to a sovereign, or does the natural subject unite with the legal one. But this unity is also, therefore, a historical unity, one which presupposes certain social conditions to be in place for its realization.

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<sup>46</sup> *Leviathan*, 1138–39 [A Review and Conclusion, 394].

<sup>47</sup> On civic education in *Leviathan*, see Amy Gais, "Thomas Hobbes and 'Gently Instilled' Conscience," *History of European Ideas* 47, no. 8 (2021): 1211–27; Geoffrey M. Vaughan, *Behemoth Teaches Leviathan: Thomas Hobbes on Political Education* (Lanham: Lexington Books, 2002), ch. 2.

Hobbes's attempt to naturalize this essentially historical unity between the natural and legal subject can be seen, following Macpherson, in Hobbes's summation of human nature in felicity.

For Hobbes, felicity (*felicitas*) is the defining characteristic of the natural subject. It denotes our nature to perpetually strive toward the satisfaction of our unending desire.<sup>48</sup> Our felicity has four salient features: it is this-worldly ("the Felicity of this life") and so cannot be influenced by promises of reward in the afterlife; it is anticipatory, oriented towards our future well-being; it is a consequence of our having reason and so, like reason, is to be found universally among all human beings;<sup>49</sup> and, lastly, it entails a sublated form of competition between human beings appropriate only for a market-based society.

This last point bears further elaboration. According to Hobbes, our felicity leads us to *compete* with one another for recognition (honor) and material goods (wealth).<sup>50</sup> But, within civil society, our felicity necessitates a sublimation of this competition. In these new conditions, our felicity leads not to mutual destruction as it does in the state of nature but conduces productive forms of competition in industry. This competition in industry promotes commodious living for all where the civil condition prevails; consequently, a wise sovereign ought to facilitate this transformation of competition.<sup>51</sup> Yet—and this is Macpherson's insight—this meek and economic form of competition appears as a legible feature of human nature only if the principle

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<sup>48</sup> *Leviathan*, 96 [ch. 6, 29–30], 150 [ch. 11, 47]. See James J. Hamilton, "Hobbes on Felicity: Aristotle, Bacon and Eudaimonia," *Hobbes Studies* 29, no. 2 (2016): 129–47; Abizadeh, *Hobbes and the Two Faces of Ethics*, ch. 4.

<sup>49</sup> *Leviathan*, 118 [ch. 8, 38].

<sup>50</sup> *Leviathan* 90 [ch. 6, 28], 136–38 [ch. 10, 42–3], 150–52 [ch. 11, 47–8], 190–92, [ch. 13, 61–2], 258 [ch. 17, 86].

<sup>51</sup> *Leviathan*, 196 [ch. 13, 63], 328 [ch. 21, 109].

of bourgeois society has already generally established itself in thought if not in deed. Hobbes's account of felicity thus presupposes this model of society.

Macpherson, then, was right to conclude that Hobbes "read market relations back into the very nature of man."<sup>52</sup> Hobbes's theory of the natural subject depends upon a vision of society—one Macpherson calls a "possessive market society" or possessive individualism.<sup>53</sup> This dependency arises in at least two ways: first, insofar as Hobbes naturalizes the historical nature of humankind, using this society as its model; and second, insofar as Hobbes's felicity doctrine entails the virtue of meek competition among depoliticized economic agents, a view whose very condition of intelligibility is bourgeois society. Hobbes's natural subject, as examined by Macpherson, thus shows us a new side of Hobbes's liberalism than the artificial, right-bearing one unearthed by Strauss, namely that Hobbes's political subject has its ground market-oriented social relations appropriate only to the nascent *bürgerliche Gesellschaft* in which Hobbes finds himself.

## 5. The Liberal Subject: Political Subjectivity and Liberalism

I now turn to Hobbes's relation to liberalism and the contribution made thereto by his theory of political subjectivity. It is easy to overlook the connection between the two. For example, Macpherson recognizes the bourgeois character of Hobbes's natural subject but arrives at a conflicted view of Hobbes's liberalism. While Hobbes conceives of the natural subject as uniquely suited for a bourgeois and individualistic model of society, thereby providing "the main

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<sup>52</sup> Macpherson, *Possessive Individualism*, 268. "Hobbes's analysis of human nature [...] is really an analysis of bourgeois man" (Macpherson, "Hobbes Today," 525).

<sup>53</sup> Macpherson, *Possessive Individualism*, 46.

structure of English liberal theory,"<sup>54</sup> Hobbes's political philosophy as a whole "can scarcely be called liberal" because it is absolutist and anti-democratic.<sup>55</sup> Hobbes's relation to liberalism is thus, for Macpherson, antinomic: he is both its founder and one of its fiercest detractors. In a more recent evaluation, Noel Malcolm reasons similarly and arrives at an equally ambiguous conclusion: on ballance, Hobbes is a "liberal illiberal."<sup>56</sup>

These ambivalences concerning Hobbes's relation to liberalism are based in part, I suggest, on an incomplete understanding of Hobbes's theory of political subjectivity. Each side of this theory, taken on its own, has been well-addressed by Strauss and Macpherson. But the unity of the political subject and its import for Hobbes's contribution to liberalism have been generally unappreciated. Hobbes teaches that the *liberal subject*, that is, the conception of the political agent necessarily presupposed by liberal political philosophy, must be unified in its legal and natural aspects. That is, liberalism must assume the political agent to have integrated the natural subject, adapted "by nature" to reciprocal relations of exchange and economically competitive entrepreneurship, with the legal subject, instituted by an original consensual transfer of natural rights. Among Hobbes's contributions to liberalism, then, is that he first attempts to unify these two necessary aspects of liberal subjectivity. It what remains, I discuss how Hobbes accomplishes this unification.<sup>57</sup>

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<sup>54</sup> Macpherson, *Possessive Individualism*, 270.

<sup>55</sup> Macpherson, *Possessive Individualism*, 1.

<sup>56</sup> Noel Malcolm, "Thomas Hobbes: Liberal Illiberal," *Journal of the British Academy* 4 (2016): 115.

<sup>57</sup> By focusing our attention in this article on Hobbes's theory of the political subject, I do not mean to imply that this theory undergirds his liberalism as its sole principle nor to deny the importance of other aspects of Hobbes's political theory for this tradition, such as his negative conception of liberty. Hobbes's relation to liberalism is far too complex to permit a singular ground. Instead, I wish to argue that one dimension of Hobbes's liberalism has been overlooked, his theory of political subjectivity, and that if we examine this theory, we find that it forms a key element of his liberalism

Hobbes's theory of political subjectivity is unified because each side mutually depends upon the other. The legal subject requires the natural one because, in asserting the political agent's original right, it presupposes the agent's *capacity* to covenant towards peace and the *practical necessity* of doing so. But this capacity and this necessity are realized only on condition that the agent is already also the natural subject, i.e., only on condition of having naturalized the bourgeois ideal, on the one hand, and facing the possibility of war due to felicity, on the other. Hobbes's natural subject thus provides the supposedly eternal basis for his legal one, allowing Hobbes to "speak not of the men, but (in the Abstract) of the Seat of Power."<sup>58</sup> Likewise, the natural subject becomes intelligible only if she *already* finds herself in bourgeois society, a civil condition that can itself only be sustained by sovereignty. Without the legal subject already in place, there can be no civil society; but without civil society, Hobbes's supposition of a felicity—of pacified yet economically competitive political agents—makes little sense. In this way, Hobbes's conceptions of the natural and legal subject reciprocally presuppose one another.

Hobbes's liberal subject thus also aligns with his intention to find middle ground between "too great Liberty" and "too much Authority."<sup>59</sup> Without the natural subject (a felicitous member of the marketplace), his argument cannot guarantee that an awe-inspiring sovereign is either capable of, or is necessary for, establishing, stabilizing, and securing the state. The sovereign would be too weak and the liberty of subjects too great. But without the legal subject (a bearer of natural rights), his argument cannot place restrictions on the right of sovereignty, nor can it legitimate obedience to it through consent. The sovereign now obtains too much authority. Hobbes resolves the dichotomy by providing a unified view of the political agent: of her human

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<sup>58</sup> *Leviathan*, 3 [Epistle Dedicatory, A2r].

<sup>59</sup> *Leviathan*, 4 [Epistle Dedicatory, A2r–A2v].

nature as caught up in reciprocal relations of exchange and entrepreneurship and of her constitution by an original institution and as bearing natural rights. This is the liberal subject.

This liberal subject teaches us something important about Hobbes's relation to liberalism. It shows us that Hobbes's theory of political subjectivity forms part of the family of doctrines that constitute liberalism. Careful study of this theory can tell us much about the political agent presupposed by liberal thought and its institutions, improving our apprehension of their achievements and limits for our own time. But such study also teaches us, in part, why Hobbes ought to be understood, despite his apparent illiberalisms, as the founder of liberal political philosophy.

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