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THE CONCEPT OF CIVIL WAR IN THOMAS HOBBS'S *LEVIATHAN*¹

Abstract. This paper aims to show that despite the fact that Hobbes used the term “civil war” several times in his *Leviathan*, if his theory is to be seen as an attempt to formulate a complete, logically consistent structure, then there is no place in it for any distinctive, analytically important feature that clearly separates civil war from ordinary war. This point subsequently serves to highlight the fact that Hobbes could separate the two types of conflict solely by implicitly relying on a common, standard usage of the term “civil war,” which in turn invalidated his claim regarding the presence of a universally recognized, unifying sovereign power as a sole ground of the existence of political community.

Keywords: Leviathan, Thomas Hobbes, civil war, theory of state, sovereignty

POJĘCIE WOJNY DOMOWEJ W *LEWIATANIE* TOMASZA HOBBSA

Streszczenie. Niniejszy artykuł ma na celu wykazanie, że pomimo faktu, iż Hobbes kilkakrotnie użył terminu „wojna domowa” w dziele *Lewiatan*, jeśli jego teoria ma być próbą sformułowania kompletnej, spójnej, logicznej struktury, to nie ma w niej miejsca na żadną charakterystyczną, istotną analityczną cechę, która wyraźnie odróżnia wojnę domową od zwykłej wojny. Ta obserwacja służy następnie podkreśleniu, że Hobbes był w stanie dokonać rozróżnienia między dwoma rodzajami konfliktu wyłącznie opierając się na powszechnym, standardowym rozumieniu terminu „wojna domowa”, co z kolei podważało jego twierdzenie dotyczące obecności powszechnie uznanej, jednoczącej władzy suwerennej jako jedynej podstawy istnienia wspólnoty politycznej.

Słowa kluczowe: Lewiatan, Tomasz Hobbes, wojna domowa, teoria państwa, suwerenność

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1. INTRODUCTION

Few works of political philosophy have been so strongly marked by the experience of prolonged internal conflict as Thomas Hobbes's *Leviathan*. The historical context of the work's creation and publication has been thoroughly studied, leaving no doubt as to Hobbes's deep involvement in the political and religious struggles that led England from increasingly bitter constitutional disputes, through a series of bloody civil wars and the unprecedented regicide, to the establishment and ultimate collapse of the republican regime.² A deeply contextual analysis of Hobbes's work, apart from uncovering his involvement in the specific controversies of mid-seventeenth century England, also sheds a somewhat paradoxical light on one of its most distinctive features – namely the fact that Hobbes himself consistently portrayed his theory not as a contingent intervention in the political debate of his time but rather as a purely scientific endeavour leading to rationally provable conclusions.³ The extent to which Hobbes indeed managed to produce a theoretical structure of universal applicability can be gauged from the sheer amount of research on various aspects of his thought as well as his canonical (if somewhat simplified) status in the fields of political studies, law or international relations.⁴ This does not mean, however, that the tension between the analytical structure of the theory and the influx of vocabulary, linguistic usages, and problems arising from historical circumstances is wholly absent from Hobbes's most theoretically refined contributions to political philosophy.⁵ Indeed, one of the most paradoxical and yet conspicuously understudied examples of this tension can be found in his conceptual handling of the arguably most important factor that drove him to pen the book in the first place – the civil war.

This paper aims to show that despite the fact that Hobbes used the term “Civill Warr” (and its cognates – such as “intestine” war) several times in his *Leviathan*, if his theory is to be treated (in accordance with his own desire to develop a true *scientia civilis*) as an attempt to formulate a complete, logically consistent structure, then there is no place in it for any distinctive, analytically important feature that clearly separates “Civill Warr” from “ordinary” war. In short, within Hobbes's

² See for instance Burgess (1990, 675–702). For a discussion of some of these aspects raised by Noel Malcolm's edition of the book see: Hoekstra (2015, 237–257).

³ Hobbes explains that science is the “knowledge of Consequences; which is called also PHILOSOPHY” – one branch of that science is “Civil Philosophy” which deals with the “Consequences from the Accidents of *Politique Bodies*” (Hobbes 2012, 130). Hobbes had announced his ambition to develop true *scientia civilis* in his first political treatise – *The Elements of Law* of 1640. For a discussion of his attitude towards the project see: Skinner (2004c, 66–86).

⁴ See for instance: Gauthier (2022); Coyle (2003, 243–270); Boucher (2018).

⁵ The arguments presented in this article are deliberately based on an analysis of Hobbes's political thought in its most mature and fully developed form – that is, mainly *Leviathan*.

theory civil war is an oxymoron.⁶ This point serves to highlight the extent to which Hobbes unconsciously drew on certain key contemporary concepts concerning the very nature of political community – especially with regard to its continued existence – which clearly did not depend solely on the presence of a universally recognized, unifying sovereign power.

2. THE THEORY OF LEVIATHAN'S ORIGIN

Hobbes's political theory is a complex edifice, the architecture of which cannot be fully described in this paper. However, in order to properly explain the issue of the relationship between civil war and state continuity, several basic observations must be made. Hobbes's scientific attempt to describe "the Matter, Forme, and Power of a Commonwealth Ecclesiasticall and Civil" starts with a claim that "*Wisedome* is acquired, not by reading of *Books*, but of *Men*" (Hobbes 2012, 18). Radically materialistic premises lead Hobbes to conclude that men are ruled solely by their passions (which themselves are only motions of matter – this assertion precludes the existence of any "natural" distinction between "good" and "evil"),⁷ and that reason plays only a secondary role in determining what a given man "shall conceive to be the aptest means [to fulfil his desires]" (Hobbes 2012, 198). The implications for men's communal existence are clear. Passions produce "three principall causes of quarrel. First, Competition; Secondly, Diffidence; Thirdly, Glory" (Hobbes 2012, 192). Men, if left to their own devices (as is the case in the state of nature), readily resort to violence "to make themselves Masters of other mens persons, wives, children, and cattel" (Hobbes 2012, 192), not to mention their readiness to hurt others for reasons so feeble as "a word, a smile, a different opinion, and any other signe of undervalue" (Hobbes 2012, 192).

This leads Hobbes to the conclusion that "it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man" (Hobbes 2012, 192). It is this miserable condition of the state of nature that produces in men yet another impulse, one which ultimately allows them to overcome the disadvantages of their natural condition. It is possible because men's propensity to act violently in order to fulfil their desires gives rise to a constant sense of danger which in turn produces (or rather sharpens) in men

⁶ David Armitage pointed this out but did not examine in detail either the causes or the consequences of this fact. See: Armitage (2017, 111).

⁷ As Hobbes puts it: "But whatsoever is the object of any mans Appetite or Desire; that is it, which he for his part calleth *Good*: And the object of his Hate, and Aversion, *Evill* [...] For these words of Good, Evill, and Contemptible, are ever used with relation to the person that useth them; There being nothing simply and absolutely so; nor any common Rule of Good and Evill, to be taken from the nature of the objects themselves" (Hobbes 2012, 80).

the most potent of all passions – fear of death, which, as Hobbes believes, is more powerful than others and which for that very reason is placed at the heart of his theory.⁸

Reason dictates that the only way to save oneself from the ever-present threat of death is, in Hobbes's account, to give up one's natural liberty (i.e. unbridled ability to do everything to preserve oneself) and to covenant "every man with every man, in such manner, as if every man should say to every man, I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner" (Hobbes 2012, 260). In this way, men who formerly had no corporate being of their own (thus constituting but a multitude of disjointed individuals) become

[U]nited in one Person" – Leviathan – which 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. (Hobbes 2012, 260–262)

This "Mortall God", just as every other artificial entity, has no autonomous will of its own and can act only by virtue of being represented. That is why a sovereign is needed – a man or assembly that are not themselves party to the covenants made by the individuals, but rather representatives of the Leviathan, acting in his name or – as Hobbes puts it – bearing his "person."⁹ The sovereign is thus the sole bearer of community's collective power: he legislates, judges, and enacts his own decisions – his indivisible power and the ever-present possibility of using it against those who refuse to obey him act as checks on human contentious behaviour. By inducing fear of punishment and monopolizing the once universal "right" of using force to fulfil one's desires, the sovereign ensures that his laws are respected, and his subjects live in peace. He cannot be held accountable for his actions both because he is not a party to the covenant (any argument from contractual obligation is thus discarded),¹⁰ and because the notions of lawful/unlawful actions arise only as a result of his own decisions, which can at all times be changed.¹¹ Furthermore, men, by authorising the sovereign to act in their name,

⁸ Out of all incommunities present in the state of nature the "worst of all" is "continuall feare, and danger of violent death". It is due to that ever-present threat that men's lives are "solitary poore, nasty, brutish, and short" (Hobbes 2012, 192).

⁹ For a breakdown of the intricacies of Hobbes's theory of representation see Skinner (2007, 157–175).

¹⁰ "(...) Because the Right of bearing the Person of them all, is given to him they make Sovereigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on the part of the Sovereigne" (Hobbes 2012, 266).

¹¹ "(...) is annexed to the Sovereigntie, the whole power of prescribing the Rules, whereby every man may know, what Goods he may enjoy, and what Actions he may doe, without being molested

are in fact the authors of all his actions which again theoretically precludes any division between the will of the community and the sovereign.¹²

For the purposes of this paper two features of Hobbes's theory are particularly important as they bear directly on the issue of the state's continuity. First and most importantly, it is essential that men are united in the body of Leviathan only as long as there exists one common power that represents it (and by extension also represents each and every individual man who authorised the actions of that representative power). As Hobbes clearly states: "it is the Unity of the Representer, not the Unity of the Represented, that maketh the Person One" (Hobbes 2012, 248). The importance of that claim can hardly be overstated, and it has accordingly been analysed in meticulous detail as the cornerstone of *Leviathan's* ingenuous theoretical structure.¹³ However, what has been largely overlooked, but will hopefully become clear once we discuss Hobbes's latent assumptions regarding civil war, is the degree to which he *did* frequently depart from the conceptual rigidity imposed by said structure.

Secondly, Hobbes's theory is famously based on purely consensual (however counterintuitive his vision of consent – and freedom – might be), artificial grounds.¹⁴ Even his account of the rule established by conquest is in the final instance dependent on the acquiescence of the conquered. As we read: "It is not therefore the Victory, that giveth the right of Dominion over the Vanquished, but his own Covenant. Nor is he obliged because he is Conquered; that is to say, beaten, and taken, or put to flight; but because he commeth in, and Submitteth to the Victor" (Hobbes 2012, 312).¹⁵ Devoid of virtually any metaphysical or normative connotations, the consensual nature of political subordination can thus effectively be reduced to the fact of submission or non-resistance to the current sovereign power.

That the two aforementioned axioms influence the continuity of the state can be seen from Hobbes's remarks regarding the death of the Leviathan. As we learn, it is impossible to divide the sovereign power and allocate parts of it to different institutions. To do so is to destroy the state. As Hobbes puts it "this division is it, whereof it is said, *a Kingdom divided in it selfe cannot stand*" (Hobbes 2012, 278). Multiplicity of the seats of power leads to different allegiances and destroys the

by any of his fellow Subjects (...) These Rules of Propriety (or *Meum* and *Tuum*) and of *Good*, *Evill*, *Lawfull*, and *Unlawfull* in the actions of Subjects, are the Civill Lawes" (Hobbes 2012, 274).

¹² "(...) because every Subject is by this Institution Author of all the Actions, and Judgements of the Sovereigne Instituted; it followes, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice" (Hobbes 2012, 270).

¹³ See Skinner (2004b, 177–208), but cf.: Olsthoorn (2021, 17–32) and Vinx (2022, 135–155).

¹⁴ For a recent discussion see Luban (2024, 185–208). This is also why his seemingly absolutist theory was criticized by royalist writers (such as Sir Robert Filmer) who saw it as yet another iteration of the contractual strand of political thinking responsible for the outbreak of the civil wars. See Malcolm (2012, 146–147).

¹⁵ For a discussion of the problem of conquest see Skinner (2004a, 287–307).

unity of the state. People refuse to obey (thus, in a way, withdrawing their consent) the only true sovereign and swear fealty to other institutions (e.g. parliament). Hobbes thought that that was exactly what happened in England where many were of the opinion that “these Powers were divided between the King, and the Lords, and the House of Commons”, with an easily foreseeable result – the people “have fallen into this Civill Warre” (Hobbes 2012, 278).

3. CIVIL WAR AND THE CONTINUITY OF STATE

What exactly makes war “Civill”? Let us start by remarking that in Hobbes’s theory war is strictly related to the state of nature (it in fact *is* the state of nature) and can essentially take one of two forms. It can be either a war of “every man, against every man”, as is the case when there is no commonly recognized sovereign that transforms the multitude of individuals into one person (Hobbes 2012, 192), or it can be a war between two (or more) states, who in relation to one another also remain in the state of nature due to the lack of a higher power that could arbitrate between them.¹⁶ The first type of war takes place between the individuals who follow their passions, making use of their natural right (or – which amounts to the very same thing – their natural liberty) to secure the means of self-preservation that they themselves perceive as necessary; the second type of war is one waged between Leviathans, unified artificial bodies acting in accordance with the decisions of their respective sovereigns – the decisions which, by virtue of authorization, can also be ascribed to all individual members of respective states.

How does “Civill Warr” fit into this classification? And what does it tell us about the continuity of the state in Hobbes’s theory? First, it needs to be pointed out that Hobbes never directly discusses the concept of civil war, relying instead on what seems to be a commonly accepted, almost intuitive usage i.e. a war taking place *within* the boundaries of a unified whole, be it a “state”, “nation” or “people”.¹⁷ Consider, for instance, the passage already quoted above: “If there had not first been an opinion received of the greatest part of England that these powers were divided between the King and the Lords and the House of Commons, *the people* had never been divided and fallen into this Civill Warre” (Hobbes 2012, 278, italics added). We learn that it is possible to see “by what courses and degrees, a flourishing *State* hath first come into civil warre” (Hobbes 2012, 44, italics added); Plato’s opinion is cited to the effect that “it is impossible for the disorders

¹⁶ See Hobbes (2012, 196). Hobbes’s vision of the “international” state of nature (and thus, apparently, of war) is of course problematic – the fact that he himself clearly recognizes by pointing out that states are not necessarily at war with one another but are rather “in the state and posture of Gladiators.” See Bull (1981, 717–738).

¹⁷ As David Armitage has shown, this standard definition was a legacy of the Romans (Armitage 2017, 88–90).

of *State*, and change of *Governments* by Civill Warre, ever to be taken away, till Sovereigns be Philosophers" (Hobbes 2012, 574, italics added); A "Commonwealth" can be "cast into the Fire of a Civill warre" (Hobbes 2012, 512, quotation modified), while one may ask "where has there been a *Kingdom* long free from Sedition and Civill Warre" (Hobbes 2012, 320, italics added).

In a different context, while discussing various arrangements put in place to secure the succession of the crown in monarchical regimes, Hobbes – faithfully following the demands of his theory of the unity made possible by the "Representer" – claims that a failure on the part of a hereditary monarch to provide the state with an undisputed sovereign successor will cause a relapse "into the miserable condition of Civill warre" (Hobbes 2012, 296). In these as well as in other (rather sparse, considering the centrality of the issue) references to the concept of civil war, Hobbes seems to simply accept a commonplace definition of the term as a conflict taking place within the boundaries of a single political community. It appears that – in the absence of a universally acknowledged sovereign – the Leviathan *can* indeed be temporally divided or "relapse" into the civil war *without* losing its essential, continuous identity (in the example surely closest to Hobbes's heart – without ceasing to be *England*). There would be nothing particularly problematic about that statement if it wasn't for the fact that Hobbes, by rendering the unity of the sovereign power the *only* source of people's unity, effectively rejected an entire reservoir of arguments commonly accepted by the political theorists of his time which allowed for a conflict within the state without breaking its theoretical framework. These arguments were based on historical, legal, and religious reasoning which always presupposed some form of continuity of the body politic.

The whole tradition of Protestant (and indeed Catholic-conciliarist before it) political thought presupposed the existence of the united people covenanting with the ruler, who could, on account of that covenant, be held responsible for his actions.¹⁸ The fight for power was then treated as one waged to restore the commonwealth to its proper form. Likewise, the entire republican current of thought which vehemently opposed the factionalism and party divisions within the *res publica* clearly presupposed a *real*, one might say *substantive* existence of the commonwealth and tried to prevent the civil war that could threaten it.¹⁹ The belief, so widely shared by Hobbes's contemporaries, in the "Ancient English Constitution" seems to point to similar conclusions (Pocock 1987). Even those theoreticians who unambiguously supported the kingly power never went so far as to treat it as the *only* source of state's unity.

¹⁸ See the discussion in Skinner (1978, 113–134, 338–349).

¹⁹ For one example out of many see Rahe (2004, 243–275). It was only with the publication of the *Discourses* of Machiavelli that this anti-factional commonplace began to be challenged. See Skinner (1991, 121–142).

One only needs to think about the caveats implanted in the enormously popular theory of sovereign power developed by Jean Bodin. For all his ingenuity in cataloguing the range of the king's sovereign powers, the French theoretician of absolutism never perceived the king as the only source of France's unity, or as an agent entitled to act on purely arbitrary grounds. The French kingdom had its own identity, which could clearly be separated from the identity of the sovereign – it had its own normative structure that could not be altered, even by the sovereign (Franklin 1991, 298–328). There might have been conflicts within the kingdom, but they were always precisely just that – struggles for power or in favour of specific religious or legal arrangements within the *Regnum Francorum*. Similar discussions were taking place on English soil where, regardless of the willingness to submit to or reject various quasi-absolutist claims put forward by Stuart monarchs, virtually no one political writer was prepared to reject the “material” existence of either the kingdom and its constitutional structure or the chosen people treated by God as a single entity whose identity transcended the earthly constraints of established political or legal institutions (Daly 1978, 227–250). All these legal, historical, and religious sources of the state's (or people's) unity are deliberately removed from the theoretical structure of Leviathan. Hobbes's abstract mode of reasoning based on his unequivocal insistence that “it is the unity of the representer not of the represented that makes them one,” allowed him to create a powerful justification of a virtually unbridled power of the sovereign (thus securing the people from the twin tragedies of internal strife and external aggression) but it also posed dire theoretical consequences.

What happens in Hobbes's scheme, however, when another entity emerges which not only claims to be the only real representative of the people but is also recognized as such by a large portion of the society? What happens, in other words, when individuals, by refusing to obey their sovereign, place themselves outside the commonwealth,²⁰ back into the state of nature where they no longer enjoy the protection of the sovereign power *and then* they covenant again, only this time to obey *another* sovereign power that lays claims to the very same territory as well as the cultural and historical heritage? Hobbes, to be sure, thought about such a possibility and tried to find a way of discarding it. The first strategy that he employs is to ridicule the very idea of breaking one's covenant: “He therefore that breaketh his Covenant, and consequently declareth that he thinks he may with reason do so, cannot be received into any Society, that unite themselves for Peace and Defence, but by error of them that receive him” (Hobbes 2012, 102). To be placed outside the commonwealth is to be doomed: “and therefore if he be left, or cast out of Society, he perisheth” (Hobbes 2012, 102). That manifestly

²⁰ As we learn, every individual who already covenanted with others to submit himself to a sovereign power has to obey its decrees, “or be left in the condition of warre he was in before; wherein he might without injustice be destroyed by any man whatsoever” (Hobbes 2012, 268).

counterfactual statement is subsequently followed by a more thorough and manifestly normative assertion which deserves to be quoted in its entirety. As we read in Chapter XVIII:

And consequently they that have already Instituted a Common-wealth, being thereby bound by Covenant, to own the Actions, and Judgement of one, cannot lawfully make a new Covenant, amongst themselves, to be obedient to any other, in any thing whatsoever, without his permission. And therefore, they that are subjects to a Monarch, cannot without his leave cast off Monarchy, and return to the confusion of a disunited Multitude; nor transferre their Person from his that beareth it, to another Man, or other Assembly of men: for they are bound, every man to every man, to Own, and be reputed Author of all, that he that already is their Sovereigne, shall do, and judge fit to be done: so that any one man dissenting, all the rest should dissenting, all the rest should break their Covenant made to that man, which is injustice: and they have also every man given the Sovereignty to him that beareth their Person; and therefore if they depose him, they take from him that which is his own, and so again it is injustice. (Hobbes 2012, 122)

What is striking about this passage is that Hobbes, to denounce those who refuse to obey the sovereign and in consequence to highlight the perpetual character of the obligation binding the subjects to the commonwealth, uses the vocabulary of lawfulness and justice – the vocabulary which, by his own admission, was applicable only *within* the normative structure guarded by the coercive power of the sovereign (as in the case of the lawfulness of actions under the system of civil laws) or alternatively had no binding force at all.

Since Hobbes's political vocabulary depends on common recognition of the sovereign, and since the norms embedded in that vocabulary – especially the distinction between justice and injustice – lack enforceability, the collapse of sovereign integrity leaves his response to the problem of withdrawn consent resting not on a realistic account of the behavior of self-interested individuals, but on a somewhat puzzling repetition of normative claims despite the otherwise descriptive and scientific character of his premises.²¹

What is missed, then, is the fact that without the *continuous* ability of the sovereign to *force* people to consent to his rule, all other criteria of measuring the continuity of Leviathan are no longer applicable. Indeed, the moment a group subjects decides that it is more profitable for them to put themselves back into the state of nature in relation to their “original” sovereign (and to the subjects who remained loyal to him) and subsequently to subject themselves to some other seat of sovereign power rather than to obey the commands of the previous one, is congruent with the break of that continuity. A “part” of the state's body secedes and becomes a new “Mortall God” in its own right, with a new sovereign acting

²¹ Moreover, by claiming that the conqueror has a legitimate title to rule, which is based on the consent of the conquered Hobbes's argument has the effect of justifying every successful rebellion. As G. Burgess puts it: “If people know that their successful rebellion will make them legitimate rulers, then their decisions about whether to rebel cease to be dependent on moral absolutes (as Hobbes would like) and become dependent on an assessment of probable outcomes” (Burgess 1990, 681).

as its head. All the individuals who chose to submit to the rule the new Leviathan are no longer part of the “old” one. There is nothing that could link them to the normative structure they once recognized as their own, because it is entirely dependent on the recognition of the sovereign that guards it. No religious, legal, or historical arguments can be used as ammunition in polemical battles against the members of the “old” Leviathan.²² The logic of Hobbes’s theory, his avowedly scientific mode of reasoning, renders these arguments unsustainable.

Reverting to the question of civil war, we can now observe that there is no analytically relevant distinction between civil war and “normal” war. It is so, because there can be no war *within* the Leviathan, there is nothing “civil” or “intestine” about a conflict between two entities claiming to act as sovereign powers. Hobbes himself acknowledges that severing political ties as a result of opposition to sovereign power means “the renouncing of subjection; which is a relapse into the condition of warre, commonly called Rebellion; and they that so offend, suffer not as Subjects, but as Enemies. For *Rebellion*, is but warre renewed” (Hobbes 2012, 494). A war can only be waged between the individuals (in the state of nature) or between two Leviathans (who in relation to one another also remain in the state of nature) – each having its own normative structure and its own sovereign responsible for its protection. The winning side in the English Civil War seemingly could not, if Hobbes’s theory was to be followed to its logical conclusions, claim that it restored the state to “its” proper form, or that it simply replaced the ruler who had acted contrary to custom, law or religion of England. It was so because by defeating the king the parliamentarians utterly destroyed the English state as they knew it. They might have still perceived their commonwealth as an English one, they might even have retained (as had indeed been the case) the vast majority of the old Leviathan’s legislation, its customs and political arrangements but that did not change the fact that – from the Hobbesian perspective – the old state was dead and that what “continued” was the substance rather than the form.²³ The laws were new even though for the most part they did

²² This point seems to also be in line with Hobbes’s somewhat ambivalent stance on the question of territory. As A. Abizadeh puts it: “Jurisdictional authority for Hobbes is foundationally over persons rather than territory, so that the sovereign’s territorial jurisdiction is parasitic on jurisdiction over persons” (Abizadeh 2013, 397). On this topic see also: Elden (2013, 293–303).

²³ Hence the ambiguous comments of Hoye’s recent interpretation of *Leviathan*, who, noting the role of sovereign’s progressive corruption as a source of regime’s downfall, stated “After the regime collapses, after the slow cascade of corruption stemming from sovereign vice transforms into civil war, the tasks of rebuilding and identifying a new sovereign begins again. On any realistic account it is a far cry from the ahistorical void or a so-called state of nature. Instead, civil wars are inflected by the experience of eminent corruption of one’s fellow subject, perhaps one’s self, and above all the previous sovereign” (2024, 296). While certainly correct from a “realistic” perspective and thus enforcing our argument regarding latent assumptions present in Hobbes’s reasoning, the passage poses serious conceptual problems once it is placed within the rigid theoretical framework of Hobbes’s theory of sovereignty as the only source of state’s existence and – in consequence – continuity.

not differ in content from the old ones. If Hobbes's theory is to remain consistent, the term "civil war" can only be used in a 'weak' sense, denoting a war that occurs between men that *used to* recognize one sovereign, between men that *once* constituted a single person, or as Hobbes himself puts it: between men "that have formerly lived under a peacefull government" (Hobbes 2012, 90). Apart from that it is a war like every other.

4. CONCLUSION

The implications of Hobbes's unwillingness to acknowledge the continuous existence of the state in the absence of the "common Power to keep them [subjects] all in awe" are certainly much broader than his somewhat undisciplined approach to the problem of civil war. To trace them all would drastically exceed the limits of this paper. However, it is the paradoxical, elusive nature of the civil war that can serve as a starting point for further exploration of Hobbes's latent assumptions regarding the "substantive" rather than purely "formal" or Representer-based unity of the state.²⁴ To take but one example, at one point in his discussion of the "*Despotical* Dominion" Hobbes writes that regardless of the specific mode in which any given commonwealth first came to be (by institution or by conquest, that is) the scope of sovereign power is always the same and that "to demand of one Nation more than of the other, from the title of Conquest, or as being a Conquered Nation, is an act of ignorance of the Rights of Sovereignty" (Hobbes 2012, 142).

In this context, one might very well ask how can there be a "Conquered Nation" at all? With the sovereign defeated and no longer performing his protective function, he clearly ceases to be the sovereign as all subjects are now free from any obligations they previously had (Hobbes 2012, 153) – and if that

²⁴ However, paradoxically and with a great deal of historical irony, the dissolution of the state into two (or more parts) as a result of civil war, which seems to be a logical conclusion of Hobbes's theory, can be and indeed was used for purposes that Hobbes himself would most likely have found puzzling. As David Armitage points out in his study of the historical trajectory of the idea of civil war in the eighteenth century, Hobbes's "dualistic" scheme of civil war was ingeniously incorporated by none other than the most famous lawyer of the era, Emer de Vattel. In his hands, the destruction of the unified character of the state as a result of civil war was transformed into a model that could be used to civilize the course of the conflict. Vattel seemed to believe that the cruel characteristic of civil war from its inception could be eliminated if the parties to the conflict were viewed not in terms of the distinction between a legitimate government and rebels, but rather as two separate entities – in fact, two sovereign states waging a war that was not fundamentally different from other international conflicts covered by the rules of *ius in bello*. An abstract, purely "scientific" line of argument could therefore be used to sidestep the tangled web of political and legal problems arising from the seemingly inevitable intensification of internal conflicts by multidimensional cultural, historical, and – most often – personal grievances, which have made civil wars throughout history particularly bloody events (Armitage 2017, 130–132). See also Oeter (1997, 195–229) and Beaulac (2003, 237–292).

is the case then is it not true that the moment he “dies”, the commonwealth/Leviathan/Nation “dies” with him? Is he or is he not the only source of the state’s unity? Is there still a communal entity left to be conquered, or is the conqueror facing a mere multitude of individuals who, due to their sovereign’s failure to protect them, have been thrown back into the state of nature? The wording of Hobbes’s utterances on the subject quite unequivocally, and similarly to his off-hand comments on the civil war, seem to lead to a conclusion that – *pace* his own theoretical rigidity – there is something more to states’ substance than just a presence of a commonly recognized *locus* of power.²⁵ For all its advantages an abstract, highly theoretical mode of reasoning has its own pitfalls after all – a lesson which all political theorists should bear in mind.

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²⁵ A valuable discussion of Hobbes’s pre-political, communal assumptions that bear directly on his vision of the international relations can be found in: Forsyth (1979, 196–209). See also Hobbes’s discussion of the Jewish nation which he clearly perceives as possessing its own continuous being even despite clear breaks in the continuity of the sovereign power (Hobbes 2012, 640).

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