

'A State of Lesser Hope': The Servant in Hobbes's Natural Commonwealth

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Hobbes famously distinguishes between a commonwealth by institution and a commonwealth by acquisition.¹ The former, familiar to even his most casual readers, emerges when individuals consent to become *subjects* of sovereign power by agreeing "amongst themselves to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others."² In contrast, the latter results from the immediate threat of violence; specifically, it is "acquired to the victor when the vanquished, to avoid the present stroke of death, covenanteth... that so long as his life and the liberty of his body is allowed him, the victor shall have use thereof, at his pleasure."³ Subsequently, the vanquished becomes a *servant* of sovereign power, an individual who, "being taken, hath corporal liberty allowed him, and upon promise not to run away, nor to do violence to his master, is trusted by him."⁴

Despite Hobbes consistently distinguishing between the subject and the servant across *Elements*, *De Cive*, and *Leviathan*, few Hobbesian scholars attend to their

¹ Hobbes, Thomas. *Leviathan* (Indianapolis, IN: Hackett Publishing, 1994), Ch. XVII, Sec. 15.

² *Leviathan*, Ch. XVII, Sec. 15.

³ *Leviathan*, Ch. XX, Sec. 10.

⁴ *Leviathan*, Ch. XX, Sec. 10.

differences. While some do recognize the distinction, either in passing or to emphasize a particular aspect of the *subject's* experience, neither A. E. Taylor's *Thomas Hobbes*, Carl Schmitt's *The Leviathan in the State Theory of Thomas Hobbes*, Michael Oakeshott's *Hobbes on Civil Association*, F.S. McNeilly's *The Anatomy of Leviathan*, C.B. MacPherson's *The Political Theory of Possessive Individualism: Hobbes to Locke*, J. W. N. Watkin's *Hobbes's System of Ideas*, David Johnston's *The Rhetoric of Leviathan*, Tom Sorell's *Hobbes*, nor A. P. Martinich's *Hobbes* make any mention of the servant at all.⁵ Further, there is no reference to the servant in either *The Cambridge Companion to Hobbes* or *The Cambridge Companion to Hobbes's Leviathan*, nor in recent works by Samantha Frost and James Martel.⁶ Both M. M. Goldsmith and Gregory Kavka even go so far as to explicitly avoid using the term, preferring instead to call the inhabitants of *both* commonwealths "subjects."⁷ The only sustained discussion of the topic, found in Carol Pateman's *The Sexual Contract*, persuasively argues that women

⁵ See Strauss, Leo. *The Political Philosophy of Hobbes: Its Basis and Its Genesis* (Chicago: University of Chicago Press, 1952), 21-22, 60-67; Warrender, Howard. *The Political Philosophy of Hobbes* (Oxford: Clarendon Press, 1966), 122-25, 133, 138-40, 238-40; Gauthier, David. *The Logic of Leviathan* (Oxford: Clarendon Press, 1969), 99, 113-17, 162-65; Hampton, Jean. *Hobbes and the Social Contract Tradition* (Cambridge: Cambridge UP, 1988), 121, 166-73, 255; Baumbold, Deborah. *Hobbes's Political Theory* (Cambridge: Cambridge UP, 1988), 31, 93-97; Martinich, A. P. *The Two Gods of Leviathan* (Cambridge: Cambridge UP, 1992), 179; Skinner, Quentin. *Hobbes and Republican Liberty* (Cambridge: Cambridge UP, 2008), 43-44, 52, 55, 80-1, 85, 104-5; and Pettit, Philip. *Made with Words: Hobbes on Language, Mind, and Politics* (Princeton, NJ: Princeton UP, 2008), 69, 136.

⁶ See Frost, Samantha. *Lessons from a Materialist Thinkers: Hobbesian Reflections on Ethics and Politics* (Stanford, CA: Stanford UP, 2008) and Martel, James. *Subverting the Leviathan: Reading Thomas Hobbes as a Radical Democrat* (New York: Columbia UP, 2007).

⁷ Goldsmith, M. M. *Hobbes's Science of Politics* (New York: Columbia UP, 1966), 164, 180; Kavka, Gregory. *Hobbesian Moral and Political Theory* (Princeton, NJ: Princeton UP, 1986), 178-79.

should see themselves as servants, but ends up pursuing a more general discussion of servitude itself in lieu of one limited to Hobbes's own interpretation.⁸ As such, we currently lack an exhaustive account of the Hobbesian servant.

Presumably, most Hobbesian scholars ignore the distinction because Hobbes himself, at times, tends to downplay its significance. From the sovereign's perspective, it hardly matters whether one governs subjects or servants, "for the sovereign is absolute over both alike, or else there is no sovereignty at all."⁹ Yet, from the perspective of the non-sovereign individual, one's status as either subject or servant would have profound consequences for one's disposition toward both the commonwealth and the community at large. Because the servant joins under the immediate threat of violence, covenanting directly with the sovereign and, subsequently, not with her neighbors, we would expect her initial experience to be decidedly more traumatic and isolating, contributing to a fundamentally more pessimistic attitude toward the commonwealth and atomistic understanding of her place in the body politic. The servant, in short, is both anxious and alone.

On one level, this distinction could be used to distinguish privileged populations from otherwise marginalized groups. For instance, while white, heterosexual males have good reason to embrace the feelings of optimism and fellowship particular to the subject, others may more readily identify with the servant's sense of detachment and despair. On another level, however, the servant gives us reason to regard the subject's

⁸ Pateman, Carol. *The Sexual Contract* (Oxford: Polity Press, 1988), 47-50, 68, 116-153. See also Pateman, Carol. "'God Hath Ordained to Man a Helper': Hobbes, Patriarchy and Conjugal Right." *British Journal of Political Science* 19, no. 4 (1989): 445-463.

⁹ *Leviathan*, Ch. XX, Sec. 14.

disposition as deeply problematic. Because the subject's perception of sovereignty is mediated by her participation in a political community, she is inclined to interpret the sovereign as an extension of that community, further obscuring the self-determining character of sovereign power. Only the servant encounters the sovereign face-to-face, making her more familiar with both the brute reality of sovereign power and the ways in which she is alienated from it. As such, the servant actually gives us an understanding of the commonwealth more faithful to Hobbes's own, one that better prepares us for the abiding uncertainties of life under sovereignty. By tracing this figure across Hobbes's work, we can begin to recognize the utility of the servant's unique perspective for contemporary political life.

THE SERVANT IN *ELEMENTS*, *DE CIVE*, AND *LEVIATHAN*

While his account of the servant in *De Cive* (Ch. VIII) roughly mirrors that of *Elements* (Part II, Ch. 3), Hobbes does shift his account slightly when he writes *Leviathan* (Part II, Ch. 20). We'll begin with his earlier works before proceeding to the latter, noting both the formal similarities between servant and subject (from the perspective of sovereignty) and attitudinal differences.

In *Elements*, Hobbes introduces the "body politic by acquisition" following his discussion of the commonwealth; by *De Cive*, he takes to describing the former as a commonwealth as well, distinguishing between a commonwealth by acquisition, or natural commonwealth (*civitas naturalis*), and a commonwealth by design (*civitas*

institutiva), or artificial commonwealth.¹⁰ The natural commonwealth emerges when "on being captured or defeated in war or losing hope in one's own strength, one makes (to avoid death) a promise to the victor or stronger party, to *serve* him, i.e., to do all that he shall command."¹¹ "For when one hath dominion over another," Hobbes explains, "there is a little kingdom; and to be king by acquisition, is nothing else, but to have acquired a right of dominion over many."¹² By making this promise and earning the master's trust, the servant is then allowed her life and corporeal liberty, distinguishing her from the slave, who, lacking any agreement with the master, remains in bondage.

In *De Cive*, Hobbes uses the term slave (*servus*) for both the servant and the slave, but clearly observes the difference between the bound slave and the unbound slave (servant).¹³ Still, Hobbes emphasizes that the master has "no less right and dominion over the *unbound* slave than over the *bound*, for he has supreme dominion over both."¹⁴ As such, the master retains an absolute right over the servant's life, body, property, and even children, as the sovereign does over the subject, though both can assert property rights vis-a-vis other non-sovereign individuals.¹⁵ In *De Cive*, Hobbes adds that the proposition "about subjects in a *commonwealth by design*, that the holder of sovereign power can do them no *wrong*, is also true of [unbound] slaves, because

¹⁰ *Elements*, Part II, Ch. 3, Sec. 1; *De Cive*, Ch. VIII, Sec. 1. His decision to describe a body politic by acquisition as a "commonwealth" in *De Cive* also tracks his decision to reserve the term "patrimonial kingdom" for the subjection of one's children.

¹¹ *De Cive*, Ch. VIII, Sec. 1.

¹² *Elements*, Part II, Ch. 3, Sec. 1.

¹³ See Ch. VIII, Sec. 4, as well as *Elements*, Part II, Ch. 3, Sec. 3.

¹⁴ *De Cive*, Ch. VIII, Sec. 5.

¹⁵ *Elements*, Part II, Ch. 3, Sec. 4; *De Cive*, Ch. VIII, Sec. 5.

they have submitted their will to the will of the *Master*. Hence whatever he does, is done with their consent, and no wrong can be done to one who consents to it."¹⁶ Thus, excluding the moment of acquisition, the servant's station is essentially identical to the subject's.

Hobbes then goes on to enumerate the ways in which a servant can be freed, pointing out that they are "the same ways as a *subject* in a *commonwealth by design* is freed from subjection."¹⁷ He lists manumission, exile, capture by a new master, ignorance of who "is successor to his deceased master," and being returned to chains, making one a slave.¹⁸ Though, he stresses that even if servants are "manumitted by their immediate lord," they "are not thereby discharged of subjection to their lord paramount," pointing out that an individual may be servant to a master who, himself, is subject to a sovereign power.¹⁹ Finally, he concludes both chapters by extending this right of conquest to "irrational creatures," seemingly equating the domination of servants with that of wild animals.²⁰

In the next chapter, Hobbes interrupts his discussion of the subjection of children to directly describe the manner in which the servant's disposition differs from that of the subject. While "the subjection of them who institute a commonwealth amongst

¹⁶ *De Cive*, Ch. VIII, Sec. 7.

¹⁷ *De Cive*, Ch. VIII, Sec. 9.

¹⁸ *Elements*, Part II, Ch. 3, Sec. 7; *De Cive*, Ch. VIII, Sec. 9.

¹⁹ *Elements*, Part II, Ch. 3, Sec. 8.

²⁰ *Elements*, Part II, Ch. 3, Sec. 9; *De Cive*, Ch. VIII, Sec. 10.

themselves, is no less absolute, than the subjection of servants," Hobbes observes in *Elements* that we should expect the subject to be more optimistic. He writes,

he that subjecteth himself uncompelled, thinketh there is reason he should be better used, than he that doth it upon compulsion; and coming in freely, calleth himself, though in subjection, a FREEMAN; whereby it appeareth that liberty is not any exemption from subjection and obedience to the sovereign power, but a state of better hope than theirs, that have been subjected by force or conquest.²¹

Hobbes then points out that this connotation is what led the Romans to call their children "*liberi*," despite it being up to the father's discretion whether to slaughter them.

However, it then becomes ambiguous as to whether Hobbes is still contrasting subject and servant or whether he's now making a simple class distinction. "Freedom therefore in commonwealths is nothing but the honour of equality of favour with other subjects, and servitude the estate of the rest. A freeman therefore may expect employments of honour, rather than a servant."²² Is he suggesting here that servants *always* serve at least two masters, an "immediate lord" and sovereign? In *De Cive*, he makes this point again, adding that honorable employment affords "free citizens" the ability to "enjoy more luxuries"; "the FREE MAN is one who serves only the commonwealth, while the SLAVE serves also his fellow citizen."²³ All of this seems to preclude the possibility that the servant is under the sovereign's dominion alone.²⁴

²¹ *Elements*, Part II, Ch. IV, Sec. 9.

²² *Elements*, Part II, Ch. IV, Sec. 9.

²³ *De Cive*, Ch. IX, Sec. 9.

²⁴ For instance, this may result from having one's master subjected by another or being captured by a master already subject to a sovereign power.

While it's possible that Hobbes intended to distinguish subject from servant based on their financial means, it seems far more likely, rather, that he's making a point about the colloquial use of the terms "free man" and "servant." When we make this distinction in the context of the commonwealth, we typically aren't differentiating between those who covenanted with one another and those who were conquered, but those who are independently wealthy and those financially indebted to others; as C. B. MacPherson points out, in the 17th century the term servant was synonymous with 'wage-earner'.²⁵ Still, Hobbes wants to impress upon his readers that this class difference has no bearing on one's relationship to sovereign power; while we may call one another "free citizen" or "servant," we have all consented to absolute rule. This further raises the question of what we should think of "the state of greater hope" he ascribes to the free man; is it intended to separate the subject from the servant or just the free citizen from the wage-earner? His emphasis on "compulsion" seems to encompass both. Just as financial independence has been known to make one hopeful, we could also imagine the subject's covenant inspiring greater hope than the servant's covenant made under duress.

In *Leviathan*, despite dedicating less attention to the servant, Hobbes still retains the figure's basic features: the vanquished covenants with the victor, consenting to all things in order that she may keep her life and corporeal liberty. Yet, there's the impression that Hobbes, rather than emphasizing the distinction, brings it up here only to equate the servant, as well as the child, with the subject. Both the account of the servant and the child are now combined in a single chapter and, moreover, he

²⁵ MacPherson, *The Political Theory of Possessive Individualism*, 107n4.

introduces "sovereignty by acquisition" by writing that it "differeth from sovereignty by institution only in this, that men who choose their sovereign do it for fear of one another, and not of him whom they institute, but in this case they subject themselves to him they are afraid of."²⁶ He then reiterates that "the right and consequences of sovereignty are the same in both" before listing them and proceeding to a discussion of paternal dominion; after which, he finally turns to the servant.²⁷ However, after a brief account that spends more time on the procedural minutiae of surrender than the specificities of servitude, he again stresses that "the rights and consequences of both *paternal* and *despotical* dominion are the very same with those of a sovereign by institution," adding that to treat the subject and servant differently "is an act of ignorance of the rights of sovereignty."²⁸ Appealing first to Scripture and then the practical "skill of making and maintaining commonwealths," Hobbes concludes the chapter by defending the necessity of *absolute* sovereignty in all cases.²⁹

How should we interpret Hobbes's abbreviated attention to the servant in *Leviathan*? Leo Strauss argues that it results from Hobbes's attempt to "more systematically" reconcile "the involuntary as well as voluntary nature of subjection."³⁰ The account in *Elements* reflects Hobbes's early sympathies toward democracy; "The artificial State which rests on hope or trust (in the sovereign) is opposed to the natural

²⁶ *Leviathan*, Ch. XX, Sec. 2.

²⁷ *Leviathan*, Ch. XX, Sec. 2.

²⁸ *Leviathan*, Ch. XX, Sec. 14.

²⁹ *Leviathan*, Ch. XX, Sec. 16-19.

³⁰ Strauss, *The Political Philosophy of Hobbes*, 67.

State which is based on fear."³¹ Hence, the original democracy he associates with the artificial commonwealth is preferred to the patrimonial monarchy of the natural commonwealth, despite "taking pains from the beginning to show that democracy can do nothing better than to transform itself into an absolute monarchy."³² However, Strauss believes that the juxtaposition of hope and fear could not satisfy Hobbes's democratic critics; as such, "he sought a common motive for the founding of the artificial as well as of the natural State," one which he found "in the fear of violent death, which had originally, as it seems, connected only with the natural State."³³ By jettisoning hope, Hobbes's subject now more closely resembles the servant: both look to the sovereign exclusively as a means of escaping fear. The only difference remains the source of their fear.

We could further speculate that this shift was itself informed by Hobbes's experience during the English Civil War. While he completed both *Elements* and *De Cive* before it began in earnest, *Leviathan* was published after nine years of fighting, including the execution of Charles I. On the one hand, this may have convinced Hobbes that commonwealths, artificial or natural, are *always* motivated by fear; on the other hand, hope may have been in such short supply as to make its consideration ultimately irrelevant. It's also possible that this move was more strategic than sincere. Specifically, Hobbes may not have wanted to give some of his more belligerent readers the idea that they ought to prefer one commonwealth over the other. While the Levellers were largely

³¹ Strauss, *The Political Philosophy of Hobbes*, 64.

³² Strauss, *The Political Philosophy of Hobbes*, 66.

³³ Strauss, *The Political Philosophy of Hobbes*, 66.

defeated by 1649, one could imagine a democratic reading of Hobbes that advocates for the artificial commonwealth on the basis that it facilitates hope and refuses to recognize the legitimacy of the commonwealth by acquisition. To avoid this, Hobbes may have simply decided to leave hope out of it.

INTERPRETATIONS OF HOBBIAN SERVITUDE

Still, there's reason to suspect, even based off of the account given in *Leviathan*, that the *source* of one's fear, as well as how one responds to it, greatly contributes to one's experience of sovereignty. In other words, that it matters whether one fears a hypothetical other or the sovereign power to which one will eventually submit, as well as whether one "resolves" that fear by covenanting with one's neighbors or the source of that fear itself. As such, despite Hobbes's later attempts to reconcile the two, the subject and servant stand apart in ways that are philosophically significant. While some have recognized the implications of this distinction, no one has adequately addressed them.

Following Strauss, Howard Warrender agrees that "the difference between sovereignty by institution and sovereignty by acquisition, such as it is, seems to have been regarded by Hobbes as unimportant."³⁴ However, he does note that the latter better accounts for the relationship between the sovereign and the individual. In an artificial commonwealth, Warrender argues that it's unclear whether the subject has any obligation to the sovereign power because she never directly covenants with it. In contrast,

³⁴ Warrender, *The Political Philosophy of Hobbes*, 124.

apart from any obligation the subject may have to obey his sovereign under the general obligation at natural law to seek peace, the sovereign by acquisition is unambiguously a party to a covenant which requires obedience by the subject, and from which the subject cannot be released through the collusion of his fellow citizens. The most satisfactory solution for Hobbes would have been to place his sovereign by institution in the same position.³⁵

Still, Warrender fails to consider how a covenant with the sovereign, under threat of violence and at the expense of covenanting with one's neighbors, might otherwise alter the servant's disposition toward the commonwealth.

David Gauthier at least recognizes this possibility; but rather than attend to its consequences, he argues that Hobbes should never have attempted to reconcile the two commonwealths in the first place.

If we regard the subject similarly [to the servant]... then Hobbes's account begins to assume a totalitarian dimension. And this is quite contrary to Hobbes's intention. He succeeds in misleading both himself and his readers by accepting the comparison... Despotic domination is an aberration in terms of Hobbes's later theory.³⁶

This perspective is in no small part influenced by Gauthier's greater interest in elaborating Hobbes's theory of sovereign authorization; unlike Strauss, Gauthier believes that "Hobbes never modifies -- or can modify -- his account of despotic sovereignty to bring it into line with the new picture he develops of the relation between sovereign and subject."³⁷ This leaves Hobbes vulnerable to the Lockean critique of absolutism, leading Gauthier to prefer a reading of Hobbes that dispenses with the servant entirely. Yet, Gauthier later admits that the possibility of totalitarianism cannot be

³⁵ Warrender, *The Political Philosophy of Hobbes*, 138.

³⁶ Gauthier, *The Logic of Leviathan*, 116-17.

³⁷ Gauthier, *The Logic of Leviathan*, 117.

completely avoided; "it is a statement of an extreme situation which Hobbes would have to allow to be possible, and against which Hobbes could provide no theoretical objections."³⁸ Consequently, the servant continues to haunt Gauthier's account of authorization, challenging the idea that legitimacy is something more than consent acquired under threat of violence.³⁹

Jean Hampton discusses the servant at length, but again concludes that the distinction is of little significance, at least from the perspective of statecraft.⁴⁰ Adopting a game-theoretic model, Hampton argues that sovereignty by acquisition can function as an "invisible-hand, incentive solution," allowing individuals to be herded into larger and more powerful commonwealths for their own benefit.⁴¹

The violence inherent in this scenario is certainly regrettable, and given the prominence of the institution story in *Leviathan*, Hobbes clearly preferred the more peaceful election process as a way of creating the commonwealth. But either method will do, because either one will enable the subjects to solve their coordination problem over who should rule.⁴²

Just as with Strauss and Warrender, Hampton ignores how this 'regrettable violence' might alter the *servant's* experience. Carole Pateman also addresses the servant, arguing that women essentially occupy this position while men act as subjects.⁴³ However, by focusing on the institution of marriage rather than political life more

³⁸ Gauthier, *The Logic of Leviathan*, 165.

³⁹ Gauthier, *The Logic of Leviathan*, 176-77. Quentin Skinner regularly emphasizes this point in *Hobbes and Republican Liberty* to critique Hobbesian liberty. See 43-44, 52, 55, 80-1, 85, and 104-5.

⁴⁰ Hampton, *Hobbes and the Social Contract Tradition*, 120-1.

⁴¹ Hampton, *Hobbes and the Social Contract*, 169.

⁴² Hampton, *Hobbes and the Social Contract*, 172.

⁴³ Pateman, *The Sexual Contract*, 50.

generally, she unnecessarily genders the distinction, losing sight of servitude's more universal qualities.

Only Deborah Baumgold's work has so much as hinted at what we might gain from taking the servant's experience seriously.

In respect to the recognition that power (and powerlessness) matters, Hobbes's account of the relationship of master, servant, and slave is a realistic representation of the way in which roles figure in much of ordinary life. In large measure, our parts are apportioned and not actively chosen, apportioned by virtue of the structure of the society within which we live and by circumstance. This affects the quality of consent... It is a familiar feature of everyday subordination relationships for it to be unclear even, or sometimes especially, to the parties whether service is voluntary or a matter of 'going along' in expected fashion.⁴⁴

In other words, the servant encourages the reader to acknowledge the ambiguity inherent in non-ideal instances of consent. Yet, Baumgold fails to consider the servant's unique position, where consent isn't "unclear... or a matter of 'going along'," but the direct result of having one's life violently threatened. In order to paint a picture of consent that ultimately sits uncomfortably between the two, she renders the servant a footnote to the subject's experience. Furthermore, she says nothing about the consequences of this ambiguity for either an individual's disposition or the commonwealth as a whole. What remains to be seen are the ways in which sovereignty by acquisition contributes to a fundamentally different kind of political experience.

VIOLENCE, FEAR, AND HOPE

Plainly, what most distinguishes servant from subject are the explicitly violent conditions under which the servant agrees to authorize the sovereign's right of dominion. While all

⁴⁴ Baumgold, *Hobbes's Political Theory*, 96-97.

individuals in a state of war have "continual fear and danger of violent death," the subject, assuming she wasn't previously captured and manumitted, either never had the misfortune of encountering this situation or was lucky enough to come out the victor.⁴⁵ Subsequently, when instituting the commonwealth, the threat of violence is only hypothetical or, at worst, impending.⁴⁶ In contrast, the servant is directly confronted with the possibility of her demise. After being captured or defeated, which would presumably involve some level of injury to herself, perhaps even the slaughter of her companions, she is told that her life depends upon absolute submission to a sovereign power, provided she doesn't have to plead for this opportunity herself. This may all proceed rather dispassionately, perhaps even politely, but it seems far more likely to be a cruel, if not sadistic, ordeal.

As such, it's difficult to imagine the servant's entry into the commonwealth as anything less than traumatic. While the subject maintains a healthy, abstract fear of sovereign power, born out of respect for its overwhelming strength, we would expect the servant to experience, at best, a weary trepidation and, at worst, a deep-seated, visceral feeling of terror. Though the subject *knows* to fear the sovereign, the servant has reason to *actually* be afraid. It may be the case that the servant's fear diminishes over time, but it's difficult to imagine it ever going away completely. Rather, it seems far more likely that the servant would continue to endure residual effects similar, if not identical, to those of post-traumatic stress disorder, including nightmares, flashbacks,

⁴⁵ *Leviathan*, Ch. 13, Sec. 9.

⁴⁶ The latter refers to instances in which a commonwealth is formed to protect subjects from a common enemy.

and severe anxiety, triggered when encountering representatives of sovereign power.⁴⁷ Moreover, in the event the servant comes to embrace and identify with sovereign authority, it's questionable how one would distinguish sincere devotion from a textbook instance of Stockholm Syndrome.⁴⁸

Further, though Hobbes hesitates to ascribe a "state of better hope" to the subject in his later work, we would certainly imagine that the subject's premeditated, intentional relationship to the commonwealth gives her more reason to be optimistic. While both the servant and subject's consent are given freely (in the limited, Hobbesian sense), the subject deliberately decides to establish the commonwealth, making it much easier to regard it as a positive, necessary step toward improving her overall living conditions. As such, the sovereign can be welcomed as the condition of possibility for a shared life with others, the "price we pay for civilization," as Oliver Wendell Holmes Jr. once said of taxes. For the servant, the commonwealth isn't a novel solution to a persistent state of war, but merely a narrow means of avoiding continued imprisonment or death. While she may be able to rationalize that this arrangement was ultimately for the best, the servant never really had the chance to decide this for herself; as such, even if she does eventually come to this conclusion, she'll always have to grapple with the possibility that her situation could have been different, asking herself whether life would be different if she had avoided capture. At best, any hope the servant attaches to the commonwealth will be labored, if not inherently conflicted.

⁴⁷ This is comparable to the contrasting experiences based on race when encountering law enforcement in the United States.

⁴⁸ See Michael Huemer, *The Problem of Political Authority* (New York: Palgrave MacMillan, 2013), 123-9.

COVENANTING WITH THE SOVEREIGN

In addition to the lingering effects of brute acquisition, we can further distinguish servant from subject by the *kind* of covenant each forms in order to found the commonwealth. Whereas the subject covenants with her neighbors, "of every man with every man," the servant does so exclusively with the sovereign; moreover, this leads the servant into a direct agreement with the sovereign.⁴⁹ This is in contrast to the subject, who interacts with the sovereign only indirectly, treating it as a third-party to an agreement made with her fellow subjects. From the sovereign's perspective, this distinction seems to matter little.⁵⁰ However, it has significant repercussions for the subject and servant's respective conceptions of community and the commonwealth. Specifically, while the subject's act of covenanting with her neighbors predisposes her to interpret the commonwealth in light of this collective experience, the servant confronts sovereignty unmediated and alone, contributing to a more solitary, more pessimistic, but perhaps less distorted, relationship to the commonwealth.

⁴⁹ *Leviathan*, Ch. XVII, Sec. 13.

⁵⁰ As Warrender notes, covenanting with the sovereign prevents a technical 'right to revolution' on the part of the servant; however, Hobbes emphasizes that subjects "cannot lawfully make a new covenant amongst themselves to be obedient to any other, in any thing whatsoever, without [sovereign] permission," leading one to believe that, even without a direct covenant, subjects are never justified in revolution (*Leviathan*, Ch. XVIII, Sec. 3). Or, rather, it's that subjects are never justified in revolution *unless they succeed*, at which point the new sovereign power is legitimate upon being authorized by its subjects and/or servants. Further, while the sovereign by institution makes no agreement with the subject, the sovereign by acquisition explicitly agrees to trust the servant (I'm indebted to P. E. Digeser for illuminating this point). Still, it's questionable what effect this would have on the latter's judgment or behavior. Beyond consenting to freeing the servant from bondage and refraining from killing her, at least temporarily, it's not at all clear that the sovereign by acquisition is compelled by anything more than natural law to either protect or preserve the servant's life indefinitely.

For the subject, the perception of what constitutes "the essence of the commonwealth" is informed by her experience in a greater political community; the commonwealth appears as "the *multitude* so united in one person," famously depicted in *Leviathan's* frontispiece, because the subject learns to recognize the sovereign as such.⁵¹ At first, the experience of a collective founding allows the subject to regard her neighbors as fellow stakeholders in a shared commonwealth; she can look upon other subjects with the sense that they are "in it together," so to speak. Moreover, because the commonwealth relies on their mutual obligation, we would expect subjects to feel as if they need to be able to depend upon one another. This is hardly to suggest that the subject leads an active public life, more at home in Tocqueville, but that she values the reliability of others, at least as it concerns obedience to the sovereign.⁵² Subsequently, having covenanted with her neighbors, the subject's relationship to sovereign power is mediated by her relationship with her fellow subjects, encouraging her to see it primarily as a representation of that community. Though personified by the sovereign, the commonwealth takes on the identity of civil society; the nation-state becomes synonymous, not with the state apparatus, but with the nation's people.⁵³ All of this allows the sovereign to take on the appearance of the life one shares with others. As

⁵¹ *Leviathan*, Ch. XVII, Sec. 13, *italics added*.

⁵² For instance, we would expect the subject to be critical of political radicals, criminals, and even civil disobedients.

⁵³ This runs contrary to Carl Schmitt's argument in *The Leviathan in the State Theory of Thomas Hobbes*, which argues that the "Leviathan" metaphor has the unfortunate consequence of alienating subjects from the state. To Schmitt's other point, that the liberty of thought also encourages political alienation, we might note that, even in the most liberal democracies, we can still observe profound, even baffling, feelings of patriotism and national duty.

such, we would expect the subject to have a generally positive disposition toward the artificial commonwealth.⁵⁴

In covenanting exclusively with the sovereign, the servant lacks any such claim to political community; thus, the natural commonwealth is unable to appear as "the multitude so united," and instead takes on the unmediated form of the sovereign itself. The effects of this are twofold. First, we would expect the servant to have a different kind of relationship with her neighbors. Never having covenanted with them, it is questionable whether they would have any sort of political relationship at all; at the very least, they certainly wouldn't have the same expectations of one another as subjects. The commonwealth depends, not on their mutual obligation, but their direct obligations to the sovereign; as long as it doesn't immediately threaten the health of the commonwealth, another servant's decision to disobey is none of anyone else's concern.⁵⁵ Thus, we would consider the servant's political experience to be much more atomistic than the subject's. Second, without the subject's greater political community, the servant lacks the capacity to see herself as a constitutive part of the commonwealth, further alienating her from sovereign authority. The commonwealth would no longer represent a shared endeavor, but instead merely the bald power of sovereignty, reducing the servant's conception of "the essence of the commonwealth" to the state apparatus and ultimately contributing to a much bleaker, more resigned disposition.

⁵⁴ Exceptions would include misanthropic or hermitic subjects, having begrudgingly agreed to covenant out of the desperate recognition that there was no alternative.

⁵⁵ An exception would concern cases where one servant fears that another will *actually* destroy the commonwealth.

SUBJECT OR SERVANT?

All of this leaves us with the question as to whether Hobbesian subjecthood or servitude best describes our present political experience. Some might object that we, democratic peoples of the West, are neither, but instead citizens distinguished by political rights. Yet, we have just as much reason to question the significance of those rights as we do to cherish them, if not more so. As Martin Gilens and Benjamin Page recently observed, economic elites and organized interests wield such a disproportionate level of political influence that it makes more sense to characterize the United States as an oligarchy (or, as Hobbes would say, an aristocracy) than a democracy.⁵⁶ Further, as Christopher Achen and Larry Bartels point out, contemporary democratic practice hardly seems to facilitate the political influence of non-elites, but rather provides them, at best, with an opportunity to identify with a particular group identity.⁵⁷ In the absence of any compelling evidence that ordinary citizens *do*, in fact, exercise political power, it is perhaps better to consider ourselves more akin to Aristotle's mechanic -- citizens in name only -- than genuine democratic citizens.⁵⁸

One could further object (and rightly so) that, because no one living actually partook in the collective covenant that founds the commonwealth, the literal distinction is inconsequential; rather, what is most significant is the kind of thought experiment

⁵⁶ Martin Gilens and Benjamin I. Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Perspectives on Politics* 12, no. 3 (2014): 564-581. See also Jeffrey Winters, *Oligarchy* (New York: Cambridge UP, 2011), Ch. 5.

⁵⁷ Christopher Achen and Larry Bartels, *Democracy for Realists* (Princeton, NJ: Princeton UP, 2016), 311-316.

⁵⁸ Aristotle, *The Politics*, Book III, Chap. 5, 1277b-1278b.

each position engenders. In other words, the question is not whether we *are* subjects or servants, but which best helps us to understand our relationship to the commonwealth.

On the surface, we would expect the answer to be deeply influenced by personal experience; specifically, the degree to which one's interactions with sovereignty have been mediated and/or violent. The individual who comes to "know" the commonwealth by interacting with her neighbors would seem better disposed to enjoy the subject's "state of better hope" than one whose perception is largely shaped by her experience with state institutions, such as the police, the courts, or bureaucracy in general. Not only does engaging directly with the state have the potential to be punitive, but the impersonal, mechanical character of these interactions typically forecloses the possibility for a dynamic relationship with the commonwealth, as one might have with a community of peers.⁵⁹ Though the latter individual may still feel like she's a member of a specific community, the idea that this community is distinct from the commonwealth can further contribute to a *collective* feeling of alienation, as one can observe in the case of some racial and sexual minorities. Finally, we would imagine that someone who has suffered state violence -- either physically or by means of imprisonment -- would be far more anxious about sovereign power than someone who has not, as well as less likely to identify with it.⁶⁰

⁵⁹ To employ an Arendtian distinction, the subject has the opportunity to *act* with others, allowing for self-disclosure, while the servant's relationship with the commonwealth is colonized by the logic of *homo faber* or work.

⁶⁰ In fact, to be on probation or parole, when an individual has successfully convinced the state to trust her with corporeal liberty, would seem to make one a Hobbesian servant in the most literal sense.

Yet, it may not be as simple as choosing between subject and servant based on what best suits one's personal experience and current disposition. Rather, what the servant's perspective suggests is that the subject's approach to sovereignty is ultimately delusional. Sitting uncomfortably between citizenship and servitude, the subject believes she has no reason to worry about sovereign power despite having no real influence over it. Never confronted by the state, except perhaps when receiving a speeding ticket or appearing in small claims court, she has little reason to suspect that her life could in any way be significantly interrupted by it. Yet, the subject's optimism, though routinely confirmed by a privileged position held within the commonwealth, lacks any guarantee; in the last instance, she too is under the absolute dominion of sovereign power. In this sense, the frontispiece that adorns *Leviathan's* cover encourages a fundamental misrecognition of one's actual relationship to the commonwealth.⁶¹ Rather than emphasizing the sovereign's underlying capacity for violence, it distorts it, substituting a familiar, yet misleading image of one's greater community. Consequently, the subject's understanding of the commonwealth is, in a profound sense, *artificial*; the veneer of an idealized *civitas* veils the reality of an unconditioned state apparatus. As such, if and when that moment of confrontation arises, we would expect the subject to be unprepared to obey or even resistant to the state, putting her at further risk of harm and possibly contributing to an even more dramatic experience of alienation.⁶²

⁶¹ I'm indebted to Andrew Norris for this observation.

⁶² Even if that moment never comes, the subject is also less apt to sympathize with those who do run afoul of sovereign power, ready to disassociate from anyone accused, much less convicted, by the state.

Unburdened by the myth of a constitutive political community, the servant provides us with an appreciation of sovereignty more commensurate with Hobbes's own. In the last instance, akin to the man from the country in Franz Kafka's "Before the Law," we must face sovereign power alone and, in the event we cannot find satisfaction, be prepared to accept the sovereign's decision all the same. This is no less true of representative democracies than more authoritarian forms of government; the former may allow more opportunities for redress, but, after the last appeal is exhausted, the judgment is equally absolute. As Hobbes emphatically claims, this itself is the condition of possibility for any form of sovereignty. The servant, all too familiar with the commonwealth's *natural* origin, is thus better prepared to endure the unpleasant, yet inescapable acquiescence to sovereign power.