



THE SCIENCE OF THE PRESERVATION OF THE STATE: HOBBS AND THE QUESTION OF DISSOLUTION AND MAINTENANCE OF MODERN POLITICAL STATE

A CIÊNCIA DA CONSERVAÇÃO DO ESTADO: HOBBS E A QUESTÃO DA DISSOLUÇÃO E MANUTENÇÃO DO ESTADO POLÍTICO MODERNO

Cláudio R. C. Leivas*

RESUMO – A questão da dissolução e manutenção do Estado é um aspecto da filosofia política de Hobbes que ainda não mereceu um exame na mesma extensão e importância geralmente atribuídas a outros temas pertencentes aos seus escritos políticos. Evidencio neste estudo a preocupação do filósofo inglês em mostrar que a *ciência de conservar Estados* possui o mesmo valor e calibre científico filosófico do que a *ciência de construir Estados*. A divisão tripartite deste estudo tem como propósito investigar, primeiro, as causas e os personagens associados à dissolução do Estado, depois, os preceitos e artifícios relacionados à manutenção do Estado e, por fim, os atos de hostilidades (traição e espionagem, por exemplo) que necessitam ser conhecidos e combatidos pelo representante soberano porque afrontam e contradizem o imperativo de segurança *salus populi suprema lex* (a segurança do povo é lei suprema) e os princípios de razão que sustentam *in totum* a arquitetura pública hobbesiana.

PALAVRAS-CHAVE – Vontade. Paixão. Medo. Contrato.

ABSTRACT – The question of dissolution and maintenance of the state is an aspect of Hobbes's political philosophy that has not yet received a survey to the same extent and importance usually attributed to other issues pertaining to his political writings. I emphasize in this study the English philosopher's concern to show that the science of conserving

* Universidade Federal de Pelotas. E-mail: <cilleivas@gmail.com>.

States has the same value and scientific philosophical caliber than the science of building States. The tripartite division of this study aims to investigate first the causes and the characters associated with the dissolution of the state, then the precepts and processes related to the maintenance of the State and, finally, the acts of hostilities (treason and espionage, for example) that need be known and combated by the sovereign representative because someone else affronts and contradicts the security imperative *salus populi suprema lex* (safety of the people is the supreme law) and the principles of reason that sustain *in totum* the Hobbesian public architectonic.

KEYWORDS – Will. Passion. Fear. Contract.

Risk of State dissolution and the return to the state of nature

The risk of State dissolution is the main risk in the representative sovereign being unable to represent the citizens and the single political will, due to the implosion of its unifying steeples, to be diluted in a multiplicity of private wills whose tragic end is the return of the people to the condition of crowd. This occurs when every man's passions (passions of war) find a proper environment for the development of its *naturally* conflictive character and the wills of each person resume being oriented by private judgments in which the criteria for actions (e.g., good, bad) is subjectively established by each individual from the ineffectiveness of the civil law as objective criterion of conduct.

The risk of state dissolution is, above all, the risk of generalized human conflict relapsing in a *dramatic* (but also *rhetoric* for forcing civil obedience in face of expected disturbances in a near and dark future) conjecture known as *return to the state of nature*. The idea of a possible return to the state of nature is discussed in Chapter 12 of *De Cive* and in Chapter 29 of *Leviathan* in terms of an investigation about things and causes that weaken the State and lead to its dissolution. In general, both books identify deficiencies of national order in the edification of political structures incapable of interrupting seditious or revolutionary processes in progress. However, in *De Cive*, of 1640, the first cause identified for the dissolution is the reversion of the objective criterion for good and evil for the subjective criterion, suggesting that the first cause of turmoil arises from the subjects' passions, i.e., "the doctrines and passions contrary to peace, which provide men's minds with a certain conformation and disposition." On the other hand, in *Leviathan*, of 1651, an error of calculus – lethal for a *res publica* – is established as the first cause of seditions, rebellions, and revolutions arising from rulers who believe it unnecessary for their position the use of political power in all its extension (absolute power):

A man to obtain a Kingdom, is sometimes content with less Power, than to the Peace, and defense of the Common-wealth is necessarily required. From whence it cometh to pass, that when the exercise of the Power laid by, is for the public safety to be resumed, it hath the resemblance of an unjust act; which disposeth great numbers of men to rebel [...] And when Kings deny themselves some such necessary Power, it is not always (though sometimes) out of ignorance of what is necessary to the office they undertake; but many times out of a hope to recover the same again at their pleasure: Wherein they reason not well (Lev., Chapter XXIX, p. 248).

The absence of a power necessary for the maintenance of public peace and order is described as the first debilitating cause in a State whose ruler uses reason incorrectly. The inversion in the order of reasons of turmoil based on the subjects-citizens' passionateness (*De Cive*) for the unreason of rulers (*Leviathan*) may be explained through historical elements. At least this is what some Hobbes scholars suggest when they say that English King Charles I's fall (in the context of the English Civil War), contemporary to Hobbes, was interpreted by the philosopher as due to the insufficient power of the King concerning the conservation and maintenance of his State.

The first and the second *structural causes* of social turmoil and disturbance are respectively, the *imperfect institution* of a State and *sedition doctrines*. The imperfect institution is caused fundamentally by the deprivation of power for the ruler (absence of absolute power): "such damages or shifts are all Common-wealths forced to, that have their Power never so little limited" (*Lev*, Ch. XXIX, p. 248). Seditious doctrines are enclosed in beliefs and opinions that turn questions proper to public judgment in questions related to private judgment. The first of these doctrines (and, according to Hobbes, the most poisonous one) is the opinion that the distinction criterion for good and evil actions lies in the minds and judgments of private individuals contrarily to the interests of the *Civil Law and the representative of the Common-wealth (Judge Legislator)* (idem, *ibid.*).

Deduced from the first and primary doctrine, the five following seditious doctrines evidence (a) the error of considering *private conscience* as the measure of good and evil instead of *public conscience* as Civil Law (supreme criterion of distinction between good and evil actions in the public order); (b) the belief that faith is reached only supernaturally – let us remember that Hobbes's materialistic metaphysics confutes the supernatural as something completely deprived of sense (*non sense*) – leaving the reasons of faith aside, which leads to individuals directing their actions through beliefs based on their *supernatural*

inspirations:¹ “And thus we fall again into the fault of taking upon us to judge of good and evil; or to make judges of it, such private men as pretend to be supernaturally inspired, to the dissolution of all civil government” (idem, p. 249-230). Hobbes investigates then the 3 other seditious doctrines, which will not be discussed here, due to the focus of this study.

Then, Hobbes addresses the mistake of trying to imitate (perhaps he was thinking about an *in totum* imitation) the public administration and political constitution of foreign countries, showing how it can disturb the order and internal defense of a nation, compelling individuals to want another government. He also discusses the seeds of war which are found in the opposition between political authority and religious authority as an important cause of seditions (Hobbes believes that the religious instance should be subordinated to the State) and he ends up referring to causes less inclined to seditions (but crucial to the conservation of states), such as the frustrated attempt, by the ruler, in increasing public budget in times of imminent war (as actually occurred in 17th Century England when the English Parliament refused money to the King). The philosopher concludes in saying that when nothing can be done to impede a revolutionary process, the State may be considered dissolved:

Lastly, when in a war (foreign or intestine), the enemies get a final victory; so as (the forces of the Common-wealth keeping the field no longer) there is no farther projection of subjects in their loyalty; then is the Common-wealth DISSOLVED, and every man at liberty to protect himself by such courses as his own discretion shall suggest to him (idem, p. 257).

Saying that every man has the liberty of defending himself is saying that men has regained their natural rights, previously resigned due to the State's protofounder covenant and that they have just returned to the state of nature, since as the State's ultimate aim is its people's security, when it can no longer protect the subjects and citizens, there is no more reason for its existence, as a body deprived of its soul, “for the Sovereign is the public soul, giving life and motion to the Common-wealth; which expiring, the Members are governed by it no more” (idem, *ibid.*). The following considerations will address Hobbes's *science of conservation* of the State. A kind of rational public antidote against State dissolution, the science of conservation has as an axiomatic starting point the imperative of security *salus populi suprema Lex* (the people's security is the supreme law).

¹ The opinion that individual conscience is the belief that faith is reached only supernaturally, dispensing with reason, is seditious since it allows thinking the field of action of religion as independent from public order.

The safety imperative and the science of conservation

The conservation or maintenance of a political state is linked to the representative sovereign's (ruler) ability of fulfilling the requisites of his office and providing for its fulfillment, thus avoiding the risk of dissolution and the resulting return to the state of nature. The political power is *consensually* afforded to him – differently from naturalistic political theories – as a necessary *means* (search mechanism) to guarantee the realization of the safety imperative – i.e., the safety of the people – as the supreme *finality* of modern political architectonics. The poor conduction of the most important public office to the nation may result in the substitution of *consensus* by *dissension*, in other words, the “regret of one [or more than one] of the contractors”² and the instauration of an irreversible revolutionary process. *Political apostasy* – the splitting or desertion of subjects-citizens from the constituted political body – is the visible mark of government actions in contradiction with the safety imperative *salus populi suprema lex*. (The Oxford Dictionary of Philosophy describes social or political contradiction as “a pair [or set] of factors that together produce an unstable tension in a social or political system.”³

The representative sovereign needs firstly to be watchful of his *essential rights* in their *integrity* as those experts in polishing rare crystals, because “if the essential Rights of Sovereignty be taken away, the Commonwealth is thereby dissolved” (*Lev.*, Ch. XXX, p. 258). The risk of the dissolution of the *Commonwealth* and the resulting return to the “condition and calamity of a war with other men (which is the greatest evil that may come by in this life)” should be sufficient, a *sine qua non* condition, for every supreme ruler follow the precepts inherent to his *officium*. Indeed, the representative sovereign's power (one of his essential rights) should be unlimited, absolute and indivisible, because otherwise there may be a return to the horrors of the state of nature. Resigning this fundamental clause, transferring part of his power to another or even renouncing his power is incompatible with the nature of his office and it offends the *principles of reason* of the art and science of building enduring political states:

And as the art of well building, is derived from Principles of Reason, observed by industrious men, that had long studied the nature of materials, and the divers effects of figure, and proportion, long after mankind began (though poorly) to build: So, long time after men have begun to constitute Commonwealths, imperfect, and apt to relapse into disorder, there may, Principles of Reason be found out, by industrious meditation, to make their constitution (excepting by external violence) everlasting (*Lev.*, Ch. XXX, p.260).

² Cf. second meaning of “dissenso” in Dicionário Aurélio (electronic version).

³ Dicionário Oxford de filosofia.

In a well built state according to rational principles, the essential rights of sovereignty are respected and the absolute character of the political power is affirmed and effectively exercised. But sedition and rebellion belong to the concupiscent part of the human being, and the ruler should be consistently attentive to opinion former leaders. Superstition, curiosity about what is new and different, the resource of the supernatural to explain religious authority's rise on political authority may, each in its own terms, beget an unprecedented revolutionary process. Therefore, the representative sovereign needs a broad and acute *political view* to detect in due time *hostility acts* contrary to the people's and the nation's security. Among the hostility acts are the acts of high treason (lese-majesty) and acts of espionage.

Hostility acts and political view

In April 5th 1656, 5 years after the publication of *Leviathan*, François du Verdu (1621-1675)⁴ wrote to Hobbes requiring advices on how to act and what statements to make on the occasion of his oncoming travel to England. The motivating factor for this requirement was that, worried about preserving his reputation as subdeacon, he feared he would be seen in England as “a spy, which is an unworthy profession of a natural born gentleman, a philosopher and an honorable man.” In addition, Du Verdu confesses, “I have no inclinations to such a dangerous profession.”⁵ Sometime after, Hume claimed that “being a spy, or a corrupter, is always infamous in the category of all the ministers, and it is considered similar to a shameful prostitution.”⁶ The same view is held by Kant, for whom espionage is unacceptable on the grounds of the impossibility of universalizing the mistake and the resulting despise for human dignity. According to Kant, one of the *means* forbidden by international law (*law of nations*) is that of “using one's own subjects for espionage... or yet only to disseminate false news; in a word, employing fraudulent means which would destroy the confidence necessary to found a lasting peace.”⁷

In a general view, the philosophy of espionage can be subdivided in at least two traditions or two distinct and antagonistic types of reflections concerning secret activities in a historical and/or theoretical context. The first tradition, negative, expresses a moral aversion to espionage. The second tradition, positive, justifies the Intelligence

⁴ French writer, friend to Hobbes and translator of some of his works.

⁵ *Correspondências de Thomas Hobbes*, v. I, p. 263. (Edição eletrônica Past Master).

⁶ Hume: *Essays Moral, Political, and Literary*, pt. 1 E. 6 Foot. 2 mp. 45 gp. 121 (Edição eletrônica Past Master).

⁷ Kant: *Metafísica dos Costumes*, parte II, *Doutrina do Direito*, p. 196.

Service as unequivocally necessary to public safety. Hobbes's reflections on Secret Service are included in the latter tradition. Hobbes's view on the subject, however, is not limited to his defense of the Intelligence Service as necessary to the maintenance of modern political states. This work will show that Hobbes is not a *realist* (*pure*) or a radical advocate of the *realpolitik* in regards to the necessary character of the Intelligence Service.⁸ The support for his theses on the necessity of the Secret Service springs from a moral fundament structured by the safety imperative *Salus populi suprema lex*, i.e., the people's safety is the supreme law (*E.L.*, p. 172).

Treason in the *public sphere*:⁹ nature and extension

Hamil Grant remarks in *Spies and secret service: the story of espionage, its main systems and chief exponents* that in ancient Rome the act of spying was accepted as a fair stratagem in war and politics and, at least in theory, it was considered different from the act of treason. Technically defined, says Grant, the *spy* is "someone who deceptively seeks information" and the *traitor* is "someone who spies within his own community for its ruin or destruction." In the case of treason, concludes Grant, few disagree that "death is the only logical desert for the man who has seized the secrets upon which common safety is dependent."¹⁰ Quentin Skinner, in *Visions of Politics*, reminds us that until a point in the 16th Century there was a marked ambivalence between the concept of loyalty (referred to reverence to the sovereign) and the concept of treason (referred to disloyal conduct to the sovereign). Indeed, the 1532 statute was introduced in Renaissance England with the purpose of establishing a definition of treason for, from then on, include the crime of contriving or plotting the King's death. The renaissance conception of treason as an offence committed against the King's person in his office is, however, replaced in the 17th Century, says Skinner, by the conception of treason as an offence or outrage essentially against the State and only secondarily against the King. Skinner believes that this significant alteration of the meaning and concept of treason, occurred in the 17th century, may be attributed to Hobbes's ingenuity on the referred term:

⁸ A classification attributed to Hobbes by political writers associated to the International Relations Theory.

⁹ The phrase *public treason* will be used to differentiate treason in the public sphere from other types of treason. The phrase, however, is not fully adequate to differentiate treason committed against the *res publica* from the others, since to Hobbes, those who betray the public person of the State are considered persons who exchanged public for private space.

¹⁰ p. 18-19.

As so often, it is Hobbes who states the new understanding most unequivocally. He declares at the end of his analysis of dominion in the English version of *De Cive* that those who are *guilty of treason* are those who refuse to perform the duties 'without which the State cannot stand'.¹¹

Before explaining the nature of treason in the article 20 of the Chapter XIV of *De Cive*, Hobbes states, in a footnote to the article 19, that the term *enemy* is sharper than the term *unjust* (DC, p. 179-108).¹² Article 20, then, soon after defining the act of *public treason* as "renounce to public obedience," clarifies that *public traitors* are all those persons who, through words or acts (expressed, tacit or secret), risk national security¹³ and, consequently, has his condition of *citizen* replaced by the condition of *enemy of the State*. Hobbesian identification of traitor and enemy was not uncontroversial in the age when he lived. The famous British jurist and politician Edward Coke (1552-1634), for instance, did not acknowledge the legality of the traitor-enemy identification.¹⁴ The term *enemy*, in Hobbes, is broader than *unjust*. In the state of nature no one commits unjust acts before the effectuation of the third law of nature, properly called by Hobbes *law of justice*. Frauds, deceits, thefts, murders and all the kinds of "secret machinations" may, in man's natural condition, be justified in name of the natural right of life preservation. Wherein nothing is unjust and insecurity, inserted in a kind of *logic of fatality*, reveals the certainty of one's own death as the result of a calculus whose sum reveals a high degree of lethality, human interactions may be expected to be determined by *reciprocal hostility acts*. In a political state, *public enemies*, cited in *De Cive* and *Behemoth* as "traitors, regicides, and rebels,"¹⁵ once judged and condemned for treason, have their punishment decreed by the natural law of war and not by civil right, since in renouncing to obey sovereign authority, they started interacting with it in a *private* manner and no longer in a *public* manner. Exceeding the dominion of civil law (established to determine the conduct of subjects among themselves and

¹¹ Skinner, Q. *Visions of Politics* (vol. I-III).

¹² Sorbière translates this passage in the following manner: "the term enemy is more atrocious than the term unjust" (*De Cive*, p. 266).

¹³ According to *Dicionário Hobbes* (cf. *excuses*), there are many gradual variations of risk to State security. Among the most perilous ones is the act of revealing secrets of the State to the enemy, in the national and international planes.

¹⁴ Coke's refusal motivated the following objection by Hobbes in the *Dialogue*...: "But Sir Edward Coke does seldom well distinguish, when there are two divers names for one and the same thing; though one contain the other, he makes them always different; as if it could not be that one and the same man should be both an enemy and a traitor" (Hobbes: DLGE p. 73).

¹⁵ Cf. the list of traitors in *Behemoth*. Cf. also Stephen Holmes's introduction to *Behemoth* and the article *History of the English Civil War: A Study of Behemoth* (cf. Bibliographical references in the end of this study.)

between them and the sovereign), traitors suspend their obligations and put themselves in the situation of war with the sovereign power, similarly to rival sovereigns fighting for *power and more power* in an *international state of nature*. The *natural right of war*, and not the *positive civil right*, is the right to be applied by the sovereign power to its public enemies, since “the rebels, traitors and other persons condemned for treason will not be punished... as civil subjects, as *enemies of the state*”.¹⁶

Public treason contradicts the reason to be of the modern political state, i.e., sovereignty legitimized by consented public obedience, so that reparation of damage must occur in the ambit of extreme graveness of the act carried out. Due to that, this type of treason is included among the crimes of *high treason* or *lese-majesty*.¹⁷ Among public traitors who commit crimes of *high treason (lese-majesty)*, says Hobbes, are the *spies*. The *Leviathan's conclusion* clarifies that he who lives *secretly* in a country “is subject to everything that may happen to a *spy and enemy of the State*... and may justly be condemned to death.” Spies-traitors are classified as public enemies. Their acts are hostility acts in relation to sovereign authority. Although they have not committed unjust acts, but hostile acts, they may, as Hobbes said, “be justly condemned to death.” Sorbière's translation of article XXII (chapter XIV) of *De Cive*, where we read that “justice against the enemies of the State is exerted by the right of war” seems to make sense if compared to what Hobbes says in the *Leviathan's conclusion*. Indeed, if, on the one hand, there are no just or unjust acts where there are no covenants (mainly the covenants of consented obedience), or where they did exist previously but were breached (reference made to hostiles, but not unjust, *enemies of the State*), it is *just* to apply capital punishment to those who risk the fundamental moral principle of the modern political state: *salus populi* or the *safety of the people*.

Criteria employed for punishing spies in the sphere of international relations refer to the *right of war*. Crossing frontiers to obtain information

¹⁶ Sorbière translates “enemies to the government” into “ennemis de l'état”. The controversy about the distinction or indistinction between the public person of the State and the public or private person of the ruler was recently revived by Skinner. Indeed, Skinner speaks of traitors in Hobbes as traitors of the public person of the State and the private person of the King (?). Sorbière adds to this passage the word *justice* (which is absent in the Molesworth edition). According to Sorbière's translation, “justice against the enemies of the State is exerted by the right of war and not by the right of sovereignty”. We should ask whether is correct, in Hobbes, to speak of justice when the guilty ones are enemies that, by definition, do not commit unjust acts due to which they are accused and punished as private persons who transgressed natural instead of civil laws. In this sense, it is important to question whether the term *trespasses* (which, along with law, composes the title of the Chapter XIV of *De Cive*) may be translated into *crime*. Sorbière translates *trespasses* into *offenses*.

¹⁷ Unlike *low treason*, currently in desuetude in many countries, *high treason* is considered to be the gravest crime a person can commit against a State or Ruler.

means penetrating in the sphere of an international state of nature where those who have sovereign authority, due to their independence, live in rivalry, with arms aimed, looking at each other in the eye. The international state of nature demands that each State edifices forts, garrisons, and cannons, watching the frontiers, and the constant use, clarifies Hobbes, of “spies in their neighbors’ territory”.

Espionage and the safety imperative

The issue of the necessity of espionage is initially presented by Hobbes in the Chapter XIII of *De Cive*. The Article 7 of this chapter has as its title: “Discoverers¹⁸ are necessary for the People’s defense”.¹⁹ Once the People’s safety (*salus populi*) is determined as the supreme law of a sovereign ruler, this safety imperative says that those in charge of the public power *must* employ a series of measures to adequate their actions to such a noble purpose. Internal and external public enemies must be constantly watched to avoid the dissemination of rebellion and the seeds of war in the national as well as in the international plane. “It is therefore necessary to the defense of the City, first, that there be some who may as near as may be, search into, and discover the counsels and motions of all those who may prejudice it.” The political view of the State would have its field limited and decreased in the absence of secret agents, whose necessity for the preservation of the State is compared to the necessity of *rays of light* to the conservation of men. In addition to being necessary to national safety, the Intelligence Service is *legitimate*. The irrefutable thesis is that “They who bear Rule can no more know what is necessary to be commanded for the defense of their Subjects without Spies” supports the legitimacy of espionage:

Since therefore it necessarily belongs to Rulers for the Subjects safety to discover the Enemies Counsel..., it follows, that it is not only lawful for them to send out Spies, to maintain Soldiers, to build Forts, and to require Monies for these purposes, but also, not to doe thus, is unlawful.²⁰ (DC, Ch. XIII, p.160)

¹⁸ Origin of the word *discoverer*: cf. *Merriam-Webster Dictionary* (electronic version).

¹⁹ We remark that Chapter 13 is inserted between two chapters dealing with dissolution and maintenance of the State.

²⁰ The Intelligence Service is not considered clandestine by Hobbes. Spying is not only necessary, but also legitimate or legal. Not spying is not only illegitimate, but also immoral since the lack of a skilled and effective secret service is in conflict with the *salus populi*, supreme law of modern political state. The safety imperative *salus populi* in a rule of Law gives espionage a place beyond necessity: every ruler has the obligation (moral obligation, since, in the condition of natural law, it is obligatory only in foro interno) of employing secret agents to discover the secrets of their enemies.

The term used by Hobbes in *De Cive* to refer to the secret agent is *discoverer* (although he also uses *spies* as synonymous to *discoverer*). From Late Latin, *discooperire* (dis-cover), *discoverer* dates from the 14th Century and it has a general meaning of *to render known or visible by means of exploration or investigation*.²¹ The common term used in Elizabethan England for secret agent or spy is *intelligencer*,²² which was firstly used in the 16th Century²³ to designate a person who collects *intelligence*, i.e., who obtains information.²⁴ The metaphor for *spies* as *rays of light* in *De Cive* may have been decisive for Hobbes to use *discoverer* instead of *intelligencer*, due to the *visual component* attached to the former. The reach and sharpness of the *political view* of modern states depend on the success of their spies in collecting secretive information. The creation and development of an Intelligence System in the 16th Century and its broadening and development in the 17th Century agree with the general form of structuring and maintenance of the modern political state: drawing upon all the means and instruments available to avoid its dissolution. Hobbes gave this precept the value of a *duty*. In his age, the philosopher perceived a certain weakness in the hesitating manner Charles I affirmed his authority and power. In writing *Leviathan*, Hobbes uses the word *Spy* as a synonym for secret agent. The Leviathan's political view needs spies to *discover* the Commonwealth enemies' invisible power in the same sense that human wants need *thoughts* as *informers*, i.e., as "scouts or spies", to obtain information from the external world and choose the best way to reach their objects or "wanted things".

In another letter addressed to Hobbes, written in December 1656, Du Verdu asks the English philosopher: "In talking about *the spy*, whom you compare to the [human] eye, you say that 'the spy is a Private Minister, but a Minister of the Commonwealth'. Tell me, please, precisely if the *spy* is a private minister or a state minister or how can he be both at the same time."²⁵ This letter sent by Du Verdu refers to a passage in the *Leviathan's* Chapter XXIII in which Hobbes says that a *spy*, i.e., a man secretly sent into another country, "may be compared to an eye in the natural body". The metaphor of the spy as rays of light in *De Cive* is changed in *Leviathan*, where the spy is symbolically associated to the optic member in the human body. With the publication of *Leviathan*, the *political view* established in *De Cive* is no longer passive in relation to information gathering: the *Leviathan* view no longer depends on

²¹ Cf. *Merriam-Webster Dictionary*.

²² Cf. *Merriam-Webster Dictionary*.

²³ *Invisible power*, p. xiv. (see Bibliographical References in the end of this study).

²⁴ Cf. *Concise Oxford English Dictionary*.

²⁵ *Correspondências de Thomas Hobbes*, dezembro de 1656, p. 365.

secret information brought by ray-of-light spies. The Leviathan-State henceforth has an Intelligence System to decipher the invisible power of its enemies through information gathering and decoding of secret codes. The Leviathan's *secret eye* is the most effective antidote against a net of invisible powers that threaten the stability of political power and risk the safety of the people.²⁶

In the abovementioned letter from Du Verdu to Hobbes a more thorough explanation is asked on the classification of a *spy* within the distinction public-private. I suggest that a likely answer from Hobbes to Du Verdu is compatible with the following argumentative development: – The Chapter XXIII of *Leviathan* begins by defining a public minister as someone who is mandated by the sovereign ruler to represent the State's public person in his office and activity. A sovereign ruler, says Hobbes, holds two persons: one person defined by his natural capacity and another defined by his public capacity. Indeed, he who represents the State's public person is the public minister and the one representing the ruler's natural person is the private minister. Hobbes explains that "they that be servants to them in their natural capacity, are not Public Ministers" (*Lev*, Ch. XXIII, p. 184).

Let us consider the following example provided by Hobbes to clarify situations which resist being grouped in the distinction public-private: an ambassador sent abroad to partake in solemnities, whose visit is justified in the natural person of the ruler (i.e., in his private interests), "though Authority be Public; yet because the business is Private, and belonging to him in his natural capacity; is a Private person" (*Lev*, Ch. XXIII, p. 187-188). Another example of private person is found in the excerpt of *Leviathan* which arose doubts in Du Verdu on the true identity of the person of the spy. I quote the excerpt in its entirety:

Also if a man be sent into another Country, secretly to explore their counsels, and strength; though both the Authority, and the Business be Public; yet because there is none to take notice of any Person in him, but his own; he is but a Private Minister; but yet a Minister of the Commonwealth; and may be compared to an Eye in the Body natural (*Lev*, Ch. XXIII, p. 188).

²⁶ Indeed, the political view of the modern state has its field of vision broadened by the creation of the Intelligence Service. The Leviathan not only *sees all the things underneath him* (Chapter XX). He has "prospective glasses, (namely Moral and Civil Science,) to see afar off the miseries" that threaten the people's safety, it can foresee the future *translucently* and, therefore, seek solutions in the present time to avoid future evils. One of these forethoughts allows seeing that, without the availability of certain financial resources, wars will be lost, and the State, weakened or dissolved (Chapter XVIII). Among these payments are those destined to the building of fortresses and the employment of spies.

The fact that a secret agent cannot reveal the author of his mission prevents him to be considered a *public* minister. A secret agent is a private person due to the *secrecy* of the authority delegated by the State's public person to carry on his plans and activities of his position. However, he is a State minister, i.e., a State minister of *private* nature. I suggest that the key to understand the classification of a spy under the distinction public-private is found in Chapter XVI of *Leviathan*, in which Hobbes analyzes the relation between the terms *person*, *authorization*, and *representation*. Curiously, the Latin origin of the word *persona* means *disguise*, *mask*, or *visor*, elements frequently associated to secret agents and spies. A spy is, above all, a natural person because "his words or actions are considered to be his own." He does not stand for, in his secret acts, the State's public person. He actually presents himself as a natural person at the same time as he represents a fictive person (*persona ficta*) disguised, created to conceal his true identity. He acts in his own name at the same time as he acts in name of a *hidden* public person (*persona arcani*). The authorization a secret agent receives from the State's public person to carry out secret activities is proclaimed as a public authorization. Consequently, the act of spying, duly authorized, is a public act. But the actions carried out by the person of the spy (secret agent) in his natural capacities are the actions of a private person. The spy-natural person does not act in name of the State-public person, but actually in his own name and in that of a hidden person (*persona arcani*) that must never be revealed. His life and the life of a whole people may depend on his skill of alternating the visible and the invisible to see and be seen. The formula of success for a spy is quite simple: to discover secrets preventing his own secrets to be discovered.²⁷

One of the Hobbes's objections against democracy as a form of government is his skepticism in relation to the possibility of maintaining the State's secrets in secrecy in public assemblies involving a great amount of people participation. "Secret deliberation", according to Hobbes, is better preserved in the head of one natural person who holds at the same time the public person. The democratic principle of publicity, at least *in thesis*, antagonizes the secret in the public sphere. On a practical level, however, the secret service is considered necessary to preserve and fortify democracy. Norberto Bobbio understood the need

²⁷ Some studies on espionage indicate the proximity of Francis Bacon with the English Intelligence Service around the time Francis Walsingham, known as *Spy*master of Queen Elizabeth I, provided, in a systematic manner, the modern bases for the English Intelligence System. Did Hobbes know Bacon's secret life? Did Hobbes know the secrets of the Royal Family never revealed by him due to his loyalty to the King? Will we one day discover Thomas Hobbes's secrets?

of the secret service for the maintenance of modern democracies. In *Democracy and Secrecy* he explains that

Democracy excludes, as line of principle, the secrecy of State, but the use of it, through the institution of security services, which act in secrecy, is justified, among other things, as a necessary instrument to ultimately defend democracy.

Nevertheless, Bobbio warns that “a debate dedicated to secrecy in the public sphere cannot be developed unless on the side of exception, not on that of rule.” At least this problem is not a part of the Hobbesian vocabulary related to secrets, secret agent, and Intelligence System. For him, the secrets of the State are justified by a rule or supreme law of the modern state: the imperative of safety *salus populi*.²⁸ One last question: – To which extent does the principle of transparency and publicity as conceived by Hobbes may be compatible with the secrets of the *Leviathan*?

References

Works by Hobbes

The English Works of Thomas Hobbes. As Obras inglesas de Hobbes (edição Molesworth) foram consultadas a partir da edição eletrônica da Intalex/PastMaster.

Do Cidadão. São Paulo: Martins Fontes, 1992.

Leviatã. São Paulo: Martins fontes, 2003.

The correspondence/Thomas Hobbes. Volume I-II. Edited by Noel Malcolm. Oxford: Clarendon Press; New York: Oxford University Press, c1994, c1997).

Behemoth or The Long Parliament (editado por Ferdinand Tönnies). Chigago: The University of Chicago Press, 1990.

De Cive ou les fondements de la politique (tradução de Samuel Sorbière). Paris: Éditions Sirey, 1981.

Secondary sources

BAUMGOLD, D. *Hobbes's political theory*. New York: Cambridge University Press, 1990.

BERTMAN, M. A. “Justice and contra-natural dissolution”. In: *Hobbes Studies*, v. X, 1997.

BOBBIO, N. *Teoria geral da política*. Rio de Janeiro: Elsevier, 2000.

CEPIK, M. “Sistemas Nacionais de Inteligência: Origens, Lógica de Expansão e Configuração atual”. *Dados – Revista de Ciências Sociais*, Rio de Janeiro, v. 46, n. 1, 2003, p. 75-127.

²⁸ A *persona arcanii* (pessoa secreta) é justificada pela *suprema lex* do imperativo *salus populi*.

- ERSKINE, T. As rays of light to the Human Soul. In: SCOTT, L. V. (ed.). *Understanding intelligence in the twenty-first century: journeys in shadows*. New York: Routledge, 2005.
- GRANT, H. *Spies and secret service: the story of espionage, its main systems and chief exponents*. London: G. Richards, 1915.
- HAYNES, A. *Invisible power: The Elizabethan Secret Services (1570-1603)*. New York: St. Martin's Press, 1992.
- HUME, D. *Essays moral, political, and literary*. [Edição eletrônica Past Master].
- KANT, I. *Doutrina do Direito*. São Paulo: Ícone, 1993.
- KLEHR, H. Reflections on espionage. In: PAUL Ellen Frankel (Ed.). *Morality and politics*. Cambridge: Press Syndicate of University of Cambridge, 2004. v. 21.
- LERNER, K. L. *Encyclopedia of espionage, intelligence, and security*. Detroit: Gale, 2004.
- LUND, W. R. "Hobbes on opinion, private judgement and civil war". In: *History of political thought*, v. XIII, n. 1, Spring 1992.
- MACGILLIVRAY, R. "Thomas Hobbes's History of the English Civil War: A Study of Behemoth". *The Journal for the History of Ideas*, v. 31, n. 2, Apr. 1970, p. 184-185.
- MALHERBE, M. "Hobbes et la mort du Léviathan: opinion, sedition et dissolution". In: *Hobbes Studies*, n. 9, 1996.
- MARTINICH, A. P. *A Hobbes dictionary*. Oxford: Blackwell, 1996.
- SKINNER, Q. *Visions of politics*. Cambridge: Cambridge University Press, 2004. v. 3.
- SOMMERVILLE, J. P. *Thomas Hobbes: Political ideas in historical context*. New York: St. Martin's Press, 1992.
- TARLTON, C. D. "The creation and maintenance of government: a neglected dimension of Hobbes's Leviathan". In: *Political Studies*, v. XXVI, n. 3.