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## HOBBS ON ARTIFICIAL PERSONS AND COLLECTIVE ACTIONS

David Copp

Thomas Hobbes's theory of artificial persons yields an important and classic account of collective actions, and of what I call "secondary actions,"<sup>1</sup> phenomena which have received little attention despite the large amount of work which has been done recently on action theory. Moreover, Hobbes's theory is of central importance to his own political philosophy; a grasp of it is necessary for a proper understanding of the content of the social contract. Hobbes himself says in the introduction to *Leviathan* that the commonwealth or state "is but an artificial man," and he defines his task as that of describing "the nature of this artificial man" (L, pp. ix-x).<sup>2</sup> My task is to explicate the theory of artificial persons and to evaluate the account it provides of collective and secondary actions. I will discuss its role in Hobbes's political philosophy, but my object is primarily to learn what Hobbes can offer to those currently working in the theory of action. I will show that the theory Hobbes offers is an elegant and suggestive one, even though it suffers from serious flaws.

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<sup>1</sup> This has been noted before. See Hanna Pitkin, *The Concept of Representation* (Berkeley and Los Angeles, 1967), pp. 15-20, 33-35, and John Ladd, "Morality and the Ideal of Rationality in Formal Organizations," *The Monist* 54 (1970): 493.

<sup>2</sup> References to *Leviathan* and to *De Cive* are to *The English Works of Thomas Hobbes*, ed. Sir William Molesworth, 11 vols. (London, 1839-45), volumes III and II respectively. References to *Leviathan* are given in parentheses in the text with the chapter number preceding the page number in volume III of *The English Works* when appropriate, as, for example, "(L, xi, 90)". References to Hobbes's own translation of *De Cive*, called *Philosophical Rudiments Concerning Government and Society*, are also given in parentheses in the text, but in this case the chapter number precedes Hobbes's paragraph number, as, for example, "(C, v, 9)". Other references to *The English Works* are given with the volume number preceding the page number, as, "(EW, vi, 52)". Finally, references to *De Homine* are to the translation by C. T. Wood, T. S. K. Scott-Craig and B. Gert, in Thomas Hobbes, *Man and Citizen*, ed. Bernard Gert (Garden City, New York, 1972), and will also be given in parentheses in the text as, for example, "(H, xv, 85)", with the chapter preceding the page number.

The paper is divided into three main sections. The first is an introductory discussion of collective and secondary actions. The second examines the two principal concepts that Hobbes employs in the theory, the concept of a person and the concept of authorization, and it examines Hobbes's treatment of the basic case for his theory, secondary actions performed by artificial persons that are also natural persons. The final section examines the case of collective actions, or, more generally, of secondary actions performed by artificial persons that are *not* also natural persons.

## I. COLLECTIVE ACTIONS AND SECONDARY ACTIONS

[M]en cannot distinguish, without study and great understanding, between one action of many men, and many actions of one multitude; as for example, between the one action of all the Senators of Rome in killing Catiline, and the many actions of a number of Senators in killing Caesar; and therefore are disposed to take for the action of the people, that which is a multitude of actions done by a multitude of men, led perhaps by the persuasion of one.

(L, xi, 90)

In 63 B.C., the consul Cicero arrested the leaders of the Catilinarian conspiracy who remained in Rome after the flight of Catiline. The Senate debated their fate and authorized their execution. Acting with this authority, Cicero carried out the executions.<sup>3</sup> Notice that in describing these events, we attribute actions to the Senate on the basis of actions performed by members of the Senate. Similarly, in reporting that Cicero carried out the executions, we attribute an action to Cicero on the basis of actions performed by people he had authorized to act as executioners. Here we see a similarity between cases where an action is attributed to a collective body, such as the Senate, and cases where actions are attributed to persons on the basis of actions of other agents. Actions of this kind I call "secondary

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<sup>3</sup> Erich S. Gruen, "Cicero," *Encyclopedia Americana*, vol. 6 (New York, 1975), p. 711. It is as well to note here that in what follows I will speak of omissions as "actions," regardless of whether they are intentional.

actions.” Examples of secondary actions can be multiplied. A state declares war, a bank raises interest rates, a corporation purchases some property. Similarly, in a typical case where a person purchases some real estate, this action is attributed to him on the basis of actions performed by his lawyer and other officials, given that he has signed a purchase agreement. An action performed by an agent is a secondary action if, and only if, it is correctly attributed to this agent on the basis of either an action of some other agent, or actions of some other agents. Actions of collectives are secondary actions, but not all secondary actions are actions of collectives.

No doubt it is controversial to assert that so-called “secondary actions” are properly regarded as actions of the principals in these cases,<sup>4</sup> and, more particularly, to assert that it is possible for a collective to act. The contrary might be implied by certain theories of action. But, independently of such theories, there seems to be nothing incorrect or misleading in, for instance, attributing actions and intentions to collectives. In fact, historians and political commentators commonly do so, and their descriptions of events would not normally be thought inaccurate or figurative simply because of this. This indicates that actions of collectives are among the phenomena that a comprehensive theory of action must either explain, or explain away. Other things being equal, a comprehensive theory that could account for both secondary and nonsecondary actions in a unified way would be preferable to a theory that could not account for secondary actions.

In the absence of a theory of collective and secondary actions, there is little to be gained from a debate about the merits of the idea that it is possible for a collective to act, and to act intentionally. What is needed is an investigation of the kinds of theories that would account in a unified way for collective and other secondary actions as well as nonsecondary actions. The viability of the idea that it is possible for collectives to act turns on the

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<sup>4</sup> For example, see Joel Feinberg, “Collective Responsibility,” in *Doing and Deserving* (Princeton, 1970), p. 227. I discuss Feinberg’s objection in “Collective Actions and Secondary Actions,” *American Philosophical Quarterly* 16 (1979): 177–87.

development of an acceptable and adequate theory of collective action.

It would be desirable to produce an account of the actions of collectives, and other secondary actions, in terms of nonsecondary actions of persons. This is the kind of theory provided by Hobbes. Hobbes's theory yields an answer to the question under what circumstances an action is attributable to one agent on the basis of an action performed by another agent, or actions performed by other agents.

## II. PERSONS AND AUTHORITY

1. *The Theory Introduced.* The theory of artificial persons was first explicitly developed by Hobbes in chapter xvi of *Leviathan*. A second statement of the theory, which is briefer and slightly different, is contained in chapter xv of a later essay called *De Homine*. In turn, this was intended to precede the essay *De Cive* in a larger three-part work (H, xv, 85).<sup>5</sup> I will not attempt to trace chronological developments in Hobbes's theory; instead I will draw on each of the works mentioned in an effort to discern Hobbes's best thoughts on the matter.

Fortunately, although Hobbes's definitions of the key term "artificial person" are different in *Leviathan* and *De Homine*, nothing essential in Hobbes's position turns on this difference. I will adopt the *De Homine* definition here. In *De Homine*, Hobbes defines "person" as follows:

*a person is he to whom the words and actions of men are attributed, either his own or another's: if his own, the person is natural; if another's, it is artificial.* [H, xv, 83]

On this definition, a collective is a person, though an artificial person, if the actions of any men are ever attributed to it. A *natural* person, for Hobbes, is an agent not all of whose actions are attributed to it on the basis of acts of other agents. That is, a natural

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<sup>5</sup> It is noteworthy that although *De Cive* was written nine years before *Leviathan* and sixteen years before *De Homine*, the nascent theory appears throughout *De Cive*, and especially in chapters v–vii and xii. Concepts and distinctions are used which are given a general theoretical underpinning in the theory of artificial persons. My account of the chronology of Hobbes's work draws on Bernard Gert's introduction to Thomas Hobbes, *Man and Citizen*, pp. 3–4.

person is an agent that performs nonsecondary actions. You and I are natural persons. An agent is an *artificial* person if and only if it performs secondary actions. That is, an artificial person is an agent that has actions attributed to it on the basis of acts of other agents. Collectives that act are artificial persons. A man who has the action of purchasing real estate attributed to him on the basis of acts performed by his attorney is an artificial person, though one that is also a natural person. In what follows, I normally use "person" in Hobbes's technical sense. Occasionally, when the context makes it clear, I will use "person" non-technically to refer to the entities Hobbes calls "natural persons."<sup>6</sup>

The basic case where one agent's actions may be the basis for attributing an action to another agent is where the former acts "by authority" of the latter. The "actor" or "representative" is he who acts by authority of another, and he who has authorized the actor is called by Hobbes the "author." When the actor acts

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<sup>6</sup> Unfortunately, the *Leviathan* definition (L, xvi, 147) is widely used in the literature, and is probably more familiar to readers who have studied Hobbes's theory. See Hanna Pitkin's "Hobbes' Concept of Representation," parts I and II, *American Political Science Review* 58 (1964): 328-40 and 902-18 (hereafter, "Pitkin, 1964"), and David Gauthier's *The Logic of Leviathan* (Oxford, 1969), chapter 4. Briefly, when a "representative" performs actions attributable to a principal, the principal is the "artificial person" according to the terminology of *De Homine*, while the representative is the "artificial person" according to the terminology of *Leviathan*. In fact, I will simply use the term "representative" when one is needed which would be coextensive with the *Leviathan* usage. The advantages of the *De Homine* terminology in simplifying the exposition outweigh the risk of confusion: (1) On this usage, unlike the other, any agent that performs a secondary action is an artificial person. (2) On this usage, anything that performs an action is deemed a "person," whether natural or artificial. This seems not to be guaranteed by the *Leviathan* definition (L, xvi, 147), but only by independent claims made in *Leviathan* (for example, L, xvi, 151). On the definition, it seems a collective could have a representative without ever in turn being a representative, and so without being deemed a "person." (3) On the *De Homine* usage, a stage actor is not an artificial person, because when an actor takes the part of a person on the stage, his actions are fictionally, but not *in fact* attributed to any agent other than himself. In *Leviathan*, however, one is an "artificial person" if his words or actions are considered as representing those of another man "*whether truly or by fiction*" (L, xvi, 147), so that a stage actor would seem to be an "artificial person." Hence, this usage blurs an important distinction. It is possible, however, that this is not what Hobbes meant when he spoke of a person's actions representing those of another "by fiction." See below, note 9, and see Pitkin, 1964, pp. 332-36.

by authority, he “represents” the author who “owns” his action (L, xvi, 148). That is, the action of the actor is the basis for attributing an action to the author.<sup>7</sup> On the other hand, if the actor acts “against or beside” the authority given him by the author, the action is that of the actor alone (L, xvi, 148; H, xv, 84). Hence, if one agent has been authorized to act by another, so that the former is an “actor” and the latter is an “author,” then a given action of the actor is the basis for attributing an action to the author if and only if the actor performs this action “by authority” of the author.

Although this is the basic case, not all secondary actions can be accounted for in this way. Hobbes says that of artificial persons, *some* own and have authorized the actions of those who represent them (L, xvi, 148).<sup>8</sup> Some artificial persons, that is, are not authors. In particular, inanimate things “cannot be authors, nor therefore give authority to their actors” (L, xvi, 149–50). Yet, “even an inanimate thing can be a person” (H, xv, 85). As examples, Hobbes mentions churches, hospitals, and bridges. Also, since a state, a corporation, and an assembly are not living things, they fall within this category of artificial persons.<sup>9</sup> Hobbes’s account of actions performed by artificial persons that are not authors, including typical cases of actions performed by collectives, is best postponed. I will return to the basic case where the artificial person has authorized the actions of the actor who represents it. It is clear that to understand what this theory comes to, we must gain an understanding of what is involved in acting by authority.

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<sup>7</sup> Pitkin objects that the actions of one’s representative need not be the basis for attributing actions to oneself. See Pitkin, 1964, pp. 336–40. I am interested, however, in Hobbes’s account of secondary actions and take “representative” and “represent” to be technical terms in his theory of such actions.

<sup>8</sup> Here I have translated a remark expressed in the *Leviathan* terminology into the *De Homine* terminology.

<sup>9</sup> It would seem that Hobbes cannot mean, what he seems to say in *Leviathan*, that such things are represented only “by fiction.” In *De Homine* he does not say this, but says simply that such things can be persons (H, xv, 85), even if only artificial persons. The improved terminology of *De Homine* allows him to put the point without suggesting, as he does in *Leviathan*, that inanimate things are not actually represented. An inanimate thing that, in *Leviathan*, is said to be represented “by fiction,” is, in *De Homine*, simply an artificial person that is not also a natural person.

2. *Hobbes's Account of Authorization.* In *De Homine*, Hobbes asserts that

*he is called the author that hath declared himself responsible for the action done by another according to his will.* [H, xv, 84]

Since an author is said to be one who has authorized an actor (L, xvi, 148), we may find in this remark the suggestion that authorizing an actor to do X implies making oneself liable to accept responsibility for what the actor does that is according to one's will and that he does in doing X. Here I presume that what is involved is, for Hobbes, a matter, not of the author's making a verbal declaration, but of his making himself liable to accept responsibility. I also presume that in this context the liability to accept responsibility implies at least the liability to accept blame, for Hobbes goes on to discuss conditions under which an author may be deemed to have *sinned* on the basis of actions of an actor. We should note, as does Hobbes, that although an author will intend that the actor carry out his commission, the author's intentions and instructions may not extend to all the details. Consequently, an actor may do something by authority that the author did not intend, and perhaps could not have foreseen. Presumably, the author would not be liable to accept responsibility for such actions (see C, vii, 14). This much being understood, do we have in this suggestion an adequate account of authorization? Can we plausibly attribute to Hobbes the view that it is both necessary and sufficient for one to authorize an actor to do X that one make oneself liable to accept responsibility for what the actor does that is according to one's will and that he does in doing X?

A familiar type of example will illustrate why I think that this apparently plausible view is not adequate. Suppose that I threaten A that I will kill five people unless he kills B, suppose I do this intending to force him to kill B, and suppose he does so. In this case, I think I clearly have made myself liable to accept responsibility for what A does in killing B, and it is according to my will, but I have not *authorized* A to kill B. We need an account that distinguishes authorizing an actor from other ways of making oneself liable to accept responsibility. The present account does not yield a sufficient condition of authorization. I also doubt that it yields a necessary condition, but I will not



pause to argue this issue, nor to consider possible ways of modifying the account. It is more important to see that Hobbes has a different account of authorization, one expressed in terms of the transfer of rights, and one that is more central to his political philosophy. To be sure, Hobbes seems to think that it follows from the account under consideration that “they are said to have authority that act by right of another” (H, xv, 84). But this does not follow. The above example shows that the fact that someone has made himself liable to accept responsibility for what A does does not imply that A acts *by right* of the other. Thus, even if we accepted this account of authorization, it would not follow that one who has authority acts by right of another. In the above case, A does not act by my right, and, of course, he has not been authorized.

In both *Leviathan* and *De Homine*, Hobbes expresses the view that authorizing an actor is a matter of giving him a right to act. In *Leviathan* we find,

the right of doing any action, is called AUTHORITY. So that by authority, is always understood a right of doing any act: and *done by authority* done by commission or licence from him whose right it is. [L, xvi, 148]

And in *De Homine* we read,

they are said to have authority that act by right of another. For unless he that is the author hath the right of acting himself, the actor hath no authority to act. [H, xv, 84]

Of course, these remarks leave unanswered a number of questions. Clearly Hobbes supposes that one can authorize an actor to do something only if one has the right to do that thing oneself, and he supposes that an actor who has been authorized has in some sense acquired the relevant right from the author. But in what sense does the actor acquire this right, and does an author retain this right after authorizing an actor? Hobbes has ready to hand the notion of *transferring* to another person a right to do X, which he says is a matter of someone who antecedently has the right to do X undertaking an obligation not to interfere with the transferee’s doing X (L, xiv, 118–119; C, ii, 4).<sup>10</sup> Hobbes seems to

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<sup>10</sup> More accurately, the obligation is one not to interfere with the transferee’s enjoyment of his own *right* to do that thing. Notice that one who transfers to another his right to do X does not thereby become obliged *not to do X*; rather, he becomes obliged *not to interfere* with the other’s doing X.

employ this notion of transferring rights in his account of authorization. In *De Cive*, he goes so far as to say that transfer of right is transfer of authority (C, vii, 11).

Moreover, Hobbes's political theory seems to require that authorization be explained in terms of transfer of rights. I shall argue that, to preserve a unity among his various accounts of the social contract, Hobbes needs the premise R, that, "as far-forth, as [is necessary] for peace, and defense of himself" (L, xiv, 118), a person transfers to the sovereign the right he has in the state of nature "to every thing" just in case he authorizes anything the sovereign might do which concerns peace.<sup>11</sup> I shall also argue that the need to underwrite this premise places Hobbes's theory of authorization under the crucial constraint that authorizing an actor must be shown to involve transferring to him a right to act. First, I will briefly summarize the main arguments of *Leviathan* in order to make clear the need for premise R.

Hobbes contends that men in the state of nature have a right to every thing, and are in a condition of war. It is a rational precept, stated in the second law of nature, that one ought to be willing, as far as is necessary for peace, "to lay down this right to all things" when others are also willing to do so (L, xiv, 118). Hobbes uses the phrase "the right of governing oneself" to indicate the rights that one ought to lay down, and he suggests that it is both necessary and sufficient to secure peace that everyone transfer the right of governing himself to some one person (L, xvii, 158; xiv, 118; xv, 131). This is the first leg of the argument. Hobbes also argues that "the only way" to secure peace would be for everyone to authorize all the public actions of some one person (L, xvii, 157-58). And in *Leviathan* the content of the covenant,

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<sup>11</sup> Hobbes sometimes speaks as though the authorization of the sovereign were unlimited and "in all things" (C, v, 10; L, xviii, 159). These passages conflict with those where he says that the authorization is with respect to all actions necessary to ensure peace (L, xvii, 157-58; C, v, 6). I think, however, that the latter is his most considered and official position. Recall that Hobbes holds that if an actor acts by authority of an author, then his action is a basis for attributing an action to the author. Given this, if the authorization of the sovereign were in all things, then even the most trivial private action of the sovereign would be a basis for attributing some action to all of his subjects. The implausibility of this suggests that Hobbes should not say that the sovereign is authorized in all things.

the actions of the sovereign that concern peace (L, xvii, 158; xviii, 159; xxi, 202–05).<sup>12</sup> That is, it is both necessary and sufficient to secure peace, and in fact “the only way” to do so, that everyone authorize all the public actions of the sovereign. This is the second leg of the argument. It follows that Hobbes is committed to holding R', that everyone authorizes all the actions of the sovereign that concern peace if and only if everyone transfers the right of governing himself to the sovereign. Moreover, since transferring the right of governing oneself is, Hobbes claims, transferring the right to every thing, as far as is necessary to peace, Hobbes is committed to R: authorizing the public actions of the sovereign implies transferring to him, as far as is necessary for peace, one's right to every thing, and vice versa.<sup>13</sup>

Since Hobbes is committed to these two crucial claims, he must ensure that the general theory of authorization meshes with and supports the view that in authorizing the sovereign, one transfers to him certain rights. The claims R and R' could most simply be supported by a general theory of authorization to the effect that one authorizes an agent to do something just in case one transfers to him one's right to do that thing.<sup>14</sup> If this is held

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<sup>12</sup> Hobbes also says that the covenant is to give up the “right of governing oneself” (L, xvii, 158) and to give someone the “right to present one's person” (L, xviii, 159). I think that, on Hobbes's account of authorization, one transfers to the sovereign the right of governing oneself only if one authorizes the sovereign. Also, I think that the phrase, “the right to present one's person” is best understood to mean “the power to bear one's person,” which is to say “the power to perform actions that are a basis for attributing actions to oneself.” To transfer this right to someone is precisely to authorize him. See L, xvi, 147, and see the discussion at the head of footnote 18.

<sup>13</sup> I think Hobbes is also committed to R by the argument of *De Cive*. See C, vi, 20; v, 6; and v, 6–11.

<sup>14</sup> On this theory, Hobbes is committed to denying that the sovereign is authorized in all things by his view that there are certain rights that one cannot transfer to the sovereign (L, xiv, 120). The theory implies that the subjects authorize the sovereign in exactly those things they give up their right to do by obliging themselves not to interfere with the sovereign's doing them. Unfortunately, things are not perfectly tidy. I claimed in note 11 that trivial private actions of the sovereign are not done by authority of the subjects. Yet the subjects would be obliged not to interfere with such actions. Hence this theory of authorization does not yield exactly what Hobbes requires. Moreover, Hobbes is not entirely consistent. On the one hand, he says that a subject does not transfer to the sovereign the right to punish him

to be true in general, then, of course, it will seem unproblematic that one authorizes the sovereign to govern oneself just in case one transfers to him one's right to govern oneself. And this is an approximation of R'. We have already seen textual evidence that Hobbes accepts this general theory.<sup>15</sup>

Unfortunately, this general theory of authorization is incorrect. Hobbes does not himself see this because he needs R and relies on the theory to buttress this premise. Moreover, to complicate matters, there are different types of authorization and different uses of the word "right."

3. *Two Types of Authorization.* The immediate problem is to determine how best to understand Hobbes's general theory of authorization, bearing in mind that the theory is intended to yield a theory of secondary actions, and that the term "right" is used for several different types of phenomenon. I will argue that there are at least two types of authority, which I call "warrant authority" and "commission authority." Hobbes's account would perhaps be plausible as an account of warrant authority, but it is commission authority that is appropriate to Hobbes's theory of authorship, and hence to the theory of secondary actions. Unlike the former, however, commission authority can-

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(L, xxi, 204–05). On the other hand, he says that a subject authorizes his own punishment in authorizing every action of the sovereign (L, xviii, 160). These remarks are inconsistent with the theory that authorizing something is transferring the right to do that thing. Later in *Leviathan* (xxviii, 297–98), Hobbes seems to retract the view that a subject authorizes his own punishment, but then the sovereign cannot be said to be authorized by each subject to do whatever is necessary for peace, given that punishing someone may be necessary for this.

<sup>15</sup> David Gauthier contends that there is textual evidence that *transfer* of right is not involved in authorizing an actor because the author *retains* his right. He cites *Leviathan*, xxi, 204 and EW, vi, 52, but I think the former passage is misleading and the latter inconclusive. See Gauthier, *op. cit.*, p. 125. Howard Warrender also thinks that transfer of right is not involved. His suggestion is that authorizing an actor consists in indemnifying him from accountability to oneself. But Hobbes's arguments to show that a subject is not entitled to criticize the sovereign turn on the claim that, since he has been authorized by the subjects, the sovereign's acts are attributable to the subjects (L, xviii, 163). These arguments would be unnecessary if authorizing the sovereign were simply a matter of removing from oneself any entitlement to call the sovereign to account. See Warrender's *The Political Philosophy of Hobbes* (Oxford, 1957), p. 110.

not be understood to involve, in any sense defined by Hobbes, a transfer of right.

In cases of “warrant authority,” one has authority, or one has been authorized by another, in that one has, or has been given, legal, moral, or some other warrant to act. Here “transfer of right” in Hobbes’s sense may be involved, but even here it need not be. The situation is complicated by the fact that the term “right” is used for different types of legal and moral phenomenon.<sup>16</sup> First, for Hobbes, a right is what we could call a mere “liberty.” One’s having such a right consists in one’s lacking relevant obligations, and so, for Hobbes, alienating such a right consists in undertaking such obligations. Second, a “claim right” is a claim on others’ behavior that implies that others have obligations toward one, such as to refrain from interfering. In addition to liberties and claim rights, powers or capacities are sometimes termed “rights.” Thus, we say Parliament has the *right* to legislate on a given matter, presumably having in mind its legal power to create binding law on that matter. Moreover, it seems legitimate to say that its having such a power amounts to its having a warrant to pass such legislation. Consequently, we see that having authority, in the sense of having a warrant to act, may consist in having a liberty, having a claim right, having a power, or having some combination of these. However, warrant authority is not the concept Hobbes needs for his account of authorization.

Consider the following examples. Smith is appointed municipal zoning officer by the mayor and given the power to issue building permits. The mayor has authorized him to do this, and has given him a legal warrant, yet the mayor is not the author of his actions. No actions are attributed to the *mayor* on the basis of Smith’s official actions. Smith now gives Jones a permit to build a structure on a piece of property. Jones has been given a liberty, or a warrant to build, and he builds by authority of the zoning officer, but no action can be attributed to the zoning officer on the basis of Jones’s building this structure. Again, I lend you my copy of *Leviathan*, giving you certain claim rights and

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<sup>16</sup> See Wesley Hohfeld’s distinctions between claim rights, liberties, powers, and immunities in *Fundamental Legal Conceptions* (New Haven, 1919).

the liberty to remove it from my office. You do this by my authority, but I am not the *author* of what you do. *Authorship* seems to involve the *commissioning* of an action.

In cases of "commission authority," one acts by authority of another in that one has been commissioned by him to act for him. But the latter may not have been in a position to transfer the liberty or right of so acting, or any warrant to act. For example, building a house may be attributed to me on the basis of the work of some people I have hired for this purpose, even if, by mistake, I have built on land I do not own, and on which I am not at liberty and have no right to build. In this case, the workers act "by my authority" in that their work was commissioned by me, but their acts have not been given legal or moral warrant by me. This example, together with those given above, shows that it is neither a necessary nor a sufficient condition of one person's being the author of something done by an actor that the former have given the actor a liberty, or any other warrant so to act. The actor acts by authority of the author in that he has been *commissioned* to act for the author (L, xvi, 148). It might be objected that being commissioned to act is being given a kind of warrant to act. I think not, but little turns on this because even if so, I could put my claim by saying that commission authority is only one *kind* of warrant authority.

Commissioning someone does involve his gaining a kind of "power," namely the power that certain of his actions are a basis for attributing actions to oneself. That is, in Hobbes's terms, it involves his gaining the power to "present one's person," or to "represent one" (H, xv, 84). This power could perhaps be termed the "right to present a person,"<sup>17</sup> and Hobbes in fact sometimes uses this phrase.<sup>18</sup> Hence, we may say that commission authority involves a donation of "right," though a right that is a power, not a right that is either a liberty or a claim right. Accordingly, I propose that  $S_1$  has been authorized by  $S_2$  to act for him, in that

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<sup>17</sup> Hohfeld notes that legal powers are often termed rights, op. cit., pp. 50-60.

<sup>18</sup> He speaks of the sovereign's being given the right to present the person of his subjects (L, xviii, 159). Gauthier and Pitkin both think Hobbes identifies authorizing an agent with giving him such a right. See Gauthier, op. cit., pp. 124, 127; Pitkin, 1964, p. 913.

S<sub>2</sub> has "commissioned" S<sub>1</sub> to act, if and only if S<sub>2</sub> has acted and, as a result, S<sub>1</sub> has the power that certain of his actions are a basis for attributing actions to S<sub>2</sub>. Having acquired such a power would not ordinarily be thought to ensure that one has any kind of warrant to do any specific actions, as opposed to ensuring that certain of one's actions have the property of being the basis for attributing actions to one's principal. Hence, it seems to me that commission authority can be distinguished from warrant authority, even though warrant authority and commission authority often accompany one another.

The power to present a person may seem mysterious, but the notion of a *legal* power has received a good deal of attention. Hart, for example, discusses power-conferring legal rules that would explain the nature and existence of legal powers.<sup>19</sup> The non-legal power to present the person of another may perhaps be explained on this model by postulating the existence of power-conferring conventional rules. These would be rules similar to the conventional rules postulated by Goldman in explaining a phenomenon in action theory he calls "conventional generation."<sup>20</sup> Consider, for example, a case where I raise my arm above my shoulder with the palm of my hand facing outward. In appropriate circumstances, my doing this "generates" my greeting a friend, given that there is a conventional rule that gesturing in this way in appropriate circumstances constitutes greeting a person. This is a case of the so-called "conventional generation" of an action in the presence of a conventional rule. Other conventional rules may allow one person's action to constitute an action of another person in circumstances where the former has been commissioned by the latter. If the suggestion is correct, then explaining the power to present the person of another would be of a piece with explaining the phenomenon of "conventional generation."

I will henceforth write that one acts "by authority" of another only in cases where "commission authority" is involved, that is, only in cases where the latter has commissioned the former to act. I will understand Hobbes's view to be that an author is one

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<sup>19</sup> H. L. A. Hart, *The Concept of Law* (Oxford, 1961), pp. 26-48.

<sup>20</sup> Alvin I. Goldman, *A Theory of Human Action* (Englewood Cliffs, N. J., 1970), pp. 25-26.

who has commissioned an actor to perform certain acts for him. Actions are attributed to the author on the basis of what the actor does just in case the latter acts “within his commission,” or “by authority,” of the author. To act by authority of an author is to act with the power of “presenting the person of the author.”

Unfortunately, Hobbes cannot accept the suggestion that authorization be explained in terms of conventional rules. As we saw above, he needs premise R and seeks to support it with his view that authorship is to be explained in terms of the transfer of rights in the sense of liberties. It should be clear by now that Hobbes’s view is mistaken. He is trying to construct commission authority with raw material suitable for warrant authority. Moreover, given Hobbes’s political theory, it would not suffice that the sovereign have received warrant authority. It is central to Hobbes’s view of the difference between a commonwealth and a mere multitude of persons that the sovereign have been commissioned. A commonwealth is *one person* created by the authorization of a sovereign (L, xvii, 158; C, v, 9), and Hobbes needs the notion of commission authority, not of warrant authority, to explain this. Commission authority also enters Hobbes’s account of the status of the sovereign. Hobbes needs to show that every subject is author of the public acts of the sovereign, for this claim is crucial to his arguments to buttress the position of the sovereign (L, xviii, 159–63; C, vi, 14), such as his argument that the sovereign cannot injure any of his subjects (L, xviii, 163), and his argument that the sovereign cannot justly be punished by his subjects (L, xviii, 163). Hobbes needs to be able to say that the sovereign has been commissioned by his subjects.<sup>21</sup>

4. *Authorship and Secondary Actions.* Hobbes’s notion of authorship does not exhaust the theory of artificial persons. Some artificial persons perform actions of which they are not authors. That is, some may have actions attributed to them on the basis of actions of persons even though the former have not authorized the latter. The theory of authorship does not provide a necessary

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<sup>21</sup> Of course, Hobbes also needs to be able to say that the subjects have transferred rights to the sovereign. Warrender handles this by supposing that the contract involves, as separate features, both a transfer of natural right to the sovereign and an authorizing of the sovereign. See Warrender, *op. cit.*, p. 110.



condition for the attribution of actions to agents on the basis of actions of other agents. The account of collective action, to which I will turn shortly, illustrates this. Nevertheless, it may be a necessary condition of a natural person's having an action attributed to him on the basis of an action of another agent, that the latter act by authority of the former. That is, perhaps a natural person can be an artificial person only if he is author of an action of some actor.<sup>22</sup>

Hobbes is wrong, however, to claim that it is a sufficient condition of one person's action being the basis for attributing an action to an author that that person have been acting within the commission or authority provided by the author. Suppose that I commission A to attend the council meeting and to vote for me. If he raises his arm to indicate his vote, and succeeds thereby in registering a vote, the action of voting will be attributable to me on this basis. There may, however, be no action attributable to me on the basis of A's entering the council room. I did not enter the room, nor did I attend the meeting. Yet I think that on any reasonable understanding of the situation, A has not only been given my warrant to enter the room, he has been commissioned to do so and is acting within his commission. It follows that the above sufficiency claim is incorrect. The explanation for this, I think, is that *commissioning* a person to do something involves *instructing* him to do certain things, which, in certain circumstances results in his having the power that certain specific actions performed by him in carrying out those instructions, but

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<sup>22</sup> In *Leviathan*, however, Hobbes says,

children, fools and madmen that have no use of reason, may be personated . . . but can be no authors, during that time, of any action done by them. [L, xvi, 150]

If such as these are natural persons in the technical sense, in that they are capable of performing nonsecondary actions, then Hobbes is here disagreeing with the view that authorship is a necessary condition of a natural person's performing a secondary action. I think, however, that although a guardian would be "commissioned" in the sense that he acts under instructions, a guardian in such cases does not have "commission authority" as defined above because he does not have the power of presenting the person of his charge. What he has is the duty and a warrant to perform certain actions in the interest of his charge.

perhaps not all, would be a basis for attributing acts to oneself. The voting case may be understood to involve A's receiving instructions to attend the meeting and to vote, and his thereby acquiring a power under some conventional rule that enables his act of registering a vote to constitute my voting. It may be that an adequate account of secondary actions of natural persons could be developed by modifying Hobbes's view along the line being suggested.

I conclude that Hobbes's theory of authorship has serious flaws, not least in its account of commission authority. If modified along the lines I have proposed, however, it seems to me to have promise as an account of the secondary actions of natural persons. Commissioning someone would be seen to involve instructing someone and thereby conferring specific powers by invoking conventional power-conferring rules.

### III. ACTIONS AND COLLECTIVES

*1. Authorship and Collective Actions.* It is possible for a collective to be the author of something done by another agent (L, xxiii, 230–31). An attorney may act by authority of a corporation, and on the basis of the attorney's actions, the corporation may have attributed to it the action of purchasing property. It is not a necessary condition of a collective's acting, however, that it be author of an action performed by an actor, even though all actions of a collective are attributed to it on the basis of actions of other agents. If a collective may properly have actions attributed to it at all, then it may have actions attributed to it on the basis of actions of other agents even though the latter have not been authorized by it. Some artificial persons are not authors.

Nevertheless, the theory of authorship provides the basic machinery for Hobbes's theory of collective action, as I shall proceed to show. Hobbes thinks that only collectives that have representatives are capable of acting. He calls them "civil persons" and contrasts them with mere "multitudes of men." I begin by discussing Hobbes's theory of the conditions under which actions are attributable to civil persons. I then turn to Hobbes's arguments that a mere multitude cannot properly have an action attributed to it "on its own" (C, vi, 1).

2. *Civil Persons*. The distinction between “multitudes of men” and “civil societies” or “civil persons” is meant to be exhaustive of collectives (C, v, 9–10; vi, 1; L, xvi, 151).<sup>23</sup> A civil person is a collective that is a person, and so may have actions attributed to it. It has a “representative,” or a Hobbesian person on the basis of whose acts actions may be attributed to it (L, xvi, 147–51). In *Leviathan*, Hobbes calls civil persons “regular systems,” and among regular systems subordinate to the state he distinguishes “bodies politic,” which are made by authority of the sovereign, such as corporations, and “bodies private,” which are made by citizens without the sovereign’s authority, such as families or criminal organizations (L, xxii, 210). A multitude is a collective that lacks an authorized representative. Even if its members share a common interest or purpose, it is still a “mere concourse of persons,” such as an audience, church congregation, or political mob (L, xxii, 210, 224–25). What is of interest for my purpose is that Hobbes argues that a mere concourse of persons, even if it shares a common purpose, or interest, is not a person and is not capable of acting (C, vi, 1). Only collectives that are civil persons may perform actions.

As I understand Hobbes, there are basically two cases. A civil person has an authorized representative, which typically is an individual natural person or an assembly and is an agent distinct from the collective. An assembly is a civil person that presents a special case. It has an institutionalized decision procedure, but, as I shall argue, it is best thought of as its own representative. This distinguishes an assembly from any other civil person, and Hobbes needs a special account of the actions of assemblies. I will begin with civil persons that are not assemblies.

If we could ignore assemblies, then the theory of authorship would unify the theory of collective action with the rest of the theory of secondary actions. This unity would be expressed by the general claim that every secondary action is based on an act done by authority of *some* agent who is author of it. For example, actions of the commonwealth are based on the public actions of the sovereign, and these actions of the sovereign are done by authority of his subjects, for each subject is author of every

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<sup>23</sup> I do not address the question whether the distinction is exhaustive.

public action of the sovereign. Hobbes accounts for actions of collectives by supposing that one person can commission a second to act for a third. I need to extend my proposed account of commission authority to take this into account. I will say that  $S_1$  has been authorized by  $S_2$  to act for  $S_3$ , in that  $S_2$  has “commissioned”  $S_1$  to act, just in case  $S_2$  has acted and, as a result,  $S_1$  has the power that certain of his acts are a basis for attributing acts to  $S_3$ . The general claim mentioned above can now be stated as follows. If  $S_1$ ’s doing A is the basis for attributing an action to  $S_3$ , where  $S_3$  is not an assembly, then there is an agent  $S_2$  who authorized  $S_1$  to act on behalf of  $S_3$ , and  $S_2$  is author of  $S_1$ ’s doing A. This means that it is not a necessary condition of an action’s being attributed to an agent  $S_3$  on the basis of an action of  $S_1$  that the latter have acted by authority of  $S_3$ . But, first, it is necessary that  $S_1$  have been authorized to act for  $S_3$  by *some* agent  $S_2$ , and second, it is necessary that the actions of  $S_1$  on the basis of which actions are attributed to  $S_3$  should also be a basis for attributing actions to any agent who authorized  $S_1$  to act for  $S_3$ , provided  $S_3$  is not an assembly. But all of this needs explanation and illustration.

Civil persons other than assemblies are formed by the authorization of a Hobbesian person to act for the collective. Authorization of the representative may be either by the members of the collective, in which case I speak of “inside authorization,” or by a third party, in which case I speak of “outside authorization.”

First, in cases of inside authorization, a multitude of persons contract with one another that the will of a representative “be received for the will of all,” and to authorize the actions of the representative. The result is a civil person that is a commonwealth if authority is given without limit in things that concern the common peace; otherwise it is a “regular system” subordinate to the commonwealth (C, v, 9–10; L, xvii, 157–58; xxii, 210). The will, intentions, and choices of the representative are the basis for attributing a will to the collective (C, vi, 14, 19; L, xxvi, 255). Actions of the representative done within the scope of the authorization are the basis for attributing actions to the collective (L, xvii, 158; xxvi, 252). Of course, Hobbes gives most of his attention to the commonwealth and to its representative, the sovereign, but the theory extends to all similarly created civil per-

sons (L, xxii; C, v, 9–10). In these cases of inside authorization, each member has authorized the representative, and any action done by the representative that is the basis for attributing an action to the collective was done by authority of each member and is also the basis for attributing an action to each member (L, xvii, 158; xviii, 163; H, xv, 84). This shows that the general principle mentioned above holds for these cases of inside authorization.

Second, civil persons are also formed by “outside authorization.” Some subordinate regular systems are “made by authority from the sovereign power of the commonwealth” (L, xxii, 210). In these “bodies politic,” the representative has authority only within bounds prescribed by the sovereign, and receives authority from the sovereign (L, xxii, 211).<sup>24</sup> Hobbes has in mind such cases as a sovereign’s committing the government of a territory to an assembly (L, xxii, 215). Other examples would be an incorporated “company of merchants” (L, xxii, 217–18), and “inanimate things,” such as churches and hospitals (L, xvi, 149; H, xv, 85). In these cases of outside authorization, the sovereign has authorized the representative, and any action done by the representative that is the basis for attributing an action to the collective was done by authority of the sovereign and is also the basis for attributing an action to the sovereign (L, xxii, 212). This shows that the general principle also holds for these cases of outside authorization.<sup>25</sup>

I turn now to the special case of assemblies. Assemblies are important in Hobbes’s theory because they may serve as represen-

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<sup>24</sup> Hobbes seems to argue that this must be so. Since the sovereign has authority to represent his subjects in all things, he must give the authority to any other agent before that agent can represent (L, xxii, 211). However, I ignore this argument. First, it would seem to rule out subordinate private regular systems as well as any private and limited authorization of one person by another, and second, as I argued in footnote 11, Hobbes should reject its premise.

<sup>25</sup> Commonwealths “by acquisition” and families do not fit either of these categories very well. Hobbes seems, however, to regard both of these as arising from inside authorization, and he thinks that the general principle holds. In a commonwealth by acquisition, each citizen is supposed to have authorized the actions of the sovereign (L, xx, 185; C, viii, 7), and in a family, children are supposed to be subject to those by whom they are nourished as a subject is to a sovereign (C, ix, 7, 10; see 2–3, 8).

tatives of commonwealths and other civil persons. Since an assembly is a collective that may serve as a representative, it is itself a civil person, and so, as in all cases of civil persons, there must be one Hobbesian person that, by representing it, makes it a person (L, xvi, 151). This representative cannot be a natural person, for no natural person has from the start the authority to act for an assembly. Also, the representative cannot be the collection of members, for this is a mere multitude and not a person at all. The representative must be a civil person, and the only plausible candidate is the assembly itself. That is, an assembly must be regarded as its own representative. This distinguishes assemblies from other civil persons.

Actions and choices are attributed to an assembly on the basis of actions of its members, given an institutionalized procedure or rule for deriving actions of the assembly from actions of its members. Hobbes suggests that the majoritarian rule *must* apply once a group is constituted an assembly (L, xvi, 151), but he would have been better advised to say only that *some* decision rule is chosen by whatever agent or agents authorize the assembly to serve as representative of some other collective. A mere multitude is made an assembly and enabled to act by the choice of a decision rule to serve in assigning actions to the assembly in its role as representative of some other collective. Actions are attributable to an assembly on the basis of the actions of its members and the institutionalized decision rule *regardless* of whether such actions are done by authority of the authorizers, and *regardless* of whether they are the basis for attributing any actions to the authorizers (L, xxii, 212–13). In the case of other civil persons, the representative's sphere of authorization must be referred to in order to determine which of the representative's actions are a basis for attributing actions to that civil person. Since any such actions of the representative are within the sphere of authority given it by the authorizer, they are also a basis for attributing actions to the authorizer, in Hobbes's view. But assemblies are different in two ways. First, the assembly serves as its own representative. And second, the assembly's decision rule, together with the actions of its members, determines what actions the assembly performs. There is no need to refer to a representative's sphere of authorization. Thus, actions may be attributed to an

assembly which are outside its sphere of authorization and which consequently are not owned by its authorizers. So we see why assemblies are an exception to the general principle mentioned above.

We may summarize Hobbes's complicated theory as follows. First, a natural person may have an action attributed to it on the basis of an action of another agent if and only if that agent acts by authority of that person. Second, a collective may have an action attributed to it if and only if one of the following two conditions is fulfilled. First, the action is attributed to the collective on the basis of an action of a representative who has been authorized to act for that collective by some agent or agents, and whose action is done by authority of that agent or those agents. Or, second, if the collective is an assembly, the action is attributed to it on the basis of certain actions of its members given an institutionalized decision procedure, where this decision procedure is institutionalized as that of this assembly either by covenant of all of its members or by choice of some other agent or agents who have authorized the assembly.

This theory is striking for its combination of complexity of structure with economy of basic concepts. Essentially the theory is built out of the notions of authorization and of acting by authority, yet it purports to explain all secondary actions. There are three different models of explanation, one for natural persons, the other two for civil persons according as they are either assemblies or nonassemblies. Moreover, the division of the phenomena into these three cases seems reasonable. We should not expect actions of civil persons to be explained just as are secondary actions of natural persons because, in the case of natural persons, we have their nonsecondary actions to give us leverage in accounting for their secondary actions. Hobbes exploits this by supposing that a natural person must authorize an actor before secondary actions may be attributed to him.<sup>26</sup> Nor should we expect actions of assemblies to be explained just as are actions of other civil persons. In the case of nonassemblies, natural persons may have authority to act for the collective in virtue of offices they hold in the collective. Hobbes exploits this with

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<sup>26</sup> But see above, note 22.

his notion of a representative. However, no one has such authority to act for an assembly.<sup>27</sup> Hence, the complexity in Hobbes's theory seems to be required.

Nevertheless, Hobbes's theory has serious shortcomings, even leaving aside the fundamental changes needed in his account of commission authority. Later I will claim that the theory does not state a necessary condition for the attribution of an action to a collective, for "mere multitudes" may perform actions. In the rest of this section I will discuss the success of the theory as an account of the actions of civil persons.

I am particularly interested in the claim that an action is attributable to a nonassembly on the basis of an action of a representative if and only if the representative has been authorized to act for that collective and acts by authority or within the scope of his authorization. To assess this claim thoroughly, it would be necessary to discuss the notion of "tacit authorization." This notion becomes important because of the many cases where a head of state has the authority to act for the state, but where it is questionable whether he has been authorized. A dictator may seize control of a state, and his actions may be the basis for attributing actions to the state, but it may clearly be questionable whether he has been commissioned by the citizens. I think there is no plausible way for Hobbes to defend the above mentioned claim given the problem posed by such cases. Recall that what is in question is commission authority, not warrant authority. One may perhaps "tacitly" give someone a warrant to act. But if the suggestion I made above is right—that commissioning someone involves giving him *instructions*—then it could not plausibly be maintained that the head of state has been commissioned in such cases, because it could not plausibly be maintained that he has been instructed. This suggests that it is not a necessary condition of an action's being attributable to a nonassembly on the basis of a person's action that that person have been authorized to act for the collective.

Where the representative of a nonassembly has been authorized, Hobbes seems simply to be mistaken in supposing that the actions of the representative which are a basis for attrib-

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<sup>27</sup> Unless the assembly has made itself author of an actor's actions.



uting actions to the collective must also be a basis for attributing actions to the authorizers of the representative. For example, shareholders who commission a board of directors to act for a corporation do not uniformly have actions attributed to them on the basis of the corporate acts of the board. On the account I gave above, an agent  $S_1$  has been authorized by  $S_2$  to act for  $S_3$  if  $S_2$  has given  $S_1$  the power that certain of his actions are a basis for attributing acts to  $S_3$ . It does not follow that  $S_2$  has given  $S_1$  the different power that certain of his actions are a basis for attributing acts to himself.

Finally, it is not a sufficient condition of a person's actions being the basis for attributing an action to a collective that the person have been authorized to act for the collective and have been acting within the scope of his authority or commission. Suppose A has been commissioned to vote for his constituency association at the party convention. If he raises his arm and succeeds thereby in registering a vote, the action of voting will be attributable to the organization on this basis. Still, there may be no action attributable to the organization on the basis of his entering the convention hall, even though, on any reasonable understanding of the situation, he would be acting within his commission in doing so. It follows that being authorized and acting within one's commission is not sufficient for one's action to be the basis for attributing an action to a collective. To explain when an action of one agent is the basis for attributing an action to another agent, quite specific powers conferred under conventional rules of the sort discussed above might be proposed. A representative has the power to present the person of another, and, it might be thought, this power is the resultant of specific powers conferred by quite specific rules governing the attribution of actions to the agent represented. A modified Hobbesian account that postulated such specific powers might provide a sufficient condition of an action's being attributed to a collective on the basis of the actions of persons.

It may be that modifications could be made to the theory that would make it ultimately successful in accounting for the phenomena discussed so far. But the needed modifications would change the theory in fundamental ways. In the first place, Hobbes could require simply that a representative *have*

commission authority, or the power to present the person of another, rather than that it *have been commissioned*. But then the source of the authority would have to be explained, and this shows that such a modification would destroy the foundation of his political theory as well as leaving important questions in action theory unanswered. In the second place, Hobbes could postulate conventional power conferring rules as just discussed. A representative has the power to present the person of another which is conferred by rules providing for the attribution of actions to agents on the basis of actions of their representatives. But the effect of these two modifications would be that Hobbes's theory, which is based on the notions of commissioning and of acting by authority, would be replaced by a theory relying on the idea that there is simply a convention allowing the actions of one agent that are performed in certain circumstances to be described as the actions of another agent. Little would remain of Hobbes's authorization theory.

I conclude that, despite the promise of Hobbes's theory, it fails to account for the actions of civil persons. I now wish to contend that the theory could not serve as an adequate theory of collective action in any event because it implies that multitudes cannot properly have actions attributed to them.

3. *Multitudes*. At the beginning of this paper I claimed that the issue of whether it is possible for a collective to act turns on whether an adequate theory can be developed that would account in a unified way for actions of collectives and actions of persons. Similarly, I wish to claim, the issue of whether it is possible for multitudes to act turns on whether an adequate theory can be developed that accounts in a unified way for actions of multitudes together with actions of persons and other kinds of collective. I will not present such a theory, but neither has Hobbes shown that such a theory is not possible.

Hobbes argues that multitudes cannot act on the footing that an action is properly attributable to something only if it has "one will." A multitude of men cannot "be understood to have one will," and so, "neither is any one action whatsoever to be attributed to it" (C, vi, 1, note). A multitude can acquire "one will," in the requisite sense, only if it acquires a representative

whose will may be attributed to it (C, vi, 1; L, xvi, 151). The argument may be reconstructed as follows. A collective can perform an action only if it can have an intention or make a choice. The choice of a collective must be understood to be determined by the choices of some relevant person or persons according to some rule for deriving collective choices from choices of persons.<sup>28</sup> But different rules are possible that would yield different collective choices from the same set of choices made by all persons. Hence, if a group lacks an institutionalized rule, one cannot meaningfully speak of the choice of the group, and so cannot speak of an action of the group as such. This problem can be solved only if the members of the group unanimously agree to institutionalize a decision rule or procedure, or if someone with authority imposes one.

The plausibility of this argument depends in part on noticing that different collective decision rules are possible. However, although this is true, no credible rule would fail to assign to a group the *unanimous* choice of its members for the group, and this suggests that even if a group lacks an institutionalized decision rule, we can attribute a choice to it if its members are unanimous in making this choice for the group. We must distinguish here between situations where there is something that every member of the group happens to choose for himself, such as where everyone on a bus chooses to get off, and situations where there is something that every member of the group chooses as a purpose *for the group*, such as where everyone on a bus chooses that the group cooperate in forcing the driver to stop.<sup>29</sup> Let us say, where everyone in a group makes the same choice for the group, that the members have a “common purpose.” The proposal being made is that a sufficient condition for attributing a choice to a group is that its members have a common purpose. This unanimity condition would underwrite our assignment of choices and actions to multitudes where the members have a common pur-

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<sup>28</sup> Kenneth Arrow, “Values and Collective Decision-making,” in *Philosophy, Politics and Society*, 3rd series, P. Laslett and W. Runciman, eds., (Oxford, 1967), p. 223.

<sup>29</sup> This does not beg the question. The example presupposes only that locutions such as “the group cooperated” are meaningful and make reference to a group, not that they serve to attribute actions to a group.

pose and act to achieve it, such as, perhaps, in the case of the storming of the Bastille by the Paris mob, or in the case of a group's pushing a bus. Under this proposal, we could attribute actions and choices to groups in at least certain circumstances.

In one interesting passage Hobbes suggests, contrary to his official position, that multitudes *may* act, but that a weakened unanimity condition is a *necessary* condition of this.

Whatsoever, therefore is done by the multitude, must be understood to be done by every one of these by whom it is made up; and that he, who being in the multitude, and yet consented not, nor gave any help to the things which were done by it, must be judged to have done nothing. [C, vi, 1]

We may perhaps understand Hobbes to mean that if a given multitude acts, then every member of the group either intentionally contributes to carrying out a purpose for the group which is widely shared among the members, or himself has that purpose for the group. On this weakened unanimity condition, it is not required that there be a common purpose among the members of a group that acts; however, it is required that there be a pertinent purpose which each member either has or contributes to carrying out. Anyone who did not contribute to the group's doing X, and did not share the relevant purpose, was not a genuine member of the group that did X. One might wonder whether a condition akin to this weakened unanimity condition is either necessary or sufficient for a multitude's acting, but this is a question I cannot pursue. What I wish to claim here is simply that Hobbes lacks an argument adequate to show that it is not possible for a multitude to act, and himself seems ambivalent about the matter.

However, the claim that multitudes may not act is an important premise in Hobbes's political arguments. The premise figures in Hobbes's argument that sovereign power cannot be forfeited (L, xviii, 161); it figures in his argument that if the sovereign dies or is assassinated without there being any provision for a successor, there is a return to "the condition of a war of every man against every man" (L, xix, 181–82); it figures in his argument that the people rule in all governments and that it is impossible for the people to rebel against the sovereign (C, xii, 8); and finally, it figures in his argument that escape from the state of nature requires the formation of a civil person by the

authorization of a sovereign. The multitude must so unite in a commonwealth because, failing this, only the individual natural persons in the multitude could act. Hence, in the absence of a commonwealth, there could only be ineffective individual actions for the common security (L, xvii; C, v, 6). I believe that Hobbes has not supported a crucial premise in these arguments.

Let me conclude by recalling that Hobbes's theory of collective action, and of secondary actions in general, was promising chiefly because it seemed to offer a unified account of all secondary actions. It seemed that the notions of authorization and of acting by authority might suffice as basic theoretical concepts in a theory of secondary actions. It may be possible to do much with these notions. However, if it is possible for a multitude to act, then the promise of a theory unified around these notions must surely remain unfulfilled, for no one has authority to act for a multitude. The notion of authority will not enter an account of the actions of multitudes.\*

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