

Theory of Sovereignty and the Body Politic in Modern and Contemporary Political Thought

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The purpose of this article is to investigate one of the most interesting and debated issues within the philosophical discussion about politics: the metaphor of the body politic and its relation with the theory of sovereignty in contemporary political theory. After an opening section, which proposes a brief sketch about the origin of the body politic within philosophy (especially in Plato's and Aristotle's contributions), the article provides a theoretical insight of such a theory, by dealing with three of its definitions: Kantorowicz's "king's two bodies"; Hobbes' Leviathan and Schmitt's theory of sovereignty. The article aims at presenting some arguments to define these three perspectives, by examining – in the last section – how this paradigm has evolved into the more complex and articulated theory of the rule of law in contemporary democratic societies.

Key words: Body Politic – Theory of Sovereignty – Leviathan – Rule of Law – People

The great *Leviathan* called a *Commonwealth*, or *State* is an artificial man. The *sovereignty* is an artificial *soul*, as giving life and motion to the whole body; the *magistrates*, and other *officers* of judicature and execution, artificial *joints*; *reward* and *punishment* are the *nerves*, that do the same in the body natural; the *wealth* and *riches* of all the particular members, are the *strength*; *salus populi* its *business*; *counsellors* are the *memory*; *equity* and *laws*, an artificial *reason* and *will*; *concord*, *health*; *sedition*, *sickness*; and *civil war*, death. (Hobbes 1998, 7)

This article deals with the several definitions of the *body politic* within modern and contemporary political philosophy. Three main issues are addressed here: the first one explores Kantorowicz's idea of the so-called "King's two bodies". The second one draws a description of the Hobbesian "body politic" as designed by *Leviathan*. The third section finally examines Carl Schmitt's theory of sovereignty, by focusing on his overview and commentary of Hobbes' paradigm.

Within political philosophy, three different paradigms can be recognised: 1. Republicanism intends the "body" as *people* or *electorate*, by defining the citizens which actively participate in the political sphere and exercise popular sovereignty (Pettit 1997; Skinner 1998). 2. A communitarian approach identifies the *body politic* as a "community" of individuals, within which anyone lives its life, by considering itself as a part of such a community (MacIntyre 2007; Sandel 1998; Taylor 1989). 3. A Rawlsian liberal model of the society of free and equals, a structure of basic institutions in which "we enter only by birth and exit only by death" (Rawls 1993, 135–136).

In *Republic*, Plato, by considering the *polis* as a "living body", identifies some aspects which contribute to strengthen and protect it. One of its "qualitative" aspects concerns the care for the physical and spiritual education of its citizens. In Book IV of *Republic*, Plato gives a voice to Socrates, by highlighting that citizens of the *polis* "by being well-educated become decent men; they'll easily see about all these things, as well as all the other things we're now leaving out, the possessing of women, marriages, the procreation of children, that all these things ought to be done as much as possible by the proverb *what belongs to friends is shared*" (Plato 2007, 423a–424a, 116).¹

"Body Politic" and "Sovereign Body" in Ernst Kantorowicz's "King's Two Bodies"

Within the philosophical discussion about the "body politic", Ernst Kantorowicz's theory of the so-called "king's two bodies" – as delineated in *The King's Two Bodies: A Study in Mediaeval Political Theology* – plays a central role. For Kantorowicz, the body politic falls into the framework of political theology, especially in its medieval connotation. As Victoria Kahn suggests, by indicating political theology as his theoretical horizon, Kantorowicz clearly refers to Carl Schmitt's *Political Theology*,

¹ Concerning education, both physical and spiritual, Plato stresses that "putting in a few words, this is what those in charge of the city need to hold on to, so that it won't get corrupted without their notice, but they'll safeguard it above all: no innovating contrary to the organized plan for gymnastic training and music. But they'll safeguard them as much as they possibly can" (Plato 2007, 424b, 117).

in which “all significant concepts of the modern theory of the state are secularized theological concepts” (Kahn 2009, 79).² Kantorowicz distinguishes between “political” and “natural” body or, in other words, between Sovereign as “political power” and Sovereign as a “physical person”. It leads to a further distinction between “body politic” and “natural body”, by stating the superiority of the former over the latter. Their unity could be only infringed by death: when the Sovereign dies, his “physical body” dies with him, but not the “political” figure he embodies.

When King’s *physical* body dies, another *physical* body becomes the new “King”. Thus, King’s *physical* death does not correspond to his *political* death, since King’s “body politic” will be personified by his successor’s *physical* body. This thesis is traditionally reflected by the famous proclamation “the King is dead, long live the King”, which announced the transition of the sovereign power from the dead king to his successor. In Kantorowicz’s words:

“The King has two capacities, for he has two bodies: the one is a body natural, consisting of natural members as every other man has, and in this he is subject to passions and death as other men are; the other is a body politic and the members are his subjects and he and his subjects together compose the Corporation and he is incorporated with them, and they with him, and he is the head, and they are the members, and he has the sole government of them, and this body is not subject to passions as the other is, nor to death, for as to this body the King never dies, and his natural death is not called in our law the “death of the King”, but the “*demise* of the King”, not signifying by the word *demise* that the body politic of the King is dead, but that there is a separation of the two bodies, and that the body politic is transferred and conveyed over from the body natural now dead, or now removed from the dignity royal, to another body natural. It signifies a removal of the body politic of the King of this realm from one body natural to another” (Kantorowicz 1981, 13).

Alongside king’s “body politic”, Kantorowicz offers an analysis of the so-called *corpus mysticum*, which represents an important issue within the philosophical discussion about the “body”. The term *corpus mysticum* did not initially indicate the Church as an institution, nor as a spiritual community, but it referred only to the consecrated host assumed during the mass. For many decades, this was the only way in which the *corpus mysticum* was understood. At the same time, the institutional character of the Church – as a world community of believers and priests

² The existence of two king’s bodies has been frequently compared to the distinction between “temporal” and “spiritual” power. In Hobbes, this differentiation involves the separation between State (governing “citizens”) and Church (governing “believers”). In Kantorowicz, it assumes the division between these two powers as a representation of the two world poles during medieval ages: the papacy, on the one hand; the empire, on the other.

– was called *Corpus Christi*, as defined by Saint Paul at the dawn of Christianity. This approach radically changed after the reform processes, during the XX and XXI centuries, when, as Kantorowicz outlined:

“In response to the doctrines of Berengar of Tours and heretical sectarians, who tended to spiritualize and mystify the Sacrament of the Altar, the Church was compelled to stress most emphatically, not a spiritual or mystical, but the *real* presence of both the human and the divine Christ in the Eucharist. The consecrated bread now was termed significantly the *corpus verum* or *corpus natural*, or simply *corpus Christi*, the name under which also the feast of *corpus Christi* was instituted by the Western Church in 1264. The notion *corpus Christi*, hitherto used to describe the host, was gradually transferred, after 1150, to the Church as the organized body of Christian society united in the Sacrament of the Altar. The expression “mystical body” – originally with a liturgical or sacramental meaning – took on a connotation of sociological content. It was finally in the sense that Boniface VIII defined the Church as “one *mystical* body the head of which is Christ” (Kantorowicz 1981, 196).

After the Reformation, the idea of a *corpus mysticum* – deprived of any metaphysical character – assumed a purely political sense, in identifying the Church as an institution. Obviously, the Church as institution holds a political character when referring to the Papal State, or – in modern terms – to the Vatican State. From an institutional point of view, the Church is represented as an absolute monarchy which finds in the figure of the Pope its sovereign. Nonetheless, identifying the Church as an institution is not right in general, since the Church rather than being recognized as a monarchical state, is universally considered as the largest community of believers in the world. In this sense, the religious and spiritual essence of the Church prevails over its political nature.

Moreover, the distinction between the two natures of Christ was abandoned in favor of a corporative and political definition of Christ’s two “bodies”: on the one hand, Christ’s proper *natural* body (the so-called *corpus verum*); on the other hand, the *political* body, which identified the Church as an “institution” (now defined as *corpus mysticum* or *persona mystica*). As Kantorowicz elucidates, “whereas the *corpus verum* through the agency of the dogma of transubstantiation and the institution of the feast of *Corpus Christi*, developed a life and a mysticism of its own, the *corpus mysticum* proper came to be less and less mystical as time passed on, and came to mean simply the Church as a body politic or, by transference any *body politic* of the secular world” (Kantorowicz 1981, 206).

During the XIII century, with the revival of the Aristotelian philosophy, the idea of the “body politic” assumed a broader interest, by distinguishing between the purely *political* body represented by the State and the *mystical* body identified with the Church. Kantorowicz specified that the State should be understood as a result

of the natural reason; consequently, the State “was an institution which had its moral ends in itself and had its own ethical code” (Kantorowicz 1981, 210–211).

The Metaphor of the “Body Politic” in Thomas Hobbes’ Political Theory

In Hobbesian political theory, the metaphor of the body politic can be defined by two fundamental aspects. The first one concerns ethics: it considers human customs and behaviour. The second one concerns *politics*: it regulates the institutional relations among individuals. Hence, the “body politic” is not part of the “state of nature” and it does not arise from politics; by contrast, it is created when the individuals – through a rational choice – renounce part of their own liberty, by stipulating a “contract” through which they cede their independence and liberty to the Sovereign.

In *Elements of Law, Natural and Political*, Hobbes argues that the “body” can assume two main forms: on the one hand, it can be defined as *people*; on the other hand, as a *multitude*. According to Hobbes, this kind of union represents something that we may define as a *body politic* and which can be interpreted in many ways: as *polis* for the Ancient Greeks; as *civil society*, or *multitude* for modern and contemporary theorists. Furthermore, the term *people* can be interpreted in a dual sense: down one path, it can be identified as a *multitude*, when representing a certain number of individuals who meet in a certain place for a certain reason; down another path, we define *people* as a “civil body”, within which the common good and not the individual interest is at stake (Hobbes 1969, 107; 109–111; 115).

The main difference between *people* and *multitude* concerns that the term *people* indicates a precise kind of “body”, the members of which have a very specific and common will; by contrast, we intend *multitude* as a group of many individuals which defend their own will, without assuming a single common will. It implies that a *multitude* – in contrast to the *people* – cannot make common decisions or negotiate covenants, or even act as a single body. A *multitude* is composed of single individuals, which transfer their own will into the common sphere and act individually. Nevertheless, a *multitude* can always turn into a *people*, when its members decide to stipulate a covenant and accept to set aside their own personal will.

In *Leviathan*, the metaphor of the *body* entails the idea of the so-called political *authorization*. This theory implies that covenants – in establishing the body politic – should be stipulated exclusively between individuals which accept to cede their rights and liberties to the Sovereign. Such a thesis states that individuals authorize the Sovereign to represent and protect them from any threat or danger. One of the key points in Hobbesian political thought concerns the idea of transferring our own liberty to the sovereign power, whose primary task is to ensure the safety of its

citizens, by securing their lives and protecting them against war or death. Thus, as Hobbes claims, individuals cede their liberties for many reasons:

“To appoint one man, or assembly of men, to bear their person; and every-one to own and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, everyone to his will, and their judgments to his judgment. It is a real unity of them all, in one and the same person, made by covenant of every man with every man, in such a manner, as if every man should say to every man “I authorize and give my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him and authorize all his actions in like manner” (Hobbes 1996, 114).

The *authorization* process replaces the principle of a mere “transfer” from people to the Sovereign. It no longer concerns the principle of a mere political delegation, because a delegation can always be revoked by citizens. By assuming the principle of delegation, the sovereign power is to be considered as intrinsically limited, since it is always possible for people to deprive the Sovereign of the power assigned before.

Conversely, the *authorization* entails the idea of the “irrevocability” of political power. In this sense, the Sovereign is seen to be “absolute” due to the impossibility of rejecting its decisions or rebelling against its authority. Therefore, it is impossible to resist or revolt against the Sovereign, because it would mean rebelling and revolting against ourselves. The Hobbesian Sovereign, by representing every single individual, cannot be overthrown or replaced, because it would lead to the death of the “body politic”, and it would be equivalent to the destruction of the civil state, by leading individuals back to the natural state, in which their life is “solitary, poor, nasty, brutish, and short” (Hobbes 1996, 84).

By following Hobbes, these “absolutist” requirements would be characteristic of a pure democratic order, in which individuals directly contribute to creating the Leviathan as parts of a single body. Through such an *authorization*, individuals express a deliberate and active consent. The *authorization* represents a constituent moment, which allows citizens to identify themselves with the Sovereign who is now called to act on behalf of them (Di Bello 2010, 83).

There is a difference between the sovereign power of an individual and the sovereign power, held by an assembly. When the sovereign power is incarnated in an individual, “whatsoever he [the sovereign] does in the person of the body, which is not warranted in his letters, nor by the laws, is his own act, and not the act of the body, nor of any other member thereof besides himself: because further than his letters, or the law’s limit, he representeth no man’s person, but his own” (Hobbes 1996, 150).

By contrast, when the sovereign power is embodied by an assembly of men, all the acts and statements by this assembly shall be considered as the acts of the assembly itself, as the acts of everyone “by whose vote the decree was made” (Hobbes 1996, 150). Conversely, the responsibility for these acts shall not be addressed to those people who voted against or have been abstained from voting. The Hobbesian Sovereign is absolute for three reasons: 1. The irrevocability of its mandate; 2. The absoluteness and, 3. The indivisibility of its power.³

Sovereign power, by being inalienable and indivisible, cannot be separated or transferred, since it would mean separating the head from the body and provoking its death. Due to the absoluteness of its power, the principle of the separation of powers is rejected. Thus, legislative, executive and judicial powers are merged together under a unique and absolute power. For Hobbes, the Sovereign is never wrong; it is supposed to act for the sake and the benefit of its whole body. The Sovereign cannot be punished or delegitimized; it has the right to assume all necessary decisions to protect the *body politic*, both from internal and external threats.

In Chapter XXIV of *Leviathan*, Hobbes emphasizes that the State shares with the “body politic” two basic needs: nutrition and procreation. Nutrition consists in “the *plenty*, and *distribution of materials* conducing to life; in *concoction* or *preparation*; and (when concocted) in the *conveyance* of it, by convenient conduits to the public use” (Hobbes 1996, 163). Down one path, the need for procreation is the necessity to create life; down another path, for the State, procreations means establishing new provinces or colonies in other countries in order to expand its territories and allow citizens to occupy and populate new lands and, consequently, create new families and social groups.⁴

The blood flowing through the veins of the body is the same as the money that circulates within society and that represents the symbolic value we attribute to the products which feed such a body. This blood constitutes the essence of the *Leviathan*, by being expressed in the form of taxes and various fees which are conveyed to the head – namely, the Sovereign; then, these taxes and funds are reallocated through the whole body by the Sovereign itself in the form of public service, common good and social aids for the disadvantaged. As Hobbes claims:

³ In *De Cive*, Hobbes developed the thesis of the absoluteness of sovereign power by outlining that “the essence of the *Commonwealth*, which is one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence” (Hobbes 1996, 114).

⁴ To keep the body safe and flourishing, it should be nourished: this is one of the main responsibilities for the Sovereign. The Sovereign must take care and sustain its citizens, especially the most disadvantaged among them, whilst the most advantaged ones should assume the responsibility to offset the difficulties of the weakest and poorest individuals by sustaining the collective well-being.

“The conduits and ways by which it is conveyed to the public use are of two sorts: one, that conveyeth it to the public coffers; the other, that issueth the same out again for public payments. Of the first sort, are collectors, receivers, and treasurers; of the second are the treasurers again, and the officers appointed for payment of several public or private ministers. And in this also, the artificial man maintains his resemblance with the natural; whose veins receiving the blood from the several parts of the body, carry it to the heart; where being made vital, the heart by the arteries sends it out again, to enliven, and enable for motion all the members of the same” (Hobbes 1996, 168).

Regarding corporal and capital punishments we shall note that these punishments are necessary to denounce and repress various kinds of crimes and violations, and by serving as a warning for the whole people. Nonetheless, punishment – to be legitimate – should be followed by a public condemnation of related crimes. Otherwise, if the judgment is not publicly delivered, we deal with a violence rather than a punishment. In defining corporal punishments, Hobbes emphasizes that “the evil inflicted by usurped power and judges without authority from the sovereign, is not punishment, but an act of hostility” (Hobbes 1996, 206).

Hobbes reiterates that “if a punishment is determined ad prescribed in the law itself, and after the crime committed, there be a greater punishment inflicted, the excess is not punishment but an act of hostility” (Hobbes 1996, 207). Corporal punishments should be distinguished into two main sorts: *capital*, and *less than capital*. *Capital* punishments involve “the infliction of death, and that either simply, or with torment” (Hobbes 1996, 208). Conversely, *less than capital* inflict “stripes, wounds, chains, and any other corporal pain, not in its own nature mortal” (Hobbes 1996, 208).

The iconic figure of the *body politic* is traditionally portrayed on *Leviathan's* title page, as a personification of the Sovereign and a representation of the unity of all citizens within its body, the so-called *persona civilis*. The Sovereign wears the crown on its head – a symbol of its sovereignty – and holds, in his hands, the sword of the justice – a symbol of its political and legal power – and the pastoral staff, symbolizing its religious power. In his commentary on the Hobbesian work, Schmitt gives us a detailed description of such an image:

“A gigantic man, composed of innumerable midgets, holding in his right hand a sword and in the left one a crosier, guarding a peaceful city. Under each arm, the secular as well as the spiritual, there is a column of five drawings: under the sword a castle, a crown, a cannon; then rifles, lances, and banners, and finally a battle; to these correspond, under the spiritual arm: a church, a mitre, thunderbolts; symbols for sharpened distinctions, syllogisms, and dilemmas; and, finally, a council” (Schmitt, 1996b 13).

By being a “body”, the Leviathan can presumably contract diseases, suffer from wounds and eventually die. The death of the Leviathan can be caused by different pathologies: the rebellion against the sovereign power; the aggression from outside; the separation of the body from its soul, namely the separation between spiritual and political power; the lack of finances; an excessive over-expansion, etc. Nevertheless, the most dangerous disease for the *body politic* is represented by the so-called *false doctrines*. As Di Bello argues, such *false doctrines*, by producing sedition and conflict, can provoke the death of the *Leviathan*. Hobbes identifies three cases:

1. In first, “men judge the goodness or wickedness of their own and of other men’s actions, and of the actions of the Commonwealth itself, by their own passions” (Hobbes 1996, 452);

2. The second depends on the fact that “no man calleth good or evil, but that which is so in his own eyes, without any regard at all to the public laws (Hobbes 1996, 452);

3. The third implies that “except only monks, and friars, that are bound by the bow to that simple obedience to their superior, to which every subject ought to think himself bound by the law of nature to the civil sovereign. Consequently, all these issues are “not only vain doctrines but also pernicious to the public state” (Hobbes 1996, 452).

One of the most dangerous diseases for Leviathan occurs when “the treasure of the Commonwealth, flowing out of its due course, is gathered together in too much abundance, in one, or a few private men, by monopolies, or by farms of the public revenues; in the same manner as the blood in pleurisy, getting into the membrane of the breast, breedeth there an inflammation, accompanied by a fever and painful stitches” (Hobbes 1996, 220).

By being absolute, Leviathan’s power is also indivisible; thus, the principle of unity of political power makes possible to create order and security which are missing in the State of nature. This unity implies the distinction between “concord” and “union”. The first one occurs when the common will is addressed to the common interest; nevertheless, such a “concord” should not be intended as a general will of many individuals, because everyone keeps its own will. By the contrast, such a concord should be intended as a convergence of many wills that aim at protecting the general common interest.

By contrast, *union* overrides the distinction between common will and particular will, by suppressing any individual dissent; thus, *union* occurs when many particular wills are incorporated within one general common will; therefore, this integration of many wills within only one will is called the *union*. This shift from *concord* to *union* takes place when the will of many is replaced by a common will which – as Hobbes maintains – represents the necessary condition for the exercise of the

sovereign power, by ensuring the security of the *body politic* and the peace among its members.⁵

Under a metaphysical point of view, political theory considers the “soul” creating and shaping the body, which represents the living substance. The “soul” can only shape a *living* body, which is articulated in organs and functions and capable of moving and resting when needed. Such a metaphysical interpretation of the *body politic* involves the thesis for which the State is not a creation of men, but a natural product, a living organism, which is based on the relation between people and government; *substance* and *form*. Nonetheless, Hobbes rejects such a paradigm, by defining the State as a living organism, by defining it as an artificial product of men, not a natural fact. The *body politic* represented by the State itself is not based on a direct relation between people and Sovereign but on the conclusion of covenants and pacts which binds *substance* (the People) to *form* (the Sovereign).

The tension between *substance* and *form* is replaced by a purely political procedure, for which the Sovereign is conceived as the force on which the public and political essence of a multitude are concentrated. Hobbes defines the Sovereign as “image” and “essence” of the *people*, as distinguished by a *multitude* of individuals (Magri 1982, 198). As we have seen, in Hobbes’ *body politic*, “political organicism” – which emphasizes the connection between the members of the *body politic* with their Sovereign – is replaced by an absolutist theory of sovereignty, according to which every aspect of human life depends on the authority of the Sovereign.⁶

A final point concerns the fact that bad behaviors by the individuals may undermine the survival of the whole community. In order to avoid these risks, the Sovereign has the duty to ensure security and peace of its fellow citizens and to educate them not to endanger such a condition of peace with bad behaviors or subversive acts.

⁵ Tito Magri maintains that the relation between the idea of a “political order” and metaphor of “body” is extremely relevant: we can interpret the State as an entity based on the unity between “form” and “substance”. The first one is embodied by the Sovereign, whereas the second one is represented by the people. As Magri elucidates, the “substance” can never be separated from the “form”, because it unifies and defines the “form” itself.

⁶ The analogy between “living body” and “political society” also entails the principle for which the first aim of a legitimate political order is to protect and ensure the safety of its citizens. This principle is translated into the well-known motto for which *salus populi suprema lex*. And it proves the need to avoid any risk or dangerous behavior, which may potentially lead to the death of the Leviathan.

Carl Schmitt's Theory of Sovereignty

In elaborating his concept of the “political”, Carl Schmitt theorizes that – in the same vein as the Aristotelian *zoon politikon* – the *political* falls into a fundamentally anthropological category, by representing “an inescapable reality inherent in the human condition” (Bielefeldt 1996, 380). Schmitt’s approach deals with a radical critique of the liberal political philosophy that suggests the overcoming of the concept of sovereignty, through its transformation to the “sovereignty of the law, within a rule of law constitutionalism” (Bielefeldt 1996, 382).

Schmitt’s theory of sovereignty is exemplified by the famous expression according to which “sovereign is he who decides on the exception” (Bielefeldt 1996, 382). The state of exception is a particular political moment which occurs in an unpredictable crisis that cannot be resolved through general norms. Thus the “state of exception” does not correspond to an “ordinary” political or institutional crisis, but it implies a situation of social emergency that involves society as a whole.

Bielefeldt shows that “in such a situation of crisis, the scope of political power can be determined only by the sovereign power itself, which must operate outside of legal constraints” (Bielefeldt 1996, 382). Therefore, as Schmitt elucidates, the “state of exception” corresponds to a condition of unlimited authority, which entails a radical suspension of the existing normative legal order. In Schmitt’s words, when a state of exception is open, “the state remains, whereas law recedes” (Bielefeldt 1996, 383).⁷

Schmittian analysis of the Hobbesian paradigm offers an argument for the definition of the body politic. Schmitt opens his essay on “The Leviathan in the State Theory of Thomas Hobbes. Meaning and Failure of a Political Symbol”, by showing that the Leviathan represents a mythical symbol which is full of different but eloquent meanings. Schmitt firstly remarks that the Leviathan plays a central role in political theory, as the most iconic, powerful and meaningful image.

As we have seen, the political community has often been described as a symbolic body, a “huge person”, or – in Schmitt’s words – a *magnus corpus* (Schmitt 1996b, 5). In this sense, as Schmitt underlines “political ideas know the image of a huge beast. But such images usually remain in the realm of philosophical illustration. The depiction of a commonwealth as a “huge man”, which has been traced to Plato, characterizes a mod stirred by irrational emotions, a “multiheaded creature”. This

⁷ On this point, we should add that Schmitt’s notion of the “state of exception”, together with the principle of political stability, provides an argument against liberal normativism. Indeed, Schmitt maintains that the claim for stability and security represents an essential precondition to all legal norms, and to a product of them. In this view, legal norms can only be applied to a “pre-existing collective entity” which should be transformed into a political community.

evokes an effective image, but by far not the extraordinary mythical power of the Leviathan” (Schmitt 1996b, 5).

As Schmitt notes, Hobbes wants to challenge “every theory of state fraught by religion, assuming thereby a place among the great political thinkers” (Schmitt 1996b, 11). Furthermore, Schmitt maintains that the Leviathan has both a symbolic and political significance. It consists of “the concreteness of the *earthly* and *mortal* god who is totally attuned to the political deed of man, who must bring him out of the *chaos* of a *natural* condition. In this way, Hobbes led his historically timely struggle against political theology in all its forms. The Leviathan is the big symbol of this battle” (Schmitt 1996b, 11).

In his comment to Hobbes, Schmitt maintained that the metaphor of the *body politic* is actually a restrictive, insufficient and maybe inadequate device to correctly understand the real nature of Hobbes’ *Leviathan*. Schmitt pointed out that the most relevant issue in Hobbes’ thesis concerns its “biblical” dimension. Concerning this point, Schmitt wrote that “as a symbol of a political entity, the Leviathan is not just any ‘corpus’ or just any kind of beast. It is an image from the Hebrew Bible, one garbed during the course of many centuries in mythical, theological and cabbalistic meanings” (Schmitt 1996b, 6).

In his commentary to Hobbes’ definition of the state of nature, Schmitt has observed that “everyone knows that everyone can slay everyone else. Everyone is, therefore, the foe and the competitor of everyone else – the well-known *bellum omnium contra omnes*” (Schmitt 1996b, 31). Conversely, within “civil society”, citizens are protected against the risk of war and murder, by having secured their life. The Sovereign has the duty of ensuring peace, safety, and order through the institution of security organs such as the police, for instance.

“As a totality, the state is body and soul, a *homo artificialis*, and, as such, a machine. It is a manmade product. Its material and maker, *materia et artifex*, machine and engineer, are one and the same, namely, men. Also, the soul thereby becomes a mere component of a machine artificially manufactured by men. Thus, the “huge man” as the sovereign-representative person could not prevail in history, for he himself was nothing but a product of human art and human intelligence. The Leviathan thus becomes none other than a huge machine, a gigantic mechanism in the service of ensuring the physical protection of those governed” (Schmitt 1996b, 34–35).

By following Carlo Galli’s comment to Schmitt, we note that the metaphor of the “body politic” maintains a mythical character, by representing only a theoretical notion. As Galli elucidates, by analysing political unity of the body in a mythical sense, we mean that the whole Hobbesian theory of the body has only a descriptive and iconic purpose. Such a mythical dimension implicates that the Leviathan does not *effectively* work as a body, but it only works *as if* it was a body. Galli shows that,

for Schmitt, the body politic has only a purely ideal and descriptive character, without any political or factual meaning. The definition of the body by the Leviathan is then strictly related to a realist version of politics, rather than to an ideal conception of it. According to Schmitt, the description of the Leviathan as a body should be considered more like a “metaphorical exercise” than a real description of its functioning.

In the Schmittian analysis, a significant connection between Hobbes and Kantowicz arises. As Schmitt argues, *Leviathan* represents one of the most relevant theological-political treaties in the history of political thought. The Leviathan, while being a product of human will, is also the result of a leap of faith by people, as an act of civil religion. As Galli specifies, the theological character of the political does not entail the “deification” of the Leviathan as “an alternative idol to the Divinity”, and not even the politicization of the religious sphere. In contrast, it aims at assuming from the Catholic Church the merit in interpreting the Divine Law.⁸

Conclusion

The purpose of this article has been aimed at investigating the theory of sovereignty through an analysis of the metaphor of body politic in modern and contemporary political theory. This metaphor is deeply rooted in the history of political thought, since ancient time of philosophical discussion about politics. This essay has been also aimed at showing how the social and political community can be defined as a body structure, which works as a biological organism.

Therefore, as Hobbes elucidated, the Leviathan constitutes a living body which holds a biological functioning, while maintaining an essentially and almost exclusive political essence. Schmitt points out that Hobbes was the first political thinker to define the State as a *magnum artificium*, as an organic and complex mechanism in which each part works together with the others by shaping and making the work of the whole body.

Within the Leviathan no right to resistance is possible. As Schmitt notes, if we share such a Hobbesian interpretation, the right of resistance would be “nonsensical and absurd” (Schmitt 1996b, 44). Due to the absoluteness of Leviathan’s power, trying to resist the Leviathan, opposing and conflicting with it is “practically impossible”. There is no chance for a right to resist, not as an objective or a sub-

⁸ In *Roman Catholicism and Political Form*, Schmitt expressed his admiration for the Catholic Church, by emphasizing its solidity and authoritarianism in decision-making; such a character expresses itself in the claim of the principle of papal infallibility, together with a hierarchical institutional structure. This concurrence between political and moral authority and a strong structured institution “has made possible that Catholic Church’s deeply rooted historic stability” (Schmitt 1996a, 14).

jective right. In Schmitt's words "it has no place whatsoever in the space governed by the irresistible and overpowering huge machine of the state. It has no starting point, location, and viewpoint: it is "utopian" in the true sense of that word" (Schmitt 1996b, 44).

Thus, the death of the Leviathan is not produced by an internal subversion, but by an aggression from outside. Internal rebellions or civil wars would not involve an act of resistance against the Sovereign; they would be simply impossible. People create the State to end the insecurity and war which characterize the State of nature and to protect themselves against aggression from outside. In this sense, "a State is not a State unless it can put an end to that kind of war. The State of the Leviathan excludes the state of nature. It is not possible to imagine a construction that is more simple and 'real', but its simplicity and reality rest on the technical character of its functions and commands" (Schmitt 1996b, 47).⁹

The description of the State as a huge body – as a *magnus homo* – has been abandoned during the XVIII century, when the model of the modern constitutional State was established. However, the Hobbesian theory of sovereignty is still pivotal within the contemporary political discussion, especially among those theorists and scholars who assume political realism as their theoretical horizon. The French Revolution thus represents the moment in which the modern liberal mixed constitution arose, by replacing the old idea of the absolute power.

As Duncan Kelly remarks, "the modern state gives form to the people, and hence their constituent power, for the *Volk* are otherwise understood in democratic theory as an unorganized 'mass' or Hobbesian multitude, capable of making only 'yes or no' acclamatory political decisions" (Kelly 2004, 120). Along with this line, Victoria Kahn has observed that Schmitt overturns the Hobbesian theory of sovereignty by arguing that sovereignty cannot be represented by an iconic leviathan or metaphorically interpreted as a body; the image of the absolute Leviathan which is composed by all its citizens can no longer be followed.

For Schmitt, sovereignty holds a *personalistic* dimension, by being embodied into a single individual. This thesis states that "the sovereign had to be a real person and not only a juristic person because only real persons can make decisions" (Kahn 2009, 84). Schmitt emphasizes the change of perspective in political theory between seventeenth and XVIII century, which were dominated by the idea of the personalistic and absolutist sovereignty. Hobbes – in Schmitt's view – based his political view on such an absolutist paradigm, by presenting the thesis of a mythological Leviathan that governs our lives.

⁹ On this point, Hobbes underlines that "whatsoever he shall think necessary to be done, both beforehand, for the preserving of peace and security, by prevention of discord at home, and hostility from abroad; and, when peace and security are lost, for the recovery of the same" (Hobbes 1996, 118).

Therefore, in Hobbes' interpretation of realist theory of sovereignty, the State is still seen as a well-organized entity, divided into different but complementary organs which manage every aspect of the political life – from the bureaucracy to the public administration; from justice to the military and police. At the same time, the modern State is not only a bureaucratic and administrative mechanism; it is also a positivist legislator. Nevertheless, the Hobbesian theory of absolute sovereignty is overturned by the liberal theory of democratic representative sovereignty, according to which laws are the product of a majoritarian and democratic legislative vote. About this point, Schmitt reiterates that – after the affirmation of the pluralistic democracy over the absolute state – the classical model of sovereignty has been overturned. For Schmitt, this “revolution” originated from Hobbes' *Leviathan* and inaugurated “in the inner liberty of conscience, as it was propagated by the Protestant Reformation and granted also by Hobbes” (Bielefeldt 1996, 390).¹⁰

For Schmitt, the decline of the classical paradigm of absolute sovereignty led to the rise of modern parliamentarism. Although he has widely criticized parliamentarism as the failing of the authentic government, Schmitt concedes that an essential political principle emerged from parliamentarism: the principle of representation. It allows us to distinguish a purely political society from a merely private association. In such a view, parliament is different from any kind of private organization, since it should represent the people “as a whole”; at the same time, parliaments take their authority and legitimacy from a public, free and equal vote, to represent the general will.

The idea of a body politic should be now replaced by the idea of a constitutional rule of law, in which constitution is no longer the product of the sacred and inviolable will of the Leviathan, namely the law which subdues people to the sovereign power; by contrast, constitutions become the product of the deliberation of a constituent assembly, representing the will of people, aimed at delimiting and controlling the sovereign power.

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¹⁰ On this perspective, as Bielefeldt has shown, the Leviathan is reduced to a “merely external body politic demanding absolute external obedience yet lacking all force on its subject's souls. What follows is an ever-increasing erosion of political legitimacy which more and more becomes replaced with an abstract normativism incapable of preserving public authority” (Bielefeldt 1996, 390).

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