

# The Nature of the State of Nature: Hobbes, Sovereignty and Biopolitics\*

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„Just where it has seemed possible to define man as a political being or living being, a living being that is, on the top of that, a ‘political’ being, there too the essence of the political and, in particular of the state and sovereignty has often been represented in the formless form of animal monstrosity.“

Jacques Derrida, *The Beast & the Sovereign*

„It is as if determining the border between human and animal were not just one question among many discussed by philosophers and theologians, scientists and politicians, but rather a fundamental metaphysico-political operation in which alone something like ‘man’ can be decided upon and produced.“

Giorgio Agamben, *The Open – Man and Animal*

What is the relation between power and life and death? How does scholarship on biopower and biopolitics reshape our understanding of the human being and the political? From the vantage point of the interpretations of Thomas Hobbes’ *Leviathan* made by Michel Foucault and Giorgio Agamben, this article tries to answer these questions, and to understand the differences between the model of sovereignty and the new emerging model of biopolitics.

The study of the intersection between power and life and death – the so-called biopolitical question – is a new and innovative area of research within political theory. Biopolitical research has begun to rearrange the basic categories of both politics and human life, offering novel insights on diverse topics from modern warfare (Dillon & Reid, 2009) and humanitarian aid (Fassin, 2011), to the contemporary financial crisis (Cooper, 2010), biomedicine and bioethics (Rose, 2007; Mills, 2011). Besides empirical attempts to understand life and death in relation to power, theoretical efforts have been made to further develop Michel Foucault’s biopolitical theorizations from the 1970’s, diagnosing late modernity as the age of thanatopolitics (Esposito, 2008), necropolitics (Mbembe, 2003) or the camp (Agamben, 1998). But how does biopower differ

from notions of sovereignty? Which novel conceptions of politics and the subject does biopolitics offer?

From the outset, the biopolitical paradigm is developed as a critique of classical sovereignty. One can follow the trajectory of Foucault’s thought – from *Discipline and Punish* (1975) over *History of Sexuality* (1976) and ‘*Society Must be Defended*’ (1976) to *Security, Territory and Population* (1977) – and observe how sovereignty and biopower functions in fundamentally different ways with regard to the object of power, the power techniques and the instruments of power. As the model of sovereign power has been at the core of political thought (at least) from Thomas Hobbes to Max Weber, the articulation of biopower and biopolitics as oppositional to sovereign power suggests new ways of conceiving the political and the human being. The hallmark of the model of sovereignty is Thomas Hobbes’ *Leviathan* (1651), in which the human being as a political subject and political interaction between human beings receive its distinctively modern conceptualization. This conceptualization is acquired by a fundamental theoretical distinction between the state of nature and the state of society, and a corresponding fundamental difference in human nature and human interaction in the two states. Interestingly, the two most important biopolitical thinkers both deliver novel interpretations of Hobbes’ state of nature. Foucault shows in ‘*Society Must be Defended*’ that the state of nature is not

a state of war (Foucault, 1997: 89-111) and substitutes the Hobbesian figure of the savage with the figure of the barbarian, and Giorgio Agamben discusses in *Homo Sacer* (1998) the figure of the werewolf as opposed to Hobbes' *homo homini lupus* (Agamben, 1998: 104-111). This preoccupation with the state of nature and the theorist of sovereignty par excellence suggests that the biopolitical paradigm can be investigated through these interpretations of Hobbes. Precisely because of the theoretical differences between biopolitics and sovereignty, Hobbes and his state of nature offers a privileged vantage point for understanding the biopolitical condition.

By analysing and comparing Foucault's and Agamben's different interpretations of the state of nature, the article aim at discussing the following question: Which novel conceptions of *the political and human nature* are offered by the biopolitical paradigm in contrast to the model of sovereignty?

First, I will situate the article within the literature, comparing the argument to Andrew Neal (2004), George Pavlich (2009) and Katia Genel (2006), who in different ways have sought to illuminate the question of biopolitics through Foucault and Agamben's reinterpretation of Hobbes. Secondly, I will provide the interpretation of Hobbes' state of nature, which Foucault and Agamben writes against and discuss its achievements as a theoretical intervention. Thirdly, in the main part of the article, I will compare the interpretations of the state of nature made by Foucault and Agamben, and lastly I will discuss the broader implications of the biopolitical interpretations of Hobbes.

### Hobbes' State of Nature and the Anthropological Machine

This article is not the first attempt to understand biopolitics through Foucault's and Agamben's interpretations of Hobbes, and I share to a certain extent the same aspiration as earlier attempts. Katia Genel, for example, characterizes the reinterpretation of Hobbes as a „perpetual definition or redefinition of the human“, and she identify the question of biopolitics with a „particular junction between two terms, power and life, which requires that both be redefined“ (Genel, 2006: 44). Andrew Neal, who emphasize Foucault's newly translated lectures 'Society Must Be Defended'<sup>1</sup>, also focuses on political power beyond the Hobbesian model (Neal, 2004: 375), but concentrates more on the exception in Schmitt, Benjamin and Agamben. In contrast to these interpretations of biopolitics this article is concerned with a much deeper textual analysis of *Leviathan* in order to understand the detailed mechanics of biopolitics in relation to sovereignty and political subjectivity. Thus, my approach is closer to George Pav-

lich, and as such I agree with his statement that the „engagement with the *Leviathan* implies subtle ways in which Hobbes continues, after several centuries, to provide the founding backdrop to the respective attempts to think power beyond sovereignty“ (Pavlich, 2009: 23). But in contrast to Pavlich, my engagement with *Leviathan* centers on one specific element of the Hobbesian theory of sovereignty, namely the state of nature. This is due to the fact that both Foucault and Agamben discusses the concept at quite some length, but foremost because of the theoretical role, which the state of nature plays in Hobbes' construction of sovereign power and political subjectivity. Therefore, I now turn to the Hobbesian state of nature.

As the opening quote of the article by Derrida suggests, sovereignty has often been portrayed as animalistic or monstrous. This fact may come as a surprise since politics from Aristotle to Hannah Arendt has been conceptualized as a capacity and a form of interaction restricted solely to human beings. It is my fundamental claim in this section of the article that politics as an activity restricted to human beings and the politics of the state is exactly the theoretical achievement of *Leviathan*.

In order to justify this claim, I will provide an interpretation of *Leviathan* made by Sheldon Wolin and Noberto Bobbio, and mainly focus on the radical differences in human nature and human interaction, which occur as the state of nature is replaced by the state of society and sovereign power emerges. As Derrida suggests „... questions of the animal and the political, of man and beast in the context of the state, the polis, the city, the republic, the social body, the law in general“ cannot be preceded „without recognizing some privileges to the figure of the 'Wolf'“. (Derrida, 2009: 9). Thus we will begin with Hobbes' famous expression *homo homini lupus*. The condition of man as a wolf to man and the all-encompassing war in the state of nature rises due to equality in strength and the competition for scarce resources, and thus the state of nature is without any form of civilization or cultural productions: „... there is no place for industry, because the fruit thereof is uncertain, and consequently, no culture of the earth, no navigation, nor use of the commodities that may be imported by sea, ..., no knowledge of the face of the earth, no account of time, no arts, no letters, no society“ (Hobbes, 1994: 76). Furthermore, the notions of justice or a common good do not exist, and instead the human beings, in constant fear of each other, preserve their uncertain lives as aggressive wolves of the forest. This completely changes when the covenant is reached and sovereign power is established. A common sense of justice now prevails, a system of private property and rule of law is constructed<sup>2</sup> (Hobbes, 1994: 114), a private sphere with negative freedom is set up (Hobbes, 1994: 143) and finally – and most importantly

– the human being becomes a political subjects with both obligations and rights towards the sovereign (Hobbes, 1994: 144).

This transition from the state of nature to society has important implications for the later discussion on biopolitics, insofar as a radical change in human subjectivity and human interaction occurs. For Wolin, the transition from one state to another is designed to overcome the „mere nature“ of human life in the state of nature (Wolin, 1970: 25); to escape the „biological absurdity“ of the natural state in order to obtain „the highest level of human achievement, life in civilized society“ (Wolin, 2004: 235, 237).

Thus, the construction of sovereign power transforms the human being from his animal-like condition into a political subject with rights and duties, freedoms and obligations<sup>3</sup>. Furthermore, the construction of sovereign power ends the permanent war and gives rise to a society almost similar to a liberal market economy with „... the liberty to buy, and sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life“ (Hobbes, 1994:138), and additionally it provides the division between the private and the public sphere: „In cases where the sovereign has prescribed no rule, there the subject hath the liberty to do or forbear, according to his own discretion“ (Hobbes, 1994: 143).

In sum, the social contract and the established sovereign power creates the individualistic political subject and the politics of the state<sup>4</sup>. Again, this interpretation is in line with that of Wolin, who describes „the enormous difference between the chaotic state of nature and civil society“ as a difference between ‘mere nature’ and the „busy and industrious men“ of the civil state (Wolin, 1970: 24). Noberto Bobbio has made a similar interpretation of *Leviathan* as he like Wolin – and in agreement with this article’s argument – also concentrates on the radical difference between the two states, and understands Hobbes’ binary schema as „a dichotomy, which is extremely clear and simple“ (Bobbio, 1993: 197). The simplicity and clearness of the Hobbesian models lies in man’s transcendence of his flawed animal life and attainment of a qualified, political life: „For Hobbes, the state is one of these machines produced by human beings in order to compensate for the shortcomings of nature, and to replace the deficient products of nature with a product of human ingenuity“ (Bobbio, 1993: 36).

As extremely important for the biopolitical reinterpretation of Hobbes, these two co-existing moves – the transformation of human nature and human interaction – simultaneously produces the binary oppositions, which the model of sovereignty rest upon: nature versus society, public versus private, war versus peace, right versus law, obligation versus protection, sovereign versus subject and man versus animal.

As the other opening quote by Agamben suggests, the distinction between man and animal is the *fundamental metaphysico-political operation*, which produces man. Agamben proposes that the production of man happens through what he calls *the anthropological machine*<sup>5</sup>, a machine where „... man is the animal that must recognize itself as human to be human“ (Agamben, 2004: 26). Even though man „... sees his own image (as) always already deformed in the features of an ape ... (he) must recognize himself in a non-human in order to be human“ (Agamben, 2004: 27). Thus, Hobbes performs the theoretical operation of letting the social contract work as an Agambenian anthropological machine, which not only produces man in contrast to the animal, but produces a specific version of man: the individual with rights and duties towards the sovereign.

Derrida supports this reading, when he points to the fact that „... the contract at the origin of sovereignty excludes God just as much ... as it excludes the beast“ (Derrida, 2009: 469<sup>6</sup>). As both beasts and Gods are outside the contract, as the sovereign law neither applies to any of them, a distinct space for human beings as political subjects and human interaction as state politics is constructed. Or with the Aristotelian distinction between *zoé* and *bios*: the state of society and the sovereign law, while applying only to man and not to beasts and Gods, are the theoretical operation, which transforms *zoé*<sup>7</sup> into *bios*, and thus makes politics possible.

Thus, the main achievement of Hobbes’ operation is the construction of an unambiguously and well-defined realm, where man as a political subject interacts with other political subjects through exchange relations and the rule of law. It is exactly this unambiguously and well-defined realm and conception of man, which Foucault and Agamben discusses and criticizes.

### The Savage and the Barbarian: Foucault’s Interpretation of the State of Nature

Foucault only discusses Hobbes’ state of nature in depth one time in his entire oeuvre. This is done in his lectures at College de France in 1975-1976, ‘*Society Must be Defended*’. Foucault explicitly understands his own endeavour as an attempt „to abandon the model of *Leviathan* ... to study power outside the model of *Leviathan*“ (Foucault, 2003: 34). Tellingly, in order go beyond sovereignty, in order to understand political power *after* sovereignty, Foucault analyzes the Hobbesian state of nature. His interpretation is quite different from the one provided above, because Foucault states that there never really was a war in the state of nature, and thus that complete sovereignty is not reached in the state of society: „There are no battles in Hobbes’ primitive war, there is no blood and

there are no corpses ... We are in a theatre where presentations are exchanged, in a relationship of fear in which there are no limits; we are not really involved in war" (Foucault, 2003: 92). Thus the state of nature is characterised by a 'cold war' where the participants acts as if they are preparing for war, even though war never comes. This mode of interaction will not be abandoned, when sovereign power is instituted – Foucault gives the example from *Leviathan* where people, even in the state of society, are locking their doors and protecting their homes – precisely because it is not complete sovereignty, which is established (Foucault, 2003: 95). Therefore, there are no qualitative difference between the state of nature and the state of society, as the same logics govern the two states: „It doesn't matter whether you fought or did not fight, whether you been beaten or not; in any case, the mechanism that applies to you who have been defeated is the same mechanism that we find in the state of nature, and in the constitution of the state" (Foucault, 2003: 97). This interpretation of the state of nature focuses on one of the important theoretical implications of *Leviathan*, namely the transformation in human interaction from the war of all against all to the politics of the sovereign state.

The other important theoretical transformation, which was discussed in relation to Hobbes, is the transformation of human nature and the construction of the political subject. Foucault does not discuss the transformation of human nature when he reinterprets the state of nature, but later in the lectures he criticizes the discourse of Hobbesian sovereignty „... with its contracts, its savages, its men of the prairies and the forests, its state of nature and its war of every man against every man" (Foucault, 2003: 215). Instead of Hobbes' savage man, Foucault suggests the figure of the barbarian. The fundamental theoretical achievement for Hobbes, when transforming the savage man into the political subject, was the simultaneously construction of a system of rights and capitalist exchange. This analysis is very similar to Foucault's description of the role of the savage in the discourse of sovereignty: „... the savage is essentially a man who exchanges ... he exchange rights and he exchanges goods. Insofar as he exchanges rights, he founds society and sovereignty. Insofar as he exchanges goods, he constitutes a social body which is, at the same time, an economic body" (Foucault, 2003: 194). Therefore, the savage man is the necessary theoretical construction for establishing the political subject with rights and economic activities, and as the savage enter into social relations, „he ceases to be savage" (Foucault, 2003: 195) and is radically transformed. Foucault's barbarian is the complete opposite: He is a figure of history; he does not exist in nature, but always in relation to civilization and society, which he is excluded from. The barbarian „... does

not make his entrance into history by founding society, but by penetrating a civilization, setting it ablaze and destroying it" (Foucault, 2003: 195). This means that no transformation happens to the barbarian when he encounters society and the sovereign; the barbarian does not exchange his natural right to everything with civil rights and the right to property. In short, the barbarian does not loose his freedom when he encounters sovereign power: „... in his relationship with power, the barbarian, unlike the savage, never surrenders his freedom" (Foucault, 2003: 196). In the barbarian's relation to sovereign power, he does not transfer his natural freedom and natural rights to the sovereign in order to achieve protection and limited rights, but rather he is in a relation of freedom and ambiguity.

The most significant difference in Foucault's interpretation of Hobbes is that neither of the two transformations – the transformation of human nature and human interaction – takes place. Thus, the well-defined and unambiguous space for man and politics, which Hobbes created, is called into question. Foucault does not examine the relationship between man and animal, as Derrida and Agamben does, but instead he describes the intermediate figure of the barbarian. As I see it, Foucault's analysis of the state of nature and the barbarian is his first attempt to theorise *governmentality*, which otherwise first appears in the 1977-78 lectures. In these lectures governmentality is theorised as the exercise of power over a population at the level of biology, of the human being as a species and finally – just like the barbarian – power is exercised over free individuals, power is the conduct of conduct (Foucault, 2007). In the model of sovereignty the subject could be fully controlled and determined by the sovereign, take for example the picturesque opening scene of *Discipline and Punish* (Foucault, 1995: 3-7), but the barbarian cannot be controlled, or he will not obey because of the treat of death. Thus, the attempt to govern the human being – not in the figure of the obedient savage/subject, but the barbarian – is what establishes the new biopower: „... the ancient right to take life or let die (the sovereign power over the savage/subject) was replaced by the power to foster life or disallow to the point of death (the attempt to control the barbarian/the free subject) (Foucault, 1990: 138).

In this way, Foucault's different interpretation of Hobbes' state of nature and his substitution of the savage for the barbarian is linked to his general genealogy of power from sovereignty to biopolitics.

### **The Werewolf: Agamben's Interpretation of the State of Nature**

In the beginning of *Homo Sacer* Agamben let us know that the biopolitical paradigm, which Foucault describes

as a distinctive feature of modernity, is in fact as old as sovereignty itself, because sovereignty has always been exercised over life (Agamben, 1998: 6). Therefore it is „*necessary to reconsider the sense of the Aristotelian definition of the polis as the opposition between life (zén) and good life (eu zén)*“ (Agamben, 1998: 7). Even though Hobbes differ from Aristotle in terms of the nature of scientific explanations, the Aristotelian polis and the Hobbesian commonwealth, as we have seen, both functions as anthropological machines, which produce the binaries between man and animal, nature and society. Thus, Agamben's objective in *Homo Sacer* is as much a reconsideration of Hobbes as of Aristotle, and the reinterpretation is obviously important for Agamben, as it is only in the intersection between sovereignty and bare life that „... *the Hobbesian mythologeme of the state of nature acquire its true sense*“ (Agamben, 1998: 105).

Whereas Foucault's interpretation of the state of nature to some extent made the transformation of human nature and human interaction, which sovereignty rest upon, impossible; Agamben's interpretation is even more radical. As the power of the sovereign in Agamben's understanding is based on the generalisation of the Schmittian exception, there is no real difference between a state of nature, a state of society and a state of exception. Thus, according to Agamben, the state of nature survives in society, precisely because the sovereign still has the natural right to punish and to exercise violence with impunity (Agamben, 1998: 35). This indeterminacy between nature and society, between forest and city, means that instead of the transition from wolf to political subject, man is to be understood as a werewolf, as „*a monstrous hybrid of human and animal – the werewolf – is, therefore, in its origin the figure of man who has been banned from the city ... the werewolf, who is precisely neither man nor beast, and who dwells paradoxically within both while belonging to neither*“ (Agamben, 1998: 105). Exactly because the sovereign in *Leviathan* still has the ultimate right to exercise violence, exactly because he can kill his subjects with impunity, the werewolf is another expression of homo sacer. As the werewolf is neither a beast, and therefore not completely outside the law, nor a human being, and therefore protected by the law „... *the Hobbesian state of nature is the exception ... in which everyone is thus the wargus*“ (Agamben, 1998: 106).

This has profound consequences for the two transformations (of human nature and human interaction), which trajectory have been followed throughout the article. In his analysis of Hobbes, Agamben's attack on sovereign power is devastating as we must „*reread from the beginning the myth of the foundation of the modern city from Hobbes to Rousseau*“ (Agamben, 1998: 109), and the

result according to Agamben is that „*All representations of the originary political act as a contract or a convention marking the passage from nature to the State in a discrete and definite way must be wholly left behind*“ (Agamben, 1998: 109). It is obvious that the main achievement of *Leviathan* – the definitive passage from nature to society and its entire vocabulary of social contracts, citizens' rights and free will – must be abandoned in Agamben's figure of the werewolf, because of the sovereign's right to kill with impunity. Therefore the relation between the subject and the sovereign is not a voluntary contractual relationship; society is not reached by a covenant made by rational individuals, but instead the relationship is characterised by the ban, by the abandonment of the law. Hereby Agamben has achieved the complete deconstruction of Aristotle's polis and Hobbes' commonwealth; he has generalised the exception and replaced the binaries of the sovereign model with a zone of total inseparability: „*The foundation is thus not an event achieved once and for all but is continually operative in the civil state in form of the sovereign decision*“, and thus achieved is „*the bare life of the homo sacer and the wargus, a zone of indistinction and continuous transition between man and beast, nature and culture*“ (Agamben, 1998: 109).

### The Biopolitics Against and Beyond the Model of Sovereignty

I began the article by asking which distinctively biopolitical conceptions of the human being and the political that emerged from Foucault's and Agamben's engagement with Hobbes – or in short, how can the human being and politics be understood *beyond* sovereignty. This investigation has led to two different modes of conceptualising man and power: on one the hand a model, which can be called the *transitional model of sovereignty*, and on the other hand the *non-transitional model of biopolitics*. In the following, I will discuss these two models as they illuminate the question of the biopolitical conception of man and politics.

As argued, the theoretical intervention of *Leviathan* is the transition from nature to society, and the result is the construction of the binary oppositions, which the model of sovereignty rests upon. The most important achievement is the individualistic political subject with rights and duties, freedoms and obligations and the simultaneously construction of a public sphere governed by a system of positive laws, and a private sphere with the negative freedom for the individual. Thus the transition from nature to society happens once and for all, and it definitively changes human nature and human interaction.

I will argue that the transitional model is applied very clearly by Hobbes, and then repeated throughout the canon of political theory. If we, as Agamben urge us to do, reread the foundation of the modern city from Hobbes to Rousseau, it is obvious that the transitional model is literally at work in both Locke's *Two Treatises of Government* (1689) and Rousseau's *Discourse on the Origin of Inequality* (1754) and *The Social Contract* (1762), but if we furthermore look at contemporary political thinkers, we can identify the transitional model as well. In John Rawls' reinvention of political liberalism in *Theory of Justice* (1971), the outcome of the rational discourse behind the veil of ignorance, is believed to profoundly change the individuals' conception of justice and redistribution, as a transformation has taken place from individual self-interest to the recognition of shared principles of justice<sup>8</sup>.

Thus, I think it is clear how Leo Strauss could entitle Hobbes as the founder of modern political philosophy, namely because he – in a very remarkable and powerful way – is the founder of the transitional model and the originator of the foundational distinctions of the sovereign model: subject/sovereign, man/animal, rights/violence, freedom/obedience and so on.

In stark opposition to the transitional model we have the *non-transitional model of biopolitics*. It has been the aim of the article to show as literally as possible, through the engagement with very specific textual passage in the work of Foucault and Agamben, how a non-transitional model functions. In short, the non-transitional model tries to stop the autonomous working of the anthropological machine. Or with Agamben's words: „*The concepts of sovereignty and constituent power, which are at the core of our tradition, have to be abandoned or, at least, to be thought all over again. They mark, in fact, the point of indifference between right and violence, nature and logos, proper and improper*“ (Agamben, 2000: 111). What the non-transitional model has to offer, and what I have exemplified with the interpretations of Hobbes by Foucault and Agamben, is that no transition or a repeated failure of transition takes place, and therefore man and animal, nature and society inhabits a zone of indeterminacy. Just as the transitional model is visible in the trajectory of political thought, I will argue that what many so-called radical (political) thinkers have in common is exactly the adherence to the non-transitional model. When – for example – Jacques Lacan describes the continuing failure of the signifier to signify the Real, when Ernesto Laclau & Chantal Mouffe describes the over-determination of the symbolic field as the precondition for discursive struggles, or when Gilles Deleuze discusses the repetitive process of Becoming Animal, what they are aiming at is precisely the lack of successful transition from animal to political

subject, or the lack of constructing a stable subject, once and for all. In other words: They are applying a non-transitional model rather than a transitional one.

This leads to the last question of the article. If the political subject and the politics of the state was the achievement of Hobbes and the transitional model, what conception of man and politics does biopolitics and the non-transitional model offer us? What is beyond sovereignty? This is obviously the question Foucault and Agamben grapples with, when they in different ways articulate the need for leaving aside the vocabulary of the sovereign model, and it is just as clear that this vocabulary is impotent when facing new political and ethical concerns and concepts such as organ harvesting, cloning, eugenics, bio-citizenship, somatic selves and euthanasia. What is – for example – the status of individual rights when the individual and life is being redefined? How does capitalist exchange of organs and other organic material challenge individualism and tolerance? How does new techniques of surveillance and confinement challenge the open liberal society? In short, what is the result of the reconfiguration of the individual in biopolitics? What are the characteristics of politics and power in biopolitics? This is a question too vast to answer definitively, but in the light of the juxtaposition of the transitional and the non-transitional model, I dare a preliminary answer. The human being of biopolitics is a being that have lost the sacredness of personhood, rights and individuality. It is a being, which is either a part of a population, thus only seen in relation to averages and means, to flows and security and not its own individuality (Foucault), or it is a hybrid between man and animal, imbuing bare life and constantly in fear of the power of the sovereign (Agamben). The living being of the non-transitional model, in short, is a being, which is in the process of becoming human, but never completely succeeds in this transformation. Agamben suggests that „... *the relations between animals and man will take on a new form, and that man himself will be reconciled with his animal nature*“ (Agamben, 2004: 3). Agamben is certainly right that the relations have taken a new form, and thus the concept of the political and the activity of politics have changed. But it is not obvious that biopolitics is a reconciliation with our animal nature. Rather as Foucault and Agamben himself shows differently, power now aims directly at a biological component, at the *zoé* of the human being. Power operates through a calculation of biological, organic and molecular parameters, completely ignoring the formal rights of the juridical person. As the subject have been abandoned in favour of biological and molecular processes within the human, so has sovereign power with its hierarchical relations and individual rights been com-

plemented and to some extent replaced by a much more all-encompassing biopower, which leaves no aspect of human life unaffected. It is telling that the diagnoses of the contemporary age given by the biopolitical scholarship are extremely pessimistic equating modernity with the concentration camp as Agamben does in *Homo Sacer*, or reversing Foucault's politics of life into a politics of death as for example Roberto Esposito and Achille Mbembe does. Future research would benefit from a more positive and constructive understanding of the new conditions, which face individuals and political life in the age biopolitics focusing more on resistance and biopolitical self-creation.

### Conclusion

The trail of investigation pursued in this article have been complicated, because it for obvious reasons is problematic to discuss an entire academic field in the light of two interpretations of Hobbes' *Leviathan*. Nonetheless, the investigation have illuminated (a part of) the basic structure of the biopolitical paradigm, and (a part of) the basic structure of the sovereign model. After all, it is not surprising that Foucault and Agamben turn to Hobbes and *Leviathan*, when they develop their theories of biopower, biopolitics and sovereignty. For with Hobbes – as also Wolin and Bobbio make clear – the transition from nature to society, from animal to man is delivered in the most clear-cut version imaginable, and the political subject, the politics of the state and the entire language of sovereignty with all its binary oppositions are established.

It is exactly the transition, which Foucault and Agamben in their interpretations of Hobbes criticize and deconstruct. The critique and the failure of transition have been showed in detailed, textual analysis, and the article demonstrates how the lack of transition and transformation in human nature and human interaction challenge the language of classical sovereignty and pose questions about its applicability to empirical questions of politics in relation to life and death. Without the firm ground of the sovereign model, politics and human nature must be rethought and re-theorised, and it is exactly this rethinking of the human and our interactions, which the biopolitical paradigm is an attempt to. The last biopolitical attempt to rethink the most foundational concepts of political thought is certainly not given, but the hugely increasing theoretical and empirical research in biopolitical problems of life and death in relation to power, shows with great conviction that the sovereign understanding of power and individuality from Hobbes and on have to be replaced – or at least complemented – by novel understandings, which also encompasses our status as

biological entities and the ways which biopower ignores the formal, juridical person and seeks to affect, control and dominate on the level biological life.

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## Notes

- \* I would like to thank Banu Bargu and James Miller for valuable comments, as well as the two anonymous reviewers from Tidsskriftet Politik for their engagement with the article.
1. *'Society Must Be Defended'* is a lecture course held at Collège de France in 1975-1976, and translated to English in 2003. Neal's article is from 2004.
  2. The subjects, of course, have no positive rights against the sovereign, not even a Lockean appeal to heaven – they have only the natural right of self-preservation – but a system of laws governs the interactions between the subjects (Hobbes, 1994: 114).
  3. Again, these rights and duties, freedoms and obligations should not be understood as applying to the sovereign, who by contract is outside the law. Instead the rights and duties should be understood as an ordered, legal space in the state of society contra the total absence of positive rights and justice in the state of nature.
  4. Even though Hobbes has been depicted as the theorist of absolutism, and even though he favoured absolutism in the actual, English politics of his day, Hobbes theory concerns the structural position of sovereignty and not absolutism. Thus the sovereign can theoretically be both an absolute king, an aristocratic body or a popular government.
  5. By the use of the concept 'anthropology' Agamben is obviously not referring to academic discipline, but rather to philosophical anthropology, i.e. the understanding of human nature.
  6. Derrida is referring to chapter 14 of *Leviathan*, page 85.
  7. Agamben, in *Homo Sacer* and with reference to Aristotle, precisely attributes *zoé* to animals, men and Gods, but only *bios* to political, human life (Agamben, 1998: 1). *Zoé*, in other words, is what disappears when the social contract as an anthropological machine creates *bios*.
  8. The claim here is not that social contract theories always subscribe to the transitional model, as this would be too simplistic. In Benedict de Spinoza's contract theory in *Theological Political Treatise* (1677), for example, no transition takes place, as reason is the sole guidance in both nature and society. Furthermore, theorists without a contract element can also be grouped in accordance to the transition in human nature and the emergence politics. David Hume understands, for example, in *Treatise on Human Nature* (1739) self-interest and passions to be the universal driving force in human nature, whereas Montesquieu in *The Spirit of the Laws* (1748) understands the variations in human nature and political experience as a complex interplay between spirit, principle of government and natural circumstances.