

Original Paper

Hobbes Overrated, Spinoza Underrated

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Abstract

In political thought, Hobbes and Spinoza form an interesting and fascinating couple. They lived parallel lives and wrote much on similar topics: humans, contracts, the state and religion. Whereas Hobbes is considered one of the absolute top political philosophers, Spinoza has only been recognized as a great philosopher, due to his Ethics. But on close examination, I dare say that Spinoza outperforms Hobbes also on political theory and religion. The aim of this paper is to call for a re-evaluation of Spinoza's political and religious philosophy.

Keywords

Hobbes, Spinoza, state of nature, commonwealth a dominion, natural law against scientific law-like generalisations

1. Introduction

Thomas Hobbes (1588-1679) and Baruch Spinoza (1632-1687) lived parallel lives. They were both generally interested in the new science of the 17th century, but they devoted much effort to political philosophy, including religion. They shared several ideas, like naturalism, determinism and open or tacit secularism, rejecting the medieval synthesis of Aristotelianism, stoicism and Catholicism or Universal Christianity. Their main political texts display several stunning similarities, like the analysis of human egoism, brutal or self-enlightened. However, there are a few main differences, where I will argue that Spinoza got it right. Hobbes is generally regarded as the “greatest” of English political theorists, but I dare suggest that Spinoza outperforms him.

Today we have a few excellent biographies of both Hobbes' (Tuck, 2002; Skinner, 1996, 2008, 2009; Hoeffe, 2016) and Spinoza's life and intellectual development (Nadler, 1999; Scruton 2002; Popkin, 2004). Here, I will point out the key differences between Hobbes and Spinoza by means of quotations from the following texts by first Hobbes' book and then two texts by Spinoza:

- Hobbes: *Leviathan, or the Matter, Form, and Power of a Commonwealth, Ecclesiastical and Civil* (1651)
- Spinoza: *A Theologico-Political Treatise [Tractatus Theologico-Politicus]* (1670)
- Spinoza: *A Political Treatise [Tractatus Politicus]*, published after his death.

One method to structure the history of political thought is to isolate a universal theme and follow up on how it has been theorised over the centuries by various scholars. This approach makes sense out of many similarities and differences among the great political philosophers. The basic assumptions about humans in politics constitute one such theme: on the one hand men and women as entrusted with natural law rights and duties, as against humans as driven by natural needs and egoistic power on the other hand. Hobbes and Spinoza belong to the latter tradition, or theme.

2. The State of Nature: *Ex Ante* Government

In the current extensive literature on the political theory of the 16th 17th and 18th centuries, one finds several neat and fruitful distinctions (Skinner, 1979; Tuck, 1993; Plamenatz, 2012). For my aim, the distinction between two concepts of Nature is critical in order to elucidate the political theory of Hobbes and Spinoza.

Several of the classics speak about “Nature,” but they refer to one of two different entities: a) the physical environment or Universe, and b) humanity, or the human species. The classics from Lipsius to Kant debate the laws of “Nature,” but the same distinction reappears with a vengeance, namely:

= Nature’s regularities, or law-like generalizations – the mechanistic conception with e.g. Helvetius and Holbach;

= Norms: The fundamental legislation for human beings, as revealed by reason, divine revelation or human contract–Grotius’ conception.

Not distinguishing between moral and scientific laws is conducive to misunderstanding.

The idea of law-like regularities in the Universe, including living organisms and thus implicitly humans, emerges in the Renaissance period, alongside the birth of the modern sciences. Its apex is Newton’s *Principia*, which contains many natural laws in mathematical form. Similar developments are to be found in other domains, like optics, medicine and, later on, in chemistry. I call this conception of a natural law “mechanistic” (or “Newtonian”). Applied to human beings, it is to be found with Hobbes and Spinoza as well as Mandeville, Helvetius and Holbach and in *The Federalist Papers*. The emphasis here is upon the IS.

According to the *Legal Information Institute* at Cornell University, I quote:

“Natural law: 1) The physical laws of nature. 2) A philosophical theory claiming to derive moral and legal principles from a set of universal truths about people and justice.”

This is exactly the opposition I will try to retrieve from the political philosophy of the 16th, 17th and 18th centuries. I start with the approach that looks at natural law as a set of moral norms.

(A) The idea that Nature harbours moral or legal norms that universally bind human beings in all

civilisations dates back to Stoicism, but it was reinvigorated during the Renaissance with Suarez and Grotius. Here, what is underlined is the *OUGHT*.

The locus classic for the *OUGHT* interpretation of “Nature” is the introduction of Grotius’ magnum opus, *On Law in War and Peace* (1623). Based on a vast enquiry into the Old Testament, the New Testament and Greek-Roman philosophy with almost endless quotes, Grotius arrived at pinning down the essence of Stoicist natural law thinking, namely about (i) the Sociability of humans; (ii) not harming others or taking their belongings; (iii) how to compensate for damages inflicted upon others; (iv) “pacta sunt servanda.”

Grotius finds these 4 principles to be valid for individuals in domestic affairs and states in international affairs, because they constitute *Right Reason*. The philosophy of the “Right Reason” is to be found in the work of several political theorists over these three centuries in one version or another, with Lipsius, Locke, Rousseau and Paine (Finnis, 2011). The debate over natural law in meaning A) continues with Dworkin (1998) as its strongest adherent today. His chief critique (including Hobbes) R. A. Posner (1992) today argues that natural law according to (A) is merely a set of moral prescriptions, and not LAW at all.

(B) “Laws” in the sense of scientific law, or law-like regularities in Nature refers to the *IS* (existence), or the discovery of the laws of the Universe and the living organisms, with e.g. Newton and Darwin. The Renaissance period initiated the search for these natural regularities, bypassing Aristotelian teleology. A number of prominent political thinkers adopted B) and tried to formulate scientific laws politics without moral connotations, stemming from A), emphasizing not rights and altruism, but brutal power and self-enlightened egoism.

2.1 Hobbes

Hobbes’s enormous fame in Anglo-Saxon political thought rests to a large extent on his model of a society without government. It is written with an elegance not repeated in the section on Commonwealth or Religion in his *Leviathan*. Some of his lines have been quoted time and again in his picture of the state of nature. Thus, we have:

(Q1)

“Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition 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 commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.” (Hobbes, L: Chap 11)

Hobbes’ model of anarchy and anomie may have shocked his contemporaries, despite the horrors of the English civil war, but his frankness and lack of hypocrisy about humans came in fact from a critique of

Stoicism and Grotius 4 principles of natural law. Actually, Hobbes regards natural law as the essence of justice, which is often bypassed when Hobbes is said to be the father of legal positivism, i.e. law as command by the sovereign. We read:

(Q2)

“For the laws of nature, as justice, equity, modesty, mercy, and, in sum, doing to others as we would be done to, of themselves, without the terror of some power to cause them to be observed, are contrary to our natural passions that carry us to partiality, pride, revenge, and the like. And covenants, without the sword, are but words and of no strength to secure a man at all. Therefore, notwithstanding the laws of nature (which every one hath then kept, when he has the will to keep them, when he can do it safely), if there be no power erected, or not great enough for our security, every man will and may lawfully rely on his own strength and art for caution against all other men.” (Hobbes, L: Chap 17)

Again we quote a most famous passage from Leviathan. But it has been misunderstood. It does not entail a full scale rejection of natural law or Stoicism, because Hobbes still regards the norms of natural law to be valid, although not enforceable. When he mentions self-preservation as the first natural obligation, he does not endorse naturalism. In reality, Hobbes looks upon all natural laws as valid in the state of nature, yet unenforceable: a) “first law of nature”: “to seek peace and follow it”; “second law of nature”: “that a man be willing, when others are so too, as far forth as for peace and defence of himself he shall think it necessary” (Hobbes, L: Chap 14). This is mutual self-preservation, guiding the state of nature; “third law of nature”: “that men perform their covenants made”—i.e. *pacta sunt servanda* with Grotius; “fourth law of nature”: “a man which receiveth benefit from another of mere grace endeavour that he which giveth it have no reasonable cause to repent him of his good will”; “fifth law of nature”: “every man strive to accommodate himself to the rest”; “sixth law of nature”: “a man ought to pardon the offences past of them that, repenting, desire it”; “seventh law of nature”: “that in revenges (that is, retribution of evil for evil), men look not at the greatness of the evil past, but the greatness of the good to follow”; Hobbes continues his Chap 15 with mentioning other laws of nature: “at the entrance into conditions of peace, no man require to reserve to himself any right which he is not content should he reserved to every one of the rest”; “if a man he trusted to judge between man and man, it is a precept of the law of nature that he deal equally between them”; “But some things there be that can neither be divided nor enjoyed in common. Then, the law of nature which prescribeth equity requireth: that the entire right, or else (making the use alternate) the first possession, be determined by lot. For equal distribution is of the law of nature; and other means of equal distribution cannot be imagined.”

One observes from these quotations that Hobbes is still stuck with the idea of mankind’s laws of nature.

2.2 Spinoza

To Spinoza on the contrary, society is a condition of “natural rights”, meaning power or lack of power.

(Q3)

“And so by natural right I understand the very laws or rules of nature, in accordance with which everything takes place, in other words, the power of nature itself. And so the natural right of universal

nature, and consequently of every individual thing, extends as far as its power: and accordingly, whatever any man does after the laws of his nature, he does by the highest natural right, and he has as much right over nature as he has power.” (Spinoza, TP: Chap 2: 4)

People are bound by nothing in society, as any notion of “Pacta sunt servanda” is merely foolish:

(Q4)

“The pledging of faith to any man, where one has but verbally promised to do this or that, which one might rightfully leave undone, or *vice versa*, remains valid so long as the will of him that gave his word remains unchanged. For he that has authority to break faith has, in fact, bated nothing of his own right, but only made a present of words. If, then, he, being by natural right judge in his own case, comes to the conclusion, rightly or wrongly (for “to err is human”), that more harm than profit will come of his promise, by the judgement of his own mind he decides that the promise should be broken, and by natural right (Sec. 9) he will break the same.” (SPINOZA, TP: CHAP 2: 12).

In *Tractatus Politicus*, Spinoza sticks to his naturalism and determinism from *Ethics*, spelling out their implication for politics (Nadler, 2016). There is no covenant, and no choice of a regime, as all unfolds from the determinism of nature, or “God” as Spinoza says. Spinoza is not a contractarian philosopher. The state is not based upon any contractual choice but upon natural necessity. Just as an individual is driven by the ambition to survive—principle of conatus, so groups of individuals do the same also when they constitute a dominion, or commonwealth. Just like human beings, they augment survival capacity by employing reason, informing the political authority to promote general well-being, or face competition from another commonwealth.

Social interaction among people in the state of nature, i.e. before government, is entirely based upon power. Some people join in groups for egoistic reasons, which Spinoza calls “dominion”. One of these establishes itself as a commonwealth, i.e. a government or state. Thus, Spinoza solves the problem of social order, or how to escape Hobbesian anarchy, by calling in government. But there is no contract, because “dominion” or government form are also part of nature and necessity.

According to naturalism, the competition among dominions or groups (*ethnies*, clans) leads to one commonwealth or the state, which decides over its people because it has the power to do so and it takes the general interests into account, because it has reason to fear that it may face resistance otherwise. Thus, government as part of nature has authority or power and it is reasonable to promote general interests in order to avoid uproar and possibly anarchy. This follows logically from enlightened egoism, i.e. naturalism.

Thus, the emergence of the state or government belongs to a naturalist evolution, where the combat between several dominions or groups and tribes—*ethnies*, clans—finally result in one single dominion, the commonwealth that is most powerful. Consider here the political history of England or Great Britain with its succession of invasions by various peoples.

On the contrary, Hobbes can only explain the emergence of the state, Commonwealth as he calls it, by

the contract mechanism—like *Deus ex Machina*.

3. Commonwealth: Ex Post State of Nature

It is acknowledged by scholars who emphasize Hobbes great role in political philosophy that he favoured monarchy ahead of democracy. But he could conceive that the Commonwealth's powers were exercised by an assembly, elected like Parliament. Was he, then, advocating a constitutional monarchy? No. The list of competences of the Commonwealth is long indeed. And the Commonwealth or monarch is not bound by any of the laws of nature that Hobbes laid down (Chap 18).

1) Fidelity: “they that are subjects to a monarch cannot without his leave cast off monarchy and return to the confusion of a disunited multitude”

2) Unchangeable: “there can happen no breach of covenant on the part of the sovereign; and consequently none of his subjects, by any pretence of forfeiture, can be freed from his subjection.”

3) No opposition: “because the major part hath by consenting voices declared a sovereign, he that dissented must now consent with the rest; that is, be contented to avow all the actions he shall do, or else justly be destroyed by the rest.”

4) Justifiable: “it follows that whatsoever he doth, can be no injury to any of his subjects; nor ought he to be by any of them accused of injustice.”

5) Impunity: “no man that hath sovereign power can justly be put to death, or otherwise in any manner by his subjects punished.”

6) Arbiter: “it is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing to peace;”

7) Control: “is annexed to the sovereignty the whole power of prescribing the rules whereby every man may know what goods he may enjoy, and what actions he may do, without being molested by any of his fellow subjects: and this is it men call propriety.”

8) Judge: “is annexed to the sovereignty the right of judicature; that is to say, of hearing and deciding all controversies which may arise concerning law, either civil or natural, or concerning fact.”

9) War: “is annexed to the sovereignty the right of making war and peace with other nations and Commonwealths;”

10) Collaborators: “is annexed to the sovereignty the choosing of all counsellors, ministers, magistrates, and officers, both in peace and war.”

11) Honours: “to the sovereign is committed the power of rewarding with riches or honour; and of punishing with corporal or pecuniary punishment, or with ignominy, every subject according to the law he hath formerly made;” (Hobbes, L: Chap 18).

This is not an admirable list of state powers. It is simply authoritarianism or totalitarianism. Why monarchy? Hobbes replies:

(Q5)

“And to compare monarchy with the other two, we may observe: first, that whosoever beareth the

person of the people, or is one of that assembly that bears it, beareth also his own natural person. And though he be careful in his politic person to procure the common interest, yet he is more, or no less, careful to procure the private good of himself, his family, kindred and friends; and for the most part, if the public interest chance to cross the private, he prefers the private: for the passions of men are commonly more potent than their reason. From whence it follows that where the public and private interest are most closely united, there is the public most advanced. Now in monarchy the private interest is the same with the public. The riches, power, and honour of a monarch arise only from the riches, strength, and reputation of his subjects. For no king can be rich, nor glorious, nor secure, whose subjects are either poor, or contemptible, or too weak through want, or dissension, to maintain a war against their enemies; whereas in a democracy, or aristocracy, the public prosperity confers not so much to the private fortune of one that is corrupt, or ambitious, as doth many times a perfidious advice, a treacherous action, or a civil war.” (Hobbes, L: Chap. 19)

Wishful theorizing about interest identity! As a matter of fact, there is no reciprocity at all between monarch and the covenants. The abuses of a monarch or single ruler cannot be hindered at all. Compare Spinoza’s balanced theory of rulership, with countervailing powers in each type.

4. Dominion: Ex Post State of Nature

It is true that Spinoza rejects any choice of opposition or rebellion against the political authority, claiming that people are “bound” to obey. Here, Spinoza agrees with Hobbes, but Spinoza brings two arguments for the obedience of citizens towards a government, or the risk of government oppressing its citizens or some of them. He argues that the commonwealth has reason and it directs them towards the goals of all human beings in nature, viz. peace and security.

- The benevolence of commonwealth: since reason guides government, it looks after general well-being;
- The calculation of individual benefits by obedience against the costs of opposition for an individual.

In fact, Spinoza imagines a most powerful dominion that is not limited. He even rejects “pacta sunt servanda”, so underlined in Stoicism:

(Q6)

“Contracts or laws, whereby the multitude transfers its right to one council or man, should without doubt be broken, when it is expedient for the general welfare to do so. But to decide this point, whether, that is, it be expedient for the general welfare to break them or not, is within the right of no private person, but of him only who holds dominion (Sec. 3); therefore of these laws he who holds dominion remains sole interpreter. Moreover, no private person can by right vindicate these laws, and so they do not really bind him who holds dominion.” (Spinoza, TP: Chap 4: 6)

We arrive at the classical question: *Sed Quis Custodiet Ipsos Custos?* (“Who will guard the guards themselves?”) The argument in Spinoza’s political theory is aimed at political realism and avoids moralism. It is mostly built up on his theory of human nature, or how people really behave. They are

what they are, and can only be restrained by rules:

(Q7)

“A dominion then, whose well-being depends on any man’s good faith, and whose affairs cannot be properly administered, unless those who are engaged in them will act honestly, will be very unstable. On the contrary, to insure its permanence, its public affairs should be so ordered, that those who administer them, whether guided by reason or passion, cannot be led to act treacherously or basely.”

(Spinoza, TP: Chap 1: 6)

The, Spinoza enters a frantic search for the choice of political institutions that enhance the prospects for general welfare: i.e. checks and balances in contrast to Hobbes. Here, the emphasis upon institutions is key in Spinoza, but it enters the choice in a problematic way: how to choose the rules that are the best?

The risk with monarchy in Spinoza’s words or dictatorship today is that the selfish drive of the ruler prevails over the general welfare. Only, institutions can correct for the imbalance between egoism and the common interest as the unity of mind of the commonwealth. Thus, we have the following institutions for the monarchic regime : a set of close councillors, a set of broad councillors, constant change and renewal of councillors who represent the citizens, or a set of “clans” that the population is divided into, no standing army but a quick mobilisation effort to recruit soldiers from the citizenry if needed, a peculiar light taxation scheme based upon public property for the benefit of the monarch, complex system of jurists with oversight functions like public administration and courts, etc. Evidently, Spinoza thought unanimity was a proper decision rule for Parliament as well as the Courts of jurists, as if he did not anticipate transaction costs from such a complex monarchy, institutionally speaking.

Yet, however detailed he rendered these rules of a monarchy for general well-being including the family of the majesty, he knew all too well that his naturalism implies a constant temptation by a single ruler to seek more power:

(Q8)

“It is also certain, that a commonwealth is always in greater danger from its citizens than from its enemies; for the good are few. Whence it follows, that he, upon whom the whole right of the dominion has been conferred, will always be more afraid of citizens than of enemies, and therefore will look to his own safety, and not try to consult his subjects’ interests, but to plot against them, especially against those who are renowned for learning, or have influence through wealth.” (Spinoza, TP: Chap 6: 6)

However, Spinoza assures that if his constitutional monarchy is put in place with all its safeguards, then a stable monarchy for the general well-being is feasible. Perhaps he had England or Sweden in mind. Perhaps one may translate the institutions above to modern terminology with the cabinet as the small set and Parliament as the big set of councillors, while the various sets of jurists would make up a system of courts.

The analysis of oligarchy or the rule of the noble proceed in the same way, i.e. adding up institutions to restrain egoism. Spinoza comes up again with a long and complicated institutionalisation of the rule of “Best” (*Aristos*). Thus we face a primary council of 5000 persons, with so-called syndics as the

ministers, a secondary council of senators and courts with jurists. Spinoza delivers strict rules about the soldiers, the city garrisons, payments, etc. Especially, a set of complicated election rules for both councils and jurists is underlined as promoting stability. Moreover, Spinoza separates between patrician rule in a city and a republic of many cities, also run by the few.

Again, institutionalism inspired by historical city states in Italy and the Dutch Republic are called up to restrain patrician rule from degenerating into selfish promotion of narrow self-interests:

(Q9)

“But it may still be objected to us, that, although the constitution of dominion above set forth is defended by reason and common human passion, yet for all that it may at some time be overpowered. For there is no passion, that is not sometimes overpowered, by a stronger contrary one; for we frequently see the fear of death overpowered by the greed for another’s property.” (Spinoza: TP: Chap 10: 10)

The section of the few’s rulership is no doubt empirically inspired, although Spinoza is a rationalist, deducing principles from naturalism and determinism. If the few is a political party like the Communist Party or a Fascist Party, then Spinoza would have something to say why they degenerated in a few historical settings.

The section on democracy is sad to say not finished, but it would have had the same structure of opposition between naturalist motives and institutionalism. Spinoza states that he regards democracy as a “perfectly absolute dominion” and that he intends to lay down the institutional conditions for its viability. But early death stopped his writing with the curious exception of excluding women. He stated;

(Q10)

“From what has been said in the last section, it is manifest that we can conceive of various kinds of democracy. But my intention is not to treat of every kind, but of that only, “wherein all, without exception, who owe allegiance to the laws of the country only, and are further independent and of respectable life, have the right of voting in the supreme council and of filling the offices of the dominion.” (Spinoza, TP: Chap 11: 3)

5. Religion

Hobbes devotes such a big part of *Leviathan* to religion and church that it can be deemed proper to compare it with Spinoza’s *Tractatus Theologico-Politicus*. Whereas Hobbes fails to clarify his position on the basic question of theism versus atheism, Spinoza’s *Tractatus* had an enormous influence upon the secularization of the West, What Hobbes maintains is just that the Sovereign is also the master of the Church; otherwise he just states at the very end of *Leviathan*:

(Q11)

“And thus I have brought to an end my discourse of civil and ecclesiastical government, occasioned by the disorders of the present time, without partiality, without application, and without other design than

to set before men's eyes the mutual relation between protection and obedience; of which the condition of human nature, and the laws divine, both natural and positive, require an inviolable observation.”

Spinoza on the contrary launched an attack on all forms of revealed religion as mere superstition in his *Tractatus Theologico*. Whereas Hobbes speculated about what miracles could be real, Spinoza stated that all miracles must be seen as tales. While Hobbes held the door open for a personal God, Spinoza maintained that everything belongs to nature and its natural modes as well as that all religious texts were nothing but a set of fairy tales.

6. Conclusion

Can one compare political philosophers and come up with an ordinal ranking of excellence in argument? Well, at least it is often actually done, especially when textbooks are written and students given books to read in political theory and the philosophy of politics. Looking at the standard book-shelves, we always find Hobbes, but Spinoza very seldom. My argument is that the latter is seriously underestimated and the former somewhat overestimated. Besides favouring the rule of one on the basis of a naïve argument, Hobbes is not clear about the nature of law. Spinoza on the other hand prefers the rule of the many in order to limit self-seeking with guile, and identifies law with positive or municipal.

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