

BEYOND THE SOCIAL CONTRACT:

POWER, RIGHT, AND STATE IN SPINOZA'S
POLITICAL PHILOSOPHY

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ABSTRACT

This paper examines Baruch Spinoza's political theory and its evolution from the Theologico-Political Treatise to the Political Treatise. Spinoza's mature political philosophy rejects the notion of a voluntary transfer of power central to Hobbesian contractualism, instead grounding political authority in power relations and the passions. By exploring Spinoza's metaphysical stance on power and natural right, the paper contrasts his ideas with Hobbes, arguing that civil society is a natural extension of human interaction instead of a rational, contractual agreement. Ultimately, Spinoza's theory offers a compelling philosophical alternative to traditional social contract frameworks.

I. Introduction

Baruch Spinoza is widely considered one of the most pivotal philosophers of the Enlightenment period whose ontological and ethical ideas profoundly influenced thinkers such as Hegel, Kant, and Nietzsche. Less widely known, however, are his works of political theory, which contain significant threads of early republican political thought. Spinoza's political philosophy offers a compelling contrast to the more popular theory of his contemporary Thomas Hobbes, diverging in several subtle but consequential ways. This paper first explores the development of Spinoza's political thought from the *Theologico-Political Treatise* to the *Political Treatise*. Then, it outlines some key differences between his theory and that of Hobbes which ultimately form a strong critique of contractualism.

II. Background

Born in 1632 to a prominent Jewish family in Amsterdam, Baruch Spinoza was steeped in the intellectual life of the Dutch Republic. At 24 years old, he was excommunicated from the Jewish community for heresy, a charge most likely connected to his early discussions of the ideas he would later promote in his notorious *Ethics*. Among these contentious ideas is a radical pantheistic monism, or the rejection of a transcendent, providential God.¹ Spinoza posits that God is immanent in all things and coextensive with nature itself while eliminating the possibility that the divine would give specific moral precepts or respond to prayers and rituals. This pantheistic view upends traditional religious beliefs, as does his strict determinism, which denies the existence of free will. Because of these and other controversial beliefs, Spinoza spent much of his life on the intellectual fringes, his ideas being largely ignored during the Enlightenment

¹ Steven Nadler, "Baruch Spinoza," Stanford Encyclopedia of Philosophy, November 8, 2023, <https://plato.stanford.edu/entries/spinoza/>.

period as the vestiges of a world dominated by religious institutions remained. Even after the study of Spinoza had been rediscovered by philosophers in the 19th century, his political theory was often dismissed or overlooked, a tendency which has remained in philosophical literature since then. However, Spinoza's political theory and its development contain penetrating insights into the nature of power and right with regard to the state.

III. Contractualism in the *Theologico-Political Treatise*

Spinoza's first major work of political philosophy came in 1670 with the publication of the *Theologico-Political Treatise*. This work aims to challenge the authority of theologians and emphasizes the importance of freedom of thought in a just government. It is in this work that scholars often point out Spinoza's explicit support of a social contract theory. Here he repeatedly refers to a "compact" or "contract" in which men agree to give up their natural right to a sovereign in return for peace and security.² Spinoza suggests that the state is formed when men "have transferred their common natural right to a common supreme power."³ This transaction is undertaken in order to obtain "comfort and security" in a world of conflicting desires.⁴ Thus, the *Theologico-Political Treatise* contains a rudimentary and under-developed exploration of a social contract theory which seems to merely echo the insights of contemporary Thomas Hobbes. It is important to note, however, that this text was not primarily intended as a work of political philosophy, but rather as a scholarly engagement with the debates of the time. Consequently, Spinoza's cursory and simplistic explanation of a social contract seems to serve merely as a starting point in his political thought, and one must look to the later *Political Treatise* to fully

² Baruch Spinoza, *Theologico-Political Treatise* (London: Trübner, 1862) 273, 275.

³ Spinoza, *Theologico-Political Treatise*, 276

⁴ Spinoza, *Theologico-Political Treatise*, 273

grasp Spinoza's mature political theory. In this text, Spinoza powerfully critiques the contractualism popularized by his contemporaries and instead advocates for a politics based on a more realistic assessment of power dynamics and human nature.

IV. Power and Right in the *Political Treatise*

The *Political Treatise* sheds the various theological arguments and contributions to contemporary debates of the *Theologico-Political Treatise*, focusing solely on developing an abstract theory of the state, its purpose, and its optimal organization. Written in 1670 but published posthumously, this work represents a decisive break from the social contract theory that Spinoza supports in his earlier work. In it, Spinoza strikes several contrasts between his own theory and that of another philosopher often associated with realist power politics, Thomas Hobbes. Through these differences, a sharp critique of contractualism emerges.

Understanding Spinoza's critique of Hobbes requires an adequate grasp of his theory of power and its related concept of natural right. For Spinoza in the *Ethics*, power is defined as a person's capacity to act, a force which determines whether someone can assert their own individual will.⁵ This characterization of power leads to a rather notorious aspect of Spinoza's political philosophy: his definition of right. For Spinoza in the *Political Treatise*, "the natural right of every individual, is coextensive with [his] power."⁶ The connection here between power and right in Spinoza's framework implies that an individual has the natural right to do anything that he is capable of doing. This conception of natural right is entirely divorced from any notion of objective morality, for "that which our reason declares to be evil is not evil in respect of the order and laws of universal Nature, but only in respect of our own particular nature."⁷ To use an

⁵ Baruch Spinoza, *Ethics*, trans. Edwin Curley (London: Penguin Books, 1996), 75.

⁶ Baruch Spinoza, *Political Treatise* (Indianapolis: Hackett Pub, 2000), 38.

⁷ Spinoza, *Political Treatise*, 41.

example by one commentator, “if a new Genghis Khan with his crushing forces would occupy a small Spinozistic republic, he would have the right to occupy it and also the right to oppress its inhabitants for as long as they remained too frightened to resist him.”⁸ This does not imply that “everything that is done by right is done in the best way” or even that any such actions are justified by the moral standards set forth in the *Ethics*.⁹ It simply means that these actions do not violate the law of nature, which, in Spinoza’s view, is the law of God. Natural right is, as Gilles Deleuze observes, “identical with my power and is independent of any order of ends, of any consideration of duties.”¹⁰ Thus, Spinoza has a radical definition of right which does not rely on any teleological, deontological, or consequentialist moral frameworks. He grounds his political theory in a “might makes right” metaphysics in which power alone determines an individual’s right and the right of the state.¹¹

V. Spinoza’s Contrasts with Hobbes

a. *Passions and State Formation*

With Spinoza’s concepts of power and right established, one can begin to construct an idea of the state from his perspective. For him, the state is a product of human passions alone, forming the first contrast between Spinoza’s theory and that of Thomas Hobbes. In *Leviathan*, Hobbes argues that passion and reason work together to create peace and security through government by furnishing both the desire and the means to attain it. The passions that “encline men to Peace, are Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their industry to attain them.”¹² These impulses and emotions foster the desire to

⁸ Emilia Giancotti, Alexandre Matheron, and Manfred Walther, *Studia Spinoza* (Hannover, 1986), 176.

⁹ Spinoza, *Political Treatise*, 61.

¹⁰ Gilles Deleuze, *Spinoza: Practical Philosophy*, trans. Robert Hurley (San Francisco, CA: City Lights Books, 1988), 102.

¹¹ Steven Barbone and Lee Rice, Introduction to *Political Treatise* (Indianapolis: Hackett Pub, 2000), 19.

¹² Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), 90.

quit the state of nature and live a more peaceful existence in an orderly civil state. From there, “Reason suggesteth convenient Articles of Peace” by supplying the “Lawes of Nature” in moral virtues such as justice, gratitude, and equity.¹³ Here, Hobbes emphasizes the complementary relationship between passion and reason, as the former provides specific desires, and the latter supplies the most effective and constructive way to actualize these urges.

Spinoza, on the other hand, argues that the passions alone, without the help of reason, lead to the creation of the state, and these passions are closely related to his theory of right. In Spinoza’s view, “the more cause for fear a man has, the less power, and consequently the less right, he possesses.”¹⁴ Here, power, right, and fear are all linked together, and fear is an accurate measure of a man’s power, for he would only fear something if he were unable to adequately defend himself against it. Thus, according to Spinoza, if men reduce the amount of fear they suffer, they commensurately gain more power and therefore control more of their natural right. Moreover, it is only when men unite and pool their respective powers that they can fully achieve the objects of their desires and retain their natural right. Therefore, “the natural right specific to human beings can scarcely be conceived except where men have their rights in common.”¹⁵ Here in the *Political Treatise*, Spinoza argues that men come together to form a collective solely because of fear, and the formation of a state allows men to more fully possess the natural right, which is coextensive with their own power. Hence, Spinoza’s state is not the product of reason combining with the passions to establish the most effective peace as Hobbes suggests, for men are not aware of this process at hand. Instead, the state emerges directly from passions, particularly the fear rooted in powerlessness, which combines with the necessity of aggregated power to better preserve one’s rights and desires. Thus, in the words of Barbone and Rice in their

¹³ Hobbes, *Leviathan*, 90, 110.

¹⁴ Spinoza, *Political Treatise*, 43.

¹⁵ Spinoza, *Political Treatise*, 44.

introduction to the *Political Treatise*, “Spinoza’s state is reasonable, but it is not the creation of reason.”¹⁶ This difference in the respective roles of the passions and reason in the formation of the state marks the first key distinction between the political theories of Spinoza and Hobbes.

b. The Inalienability of Power

Spinoza’s account of power in the *Political Treatise*, when understood alongside the *Ethics*, creates another contrast with Hobbes’ social contract theory. For Hobbes, an individual can deliberately “lay down this right to all things” or “transfer” it to another.¹⁷ This is a “voluntary act” which is done “either in consideration of some Right reciprocally transferred to himself; or for some other good he hopeth for thereby.”¹⁸ Indeed, the foundation of Hobbes’ entire theory rests on this ability to transfer one’s power and right to a sovereign, for the Hobbesian commonwealth is formed when men “conferre all their power and strength upon one Man, or upon one Assembly of men” and appoint this man or assembly “to beare their Person.”¹⁹ Thus, Hobbes’ contractual theory of government relies on the metaphysical notion that individuals can voluntarily and rationally transfer their power and natural right to the sovereign in exchange for peace.

Spinoza’s mature metaphysics, as developed in the *Ethics* and employed in the *Political Treatise*, starkly contrasts with this Hobbesian conception of power and its transfer. In the *Theologico-Political Treatise*, Spinoza accepts the idea that the formation of a government entity depended on men rationally and voluntarily transferring their power to the state. However, with the writing of the *Ethics* and the *Political Treatise*, Spinoza’s definition of power evolves and ultimately eliminates the possibility of such a transaction occurring. For him, power “is the very

¹⁶ Barbone and Rice, Introduction to *Political Treatise*, 13.

¹⁷ Hobbes, *Leviathan*, 92.

¹⁸ Hobbes, *Leviathan*, 93.

¹⁹ Hobbes, *Leviathan*, 118.

essence, or nature, of man.”²⁰ This idea is a fundamental axiom of the *Ethics*, which holds that power is an innate and primary part of a person’s existence that cannot be taken away or otherwise transferred. It is an inalienable, core part of one’s being.

Thus, because an individual’s power cannot be separated from their essence, the notion that one can voluntarily transfer their power to a sovereign in exchange for some benefit or protection becomes metaphysically impossible. The authority of the state, then, does not derive from a contractual transfer of power as in Hobbes’ theory. On the contrary, it stems from the collective power of many individuals acting together “as if by one mind.”²¹ In a letter to the philosopher Jarig Jellis, Spinoza asserts that this is the main difference between his own view and that of Hobbes, stating that his theory will “always preserve natural right intact, and only allot to the chief magistrates in every state a right over their subjects commensurate with the excess of their power over the power of the subjects.”²² Men are not obliged to follow the sovereign because they have surrendered their right to it in a contract; instead, men must follow the laws of the state simply because it has more power than them. For Spinoza, sovereignty is the combined right of all the citizens of a state, which is defined by their respective powers.²³ Individuals in Spinoza’s system retain their own power and right but live under the greater force of the state. This metaphysical conception of power as the essence of the individual contrasts with the Hobbesian account, insofar as it holds that power cannot be transferred. Thus, in Spinoza’s *Political Treatise*, sovereignty depends not on consent or contractual agreement, but on the state’s superior capacity to exert its power and assert its right.

²⁰ Spinoza, *Ethics*, 117.

²¹ Spinoza, *Political Treatise*, 64.

²² Baruch Spinoza to Jarig Jelles, “Letter 50” (The Hague, June 2, 1674).

²³ Spinoza, *Political Treatise*, 44.

c. *A Continuous State of Nature*

Another key distinction between Spinoza's *Political Treatise* and Hobbes' *Leviathan* lies in the interplay of the state of nature and the civil order. For Hobbes, "during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre."²⁴ Here, the state of nature is defined in stark opposition to a civil order, and the absence of the sovereign renders life "solitary, poore, nasty, brutish, and short."²⁵ Although some scholars have suggested that Hobbes merely employs this state of nature as a theoretical tool, it is clear in *Leviathan* that this is not the case, for he explicitly states that "it may peradventure be thought, there was never such a time, nor condition of warre as this; and I believe it was never generally so, over all the world: but there are many places, where they live so now."²⁶ He then goes on to cite such examples as "the savage people in many places of America" in order to illustrate how the state of nature is indeed a real condition.²⁷ Hobbes thus clearly believes that an anarchic state of nature with "no government at all" has existed and can exist.²⁸ Moreover, if some places are in the state of nature while others are not, this implies that these two conditions cannot coexist in the same location. According to Hobbes' theory, there is a distinct progression from the state of nature to civil society. While the state of nature may be revisited under extreme circumstances through rebellion or the collapse of the sovereign power, these two states cannot coexist simultaneously within the same spatial and political context.

Spinoza, however, differs from Hobbes in this respect, arguing that individuals are never fully outside of either the state of nature or the civil order. According to Spinoza, "men by nature

²⁴ Hobbes, *Leviathan*, 88.

²⁵ Hobbes, *Leviathan*, 93.

²⁶ Hobbes, *Leviathan*, 89.

²⁷ Hobbes, *Leviathan*, 89.

²⁸ Hobbes, *Leviathan*, 89.

strive for a civil order, and it is impossible that men should ever utterly dissolve this order.”²⁹

The state is a natural product of human interaction, arising inevitably as humans’ essences compound with each other. Spinoza contends that civil society is not something that one can voluntarily opt into or out of; rather, “human nature is such that men cannot live without some common code of law.”³⁰ Here, Spinoza critiques Hobbes and the social contract tradition more broadly by drawing political conclusions from his metaphysical framework. In the interpretation of Barbone and Rice, individuals in a Spinozistic world are “sempiternally citizens of some established (though not necessarily recognized) political regime.”³¹ This civil order coexists with the natural state, as Spinoza states in the letter to Jellis that the power of the state over its subjects “always takes place in the state of nature.”³² In a way, the civil order is the natural and inevitable state of man based on inherent power relations.

This interplay and coexistence of the natural state with the civil order relate to Spinoza’s previous critique of Hobbes’ transfer of power. An individual’s essence cannot be voluntarily transferred to another entity at a particular moment; rather, the power of the individual continually feeds into the collective power of the sovereign through inevitable natural forces. Spinoza believes that man is indeed a “social animal” and that civil society emerges naturally from human relationships.³³ Thus, while Hobbes envisions an exit from the state of nature into an “artificial” civil society, Spinoza argues in the *Political Treatise* that individuals are always part of some civil order.³⁴ The state is not a separate entity from the natural order but an enduring product of it, a perpetual interplay of forces from which humans can never fully escape.

²⁹ Spinoza, *Political Treatise*, 64.

³⁰ Spinoza, *Political Treatise*, 34.

³¹ Barbone and Rice, Introduction to *Political Treatise*, 10.

³² Baruch Spinoza to Jarig Jelles, “Letter 50.”

³³ Spinoza, *Political Treatise*, 44.

³⁴ Hobbes, *Leviathan*, 110.

VI. Beyond the Social Contract

Although the metaphysics and political philosophies of Hobbes and Spinoza differ in significant ways, they share some common elements such as their pragmatic conception of contracts. For Hobbes, “the force of Words” is “too weak to hold men to the performance of their Covenants.”³⁵ Contracts, he argues, are only reliably upheld by men when there is a “visible Power to keep them in awe, and tie them by feare of punishment.”³⁶ Moreover, Hobbes argues that “before the names of Just, and Unjust can have place, there must be some coercive Power,” and “where there is no common Power, there is no Law; where no Law, no injustice.”³⁷ Hobbes believes that men enter into contracts not out of inherent morality but out of self-interest. However, it cannot be assumed that men will inevitably maintain these compacts, for there is nothing keeping them from breaching the terms when doing so aligns with their interests. Therefore, the Leviathan, a strong and centralized government authority, is necessary to regulate and enforce contractual relationships. This pessimism about human nature, coupled with the tendency to break contracts without the fear of punishment, defines a significant part of Hobbes’ political theory.

Spinoza, in the *Political Treatise*, critiques the concept of contracts in a similar vein. He argues that contracts or pledges are only valid “as long as he who made it has not changed his mind.”³⁸ Spinoza states that “he who has the power to break faith has in reality not given up his right; he has given no more than words.”³⁹ Furthermore, if an individual concludes that “the loss resulting from the pledge he has given outweighs the advantage,” then he can rightfully break the

³⁵ Hobbes, *Leviathan*, 99.

³⁶ Hobbes, *Leviathan*, 115.

³⁷ Hobbes, *Leviathan*, 100, 90.

³⁸ Spinoza, *Political Treatise*, 42.

³⁹ Spinoza, *Political Treatise*, 42.

promise he has made.⁴⁰ This characterization of contracts is extremely similar to that of Hobbes, as it is not a moral injustice for one to break a promise he has made. However, despite this shared skepticism of contracts and the theory of human nature it is based on, these philosophers draw vastly different conclusions about politics. Hobbes' system, which hinges on a complex network of contracts, necessitates an authoritarian government to hold society together, as men cannot be expected to preserve their contracts. In contrast, Spinoza's pessimism about human nature in this respect has little effect on his political theory in general because he denies contractualism entirely and conceives of the sovereign as a manifestation of power relations. When the foundation of the state is not a contract, it becomes irrelevant if men are prone to breaking promises, as the state's stability is rooted in the natural dynamics of power rather than the enforcement of agreements.

These contrasts that Spinoza strikes with Hobbes formulate a theory entirely distinct from social contract theories in general. Hobbes envisions the formation of government as a rational process in which men voluntarily transfer their power and right to a sovereign. This transaction marks the passage from a concrete and real state of nature to a structured civil order. The process is characterized by Hobbes as voluntary, reasonable, and artificial. Spinoza, on the other hand, argues that civil society emerges solely from the passions. In this case, submission to the sovereign involuntarily comes about through a natural and physical process involving power relations, instead of a willful transfer of power. Furthermore, Spinoza argues that the state of nature and civil society coexist, rather than transition into one another.

Ultimately, these features of Spinoza's theory render it fundamentally incompatible with any kind of contractualism. Spinoza believes that contracts involve some degree of rational

⁴⁰ Spinoza, *Political Treatise*, 43.

calculation and that they are voluntary insofar as an individual has the power to opt out. His view of contracts therefore does not align with his theory of government, for he believes that politics is fueled by wholly irrational passions and deterministic power relations. Additionally, a social contract is structurally incompatible with Spinoza's political theory because he denies that there was ever a state of nature unaccompanied by civil society. This premise directly conflicts with social contract theory, which relies on the foundational contrast between a pre-political state of nature and a civil state to justify the creation of government through mutual agreement. By critiquing the assumptions underlying social contract theories, Spinoza underscores why he favors a model grounded in inherent power relations.

VII. Conclusion: Spinoza's Evolution

Although Spinoza's first attempt at political philosophy offers a rudimentary social contract theory, his more sophisticated later work demonstrates a nuanced critique of this view. This shift in thought becomes particularly evident when comparing the *Political Treatise* to the work of Thomas Hobbes, a contemporary with whom Spinoza readily engaged. Spinoza argues that the state emerges from the passions alone, not as the product of rational agreements from a pre-civil state of nature. Moreover, his metaphysical stance asserts that an individual's power cannot be voluntarily transferred to a sovereign. The compounded power of the populace continually exists, and therefore men are perpetually situated in both a state of nature and a civil order. These contrasts with Hobbes demonstrate how Spinoza's political theory aligns power dynamics with political authority. Instead of envisioning a voluntary transfer of rights, Spinoza sees the state as a natural entity, emerging from the inherent power relations among individuals. This approach renders the idea of a social contract unnecessary. Spinoza shares Hobbes' cynical view of human nature in which contracts hold no weight if there is no superior power to uphold

them. However, Spinoza's rejection of contractualism on both practical and metaphysical grounds allows him to hold this belief about contracts while avoiding the tyrannical state of Hobbes. In this sense, Spinoza's *Political Treatise* can be read as a critical reevaluation of his own earlier work, which endorses a social contract theory. Spinoza's later philosophy reflects a profound rethinking of the relationship between power and the state, one that moves beyond the limitations of the social contract to propose a more complex and dynamic vision of political life.

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