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## **Spinoza and International Law: Bleak Take on Self-Help or a Strong Belief in Humanity?**

### **Abstract**

Spinoza foresees a state of nature among states, just like the one among human beings. Human beings, under this chaotic condition, are not bound by the contracts they have concluded, if these contracts have lost their utility. States, too, may cease to observe those international agreements, if obedience to these is not advantageous any more for the state concerned, or whenever there is a more advantageous alternative than those perks offered by the international agreement. These findings have led many scholars of International Relations and International Law to deem Spinoza as a thinker in the mold of Hobbes or the like, someone who allocates no place for morality in political affairs.

Spinoza proves at times to be a stingier critic of morality than Hobbes, yet he still calls for cooperation on international fora. This he does by distancing himself from the rhetoric of natural law. International solidarity, according to him, will enable participating states to be more powerful and to enjoy more rights. Yet again, he does not set idealistic goals and just underlines the more advantageous state to be created owing to the establishment of such a peaceful cooperation.

### **Keywords**

Spinoza, Public International Law, International Legal Theory.

## Introduction

Spinoza is not one those thinkers or philosophers that the IR theorists tend to analyze, when dealing with the intricate problems of the discipline we have learned to call International Relations (Altwicker 2014: 67). In the same vein, scholars of Public International Law generally ignore Spinoza and his writings on international law and international affairs (Lauterpacht 1927: 90). Those who do not, on the other hand, only too easily dismiss Spinoza and his thoughts, on the alleged ground that he is a terrible denier of international law and justice and label his writings as “abominable” (Menzel 1907: 17; Walther 2003: 663).

Obviously, there are a plethora of conflicting comments on Spinoza’s approach to international politics and international law. Some of the commentators see in him a great champion of humanitarian cause and peace. Some on the other hand deem him as a villain; a pessimist thinker in the mold of Machiavelli or Hobbes, who sees only mayhem and bloodshed in the nature of foreign affairs. The latter group underlies striking similarities especially between Spinoza and Hobbes, in that both legitimize states’ dominant positions, for the wellbeing and safeguarding of which individuals and their rights can arbitrarily be dispensed with, for the individual suffers from weakness created by old age, sickness or exhaustion (Spinoza 2015, 3/11).

In this essay I will try to elaborate Spinozist understanding of international politics and law mainly in the light of his *Tractatus Politicus*.

## Different Interpretations of Spinozist Understanding of International Relations and State of Nature

Spinoza does not really allocate a huge space in his writings for international relations and international law. The third chapter of his *Tractatus Politicus* is the main source of scholars to find out about the Spinozist understanding of international relations and law. Despite the scarcity of dedicated Spinoza texts on international relations, there seems to be a rampant confusion about the Spinozist take on the issue.

The first group of scholars label Spinoza as a *Völkerrechtsleugner*, i.e. a philosopher who rejects natural law and international law per se (Altwicker 2014: 68; Menzel 1907: 17). Menzel, who develops further the Gustav Adolf Walz’s reading of Spinoza theory (Altwicker 2014: 68), reports that Spinoza is believed to be more coherent and radical in his rejection of an objective “natural law” than Thomas Hobbes (Curley 1991: 97). According to him, Hobbes “recognizes, at the very least, the existence of natural law on the basis of ethical principles”, which in turn create inwardly obligations for human beings (Menzel 1907: 17-18), if not outright legal obligations. Curley describes the rejection of natural law by Spinoza as more “thoroughgoing” than that of Hobbes (Curley 1991: 97).

Spinoza’s understanding of state of nature and law thereof are not “averse to anything which appetite urges” (Spinoza 2010: 232). Spinoza rejects any moral constraints for those who have concluded a contract. What defines the binding effect of

a contract is its usefulness. Any contract that has run out of its utility is to be seen as “null and void” (Spinoza 2010: 234). According to him<sup>1</sup>;

This "contract" remains so long unmoved as the motive for entering into it, that is, fear of hurt or hope of gain, subsists. But take away from either commonwealth this hope or fear, and it is left independent, and the link, whereby the commonwealths were mutually bound, breaks of itself. And therefore every commonwealth has the right to break its contract, whenever it chooses, and cannot be said to act treacherously or perfidiously in breaking its word, as soon as the motive of hope or fear is removed.

Under the light of the new conditions, if a contract is recognized to be “foolish” then it would be another “foolishness” not to break that bond (Curley 1991: 99; Spinoza 2010: 234). The most striking feature of state of nature, according to Spinoza is the lack of security (Curley 1991: 101). Those who live in this chaotic state of barbarity leads a wretched and brutal life, trying to avoid hurt and collect gains, which in turn creates an anarchic and chaotic medium with no ontological safeguards and/or guarantees. However, if one is willing to preserve herself, then one should be willing to have the “desire to live with others in a state of harmony and agreement” (Talay Turner 2016: 11).

Only those who live in an *organized community* will fare better and enjoy the fruits of solidarity with others, for men possess different capabilities. For Spinoza, state of nature means, in a nutshell, lack of a government with the power “to keep men in awe” (Curley 1991: 116). Spinoza elaborates further (Spinoza 2014: 3/1, 3/2):

Citizens, as far as they enjoy by the civil law all the advantages of the commonwealth, and Subjects, as far as they are bound to obey its ordinances or laws. ...

... (I) t is clear that the right of the supreme authorities is nothing else than simple natural right, limited, indeed, by the power, not of every individual, but of the multitude, which is guided, as it were, by one mind — that is, as each individual in the state of nature, so the body and mind of a dominion have as much right as they have power. And thus each single citizen or subject has the less right, the more the commonwealth exceeds him in power, and each citizen consequently does and has nothing, but what he may by the general decree of the commonwealth defend.

According to this understanding of Spinoza, there can be no obligations, moral or legal whatsoever, outside the state (Menzel 1907: 18; Spinoza 2015: 2/23) and “natural law” cannot be interpreted as a law, which is capable of creating any obligations, inwardly or substantial. In addition to this *objective* natural law, there is another form of natural law, a *subjective* kind. Menzel describes this latter kind as a personal ability, a power conferred by nature itself to the person concerned, to act in her own discretion (Menzel 1907: 18, 19) but not a permission granted by the law itself. Therefore, there can be a talk about right as long as there is power and the right shall be commensurate with power.

<sup>1</sup> For the English translation of Spinoza's Tractatus Politicus, please refer to <https://ebooks.adelaide.edu.au/s/spinoza/benedict/political/chapter3.html>. Unless otherwise hinted, all the English quotes of TP will be from R.H. M. Elwes' translation.

Lauterpacht highlights the critical even hostile reaction on behalf of lawyers to the writings of Spinoza about international law and especially international treaties<sup>2</sup>. Lauterpacht reiterates that Spinoza's political theory could not survive the controversy created by his for some notorious doctrines on philosophy and theology (Lauterpacht 1927: 90). Lauterpacht contends that Spinoza identifies right with the power of the state. This in turn may be used as a way to extend state's authority in a way to curb liberties and create an atmosphere malignant to freedoms. Besides, state of nature painted as bleak as Spinoza does, could be an automatic justifier for a repressive political organization, for the alternative would be nothing but a chaotic and wretched state of nature with no security in sight. With all these diligently put, Lauterpacht adds that this perilous finding will be somewhat cushioned, for the state's power is limited by "the nature of its commands. State cannot... enact laws the enforcement of which entirely escapes its control" (Lauterpacht 1927: 92).

The great theoretician of the Realist School in International Relations, E. H. Carr opines that Spinoza has had significant influence on the way foreign affairs are handled and interpreted. According to him, Spinoza is directly responsible for the complete exclusion of interstate relations from any ethical and moral scrutiny (Lauterpacht 1927: 91; Molloy 2013: 253). Having thus created a political space totally isolated from any ethical and normative priorities and sensitivities, Spinoza allegedly paves the way for the political actors to decide and act arbitrarily. For Carr, Spinoza robs natural law of its meaning and equates it with the will of the stronger (Molloy 2013: 253). This reading of Spinoza is only too willingly to be favoured by the School of Realists, for they too take for granted an assumed primacy of *reelpolitik* and *raison d'état* over ideals and values<sup>3</sup>.

### **Spinoza and International Legal Obligations**

One cannot help feeling appalled and provoked when one takes a precursory glimpse of the Spinozist analysis of international legal obligations arising out of treaties. Spinoza seems to be a very daring and blunt denier of that which we have come to label international law. Spinoza states that primacy of self-interest is a law of human nature (Younkins 2006). Spinoza states that conatus defined as humans' struggle to continue their existence is the very essence of all humans (Talay Turner, 2016: 11; Türkmen 2014: 123). He projects this survivalist characteristic also to the states. He is of the opinion that the supreme objective of a sovereign ruler is to seek the maximum advantageous situation for his state and his subjects. If, then, a ruler deems the breach of

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<sup>2</sup> Lauterpacht presents this quote from D. H. L. von Ompteda to display the degree of aversion rampant among International Law scholars (Lauterpacht 1927 : 89):

"Among other philosophical and theological paradoxes, he also expressed some altogether detestable opinions on international law. He wrote namely a Theological-Political Treatise in which he attempted to undermine both natural law and the law of nations. With regard to the first, he maintained that according to natural law a man may do everything that is in his power. By applying this view to relations between states he did not hesitate to hold that a state may, if it is only strong enough, attack its neighbors, and also, if it thinks it to be of advantage, dissolve at will its treaties of alliance and assistance".

<sup>3</sup> Not a so-called Realist *per se*, Hersch Lauterpacht identifies the reason of state doctrine as one of the most important pillars of Spinoza's doctrine of international relations (Lauterpacht 1927: 92-93).

international treaty more beneficial for his state than its observation; he must opt to violate that treaty<sup>4</sup>.

According to Spinoza, there is nothing wrong or condemnable in this kind of behaviour. For it is the ultimate calling for a state to seek to maximize its capacity and power. Spinoza believes that the real immoral behavior would be to observe treaties, just for the sake of a politically-correct law-obedience or due to some lofty moral reasons. The real reason underlying this rather cynical position of his is that he sees a “Naturzustand” among states just like the one he describes among individuals. Spinoza applies his own description of human beings as natural enemies to each other, also to states (Altwicker 2014: 69; Niemi; Walther 2003: 660). According to Spinoza, lone individuals who are under constant duress and danger come together to achieve their goals. Thus, they are in a better position to augment their respective powers (Walther 2003: 661).

(A) commonwealth can provide against being oppressed by another; which a man in the state of nature cannot do, seeing that he is overcome daily by sleep, often by disease or mental infirmity, and in the end by old age, and is besides liable to other inconveniences, from which a commonwealth can secure itself” (Spinoza 2014: 3/11).

This organization of the multitude into political structures, i.e. states, makes possible the protection of the individual human beings, for the state is immune from the vulnerabilities a human being is prone to (Spinoza 2015: 3/11). As long as the state is able to resist outside interference and pressure and watch out for its own benefits, it is its own master (Spinoza 2015: 3/12). According to him (Spinoza 2014: 3/12):

A commonwealth then is so far independent, as it can plan and provide against oppression by another, and so far dependent on another commonwealth, as it fears that other's power, or is hindered by it from executing its own wishes, or lastly, as it needs its help for its own preservation or increase.

These qualities are essential for the existence of a state and logically any state is devoid of this leniency, if it ceases to act in accordance with its own self-interest-laden motives. Spinozist understanding of international politics calls for a constant striving for the wealth of the state and its citizens. The moment a treaty concluded between two states ceases to be useful for a state, its decision-makers are called upon to annul this agreement and seek other means to maximize the collective good of the state and its subjects (Spinoza 2015: 3/14). Therefore, Spinoza denies any binding effect to international legal treaties, as soon as these become irrelevant in terms of advantages they yield. With all these said, Spinoza stresses the fact that, reminiscent of the individuals making use of the power of multitude when they stand in solidarity (Schrader 1977: 581), states too benefit from a state, in which they help each other. With mutual help, more power will be generated and hence more rights (Spinoza 2015: 3/12).

<sup>4</sup> As can be seen, Spinoza's handling of international treaties is very reminiscent of his writings on contracts.

States are only foe to each other under the state of nature and Spinoza differentiates between this state and another one, in which two states have concluded a peace treaty and established a peaceful political atmosphere. Spinoza first has this to say at 3/12:

... (W)e cannot at all doubt, that if two commonwealths are willing to offer each other mutual help, both together are more powerful, and therefore have more right, than either alone.

Here he is referring to a peaceful state of affairs only between two separate political entities. Then, he adds the following at 3/16:

The more commonwealths there are, that have contracted a joint treaty of peace, the less each of them by itself is an object of fear to the remainder, or the less it has the authority to make war. But it is so much the more bound to observe the conditions of peace; that is, the less independent, and the more bound to accommodate itself to the general will of the contracting parties.

It is at first not clear why this kind of treaty obligations calls for a more strict observance. That said, Menzel advises us to interpret the state of peace not only as *pax* but rather as *foedus*, i.e. as a *Staatenbund*, a confederation of states.<sup>5</sup> Law of nature gives way to a law of solidarity and peace, when this kind of an organization is achieved among states (Verdoss 1928: 102). The more states join this community of states, the less danger these will embody for each other (Spinoza 2015: 3/12 and 16). Each and every state will perceive diminishing threat from other member-states of the confederation and thus each will have attained a bigger amount of security.

Here, Spinoza detects an inverse proportion between the individual independence of each state and its security. In order to be a member of an international *foedus*, which alludes to an organized state of peace, each state will have to waive some part of its independence. This step will considerably augment the security of the states concerned. Hence it is justified to claim that States will have to forego a chunk of their intrinsic and natural power and enter into alliances to generate a bigger amount of security. In order to achieve that they have to distance themselves from state of nature and their perceived political independence. That political leniency is a tool, which states may badly need if they continue to exist in a state of nature. But the very moment they find themselves in alliances or similar international organizations, i.e. a confederation of commonwealths, they have to forego this political *spielraum* and submit to the collective will of states, in order to provide bigger security.

## Conclusion

*Prima facie*, one cannot really get more cynical than Spinoza, when one is supposed to deal with the binding effect of international treaties. Spinoza seems at first to attach almost no significance to treaties and invite decision-makers to violate them, if

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<sup>5</sup> *Foedus* means a league, treaty, compact, alliance, which ordinarily denotes a deeper level of organization or agreement than the word *pax*. *Pax* means agreement, treaty, peace, treaty of peace, reconciliation (Lewis/Short, Latin Dictionary). <<http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0059%3Aentry%3Dfoedus2>>.

conditions dictate so. However, a more careful reading would clarify that this he does, only in relation to the states that find themselves in a state of nature, where there is no other actor at work that might help establish a more secure environment. As regards a community of states, if available, Spinoza seems to advise that less independence would lead to a bigger security and therefore states should obey the general will of this community (Verdross, 1928: 104).

Spinoza is of the opinion that political authority is important for the well-being of human societies (Niemi; Schrader 1997: 583). State, i.e. “individual of individuals” as Balibar dubs it (Polat 2010: 321), “restrain and repress men’s desires and immoderate impulses” to safeguard the existence of the very society they are living in.

In the same manner, a society of states would safeguard the existence of each member state in spite of a reduced degree of independence for the states concerned. Spinoza then emerges as the philosopher of peace on international fora, suggesting states to enter into treaties and, in order to create a safer international environment, forego their political room for maneuver, which usually would mean nothing but jockeying for more power. It is obvious to this author that “the autonomy and primacy of peace finds its archetypal statement in the thinking of Spinoza” (Polat 2010: 319).

## **Spinoza ve Uluslararası Hukuk: Kuvvet Kullanmaya İlişkin Kötümser bir Yaklaşım veya İnsanlığa Olan Güçlü İnanç?**

### **Öz**

Spinoza, gerçek insanlar için öngördüğü doğal hali devletler için de öngörmektedir. Buna göre, faydalı olma süresi sona ermiş veya daha faydalı başka bir siyasi alternatifi ortaya çıkmış bir uluslararası andlaşma söz konusu devlet idarecileri tarafından uygulanmayabilir. Yani, Spinoza, en azından ilk bakışta ciddi bir keyfi davranma yetkisini karar alıcılara verir gibi görünmektedir. Bu yaklaşım Uluslararası ilişkiler ve hukuk uzmanlarını Spinoza’nın hukuki yükümlülükleri yok saydığı inancına götürmüştür.

Bir anlamda bu çıkarımlar da doğrudur ancak Spinoza aslında doğal hal durumundaki devletler ile belli bir uluslararası örgütlenmeye katılmış devletler arasında önemli bir ayrım yapmaktadır. *Tractatus Politicus*’da Spinoza işbirliğine giden devletlerin aslında daha güçlü olduğuna işaret etmektedir. Spinoza uluslararası barışının kurulmasını salıklayan bir düşünür olarak ortaya çıkmaktadır. Bu salıklama herhangi bir yüksek idealizmden kaynaklanmamakta, bilakis devletlerin daha fazla güç kazanma yolu olarak görülmektedir.

### **Anahtar Sözcükler**

Spinoza, Uluslararası Hukuk, Uluslararası Hukuk Kuramı.

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