

# HOBBS OR SPINOZA? TWO EPICUREAN VERSIONS OF THE SOCIAL CONTRACT

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Abstract: I argue that both Hobbes and Spinoza rely on a pivot epicurean idea to form their conceptions of the social contract, namely, the idea that the human acts by calculating their utility. However, Hobbes and Spinoza employ this starting principle in different ways. For Hobbes, this only makes sense if the calculation of utility is regulated by fear as the primary political emotion. For Spinoza, there is no primary emotion and the entire construction of the social contract relies on how the calculation of utility is carried out. I argue that this conception of the social contract leads Spinoza to espouse a radical position about the political, which has been overlooked by those like Antonio Negri who read Spinoza as a radical democrat.

Keywords: Epicureanism, Social Contract, Power, Phronesis, Utility.

## 1. Introduction

In chapter 16 of the *Theological Political Treatise*, Spinoza holds that «nature's right is co-extensive with its power [*jus naturae eo usque se extendere, quo usque ejus potentia se extendit*]» (173/189)<sup>1</sup>. Even if we are to understand right in its seventeenth century context in which it usually refers to what one can do, contrasted to law that refers to what one is prevented from doing, still this position is enigmatic. As a result, this conjunction of right and power has both been dismissed and praised.

The liberal readings of Spinoza tend to dismiss the coextensivity of right and power because it is taken to repeat Thrasymachus's argument from the *Republic*, according

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<sup>1</sup> All references to SPINOZA's *Theological Political Treatise* are to the translation by Samuel Shirley, Hackett, Indianapolis 2001, cited parenthetically by page number. I have often altered the translation. For the Latin, I have used the *Opera*, ed. Carl Gebhardt, Carl Windters Universitätsbuchhandlung, Heidelberg 1924. The *Tractatus Theologico-Politicus* is contained in Volume 3. All page references to this edition follow after the English edition.

to which justice consists in the right of the strongest—a position almost unanimously rejected in the philosophical and theological tradition<sup>2</sup>. As Socrates shows, as soon “might is right”, there is no longer any foundation of just action other than force, which is nothing other than the justification of violence and the pursuit of immorality. Following the standard interpretation of liberal readings of Spinoza’s notion of right as repeating Thrasymachus’s position, Steven Smith draws the inevitable conclusion that Spinoza’s coextensivity of right and power is «amoral»<sup>3</sup>. Differently put, the coextensivity of right and power suggests, according to the liberal interpretation, first, a distinction between natural power or *potentia* and instituted power or *potestas*; and, second, the transfer all right to *potestas*, which is amoral as it gives absolute license to *potestas* to act as it wills.

A diametrically different approach to the notion of right in Spinoza is adopted by the radical democratic readings of chapter 16<sup>4</sup>. According to them the coextensivity of right and power shows the prevailing of *potentia* over *potestas*. The most original and distinctive exponent of this line of interpretation is Antonio Negri, whose reading of the coextensivity of right and power is carried out in Chapter 5 of *The Savage Anomaly*. Departing from the distinction between *potentia* and *potestas*, Negri argues that Spinoza’s conception of natural right is distinct from the entire political philosophical tradition that includes Hobbes, Rousseau, Kant and Hegel<sup>5</sup>. The crucial point of differentiation is that Spinoza never reconciles right with the function of the state. Differently put, right is confined exclusively to the function of *potentia*.

In the liberal reading of Spinoza’s right, *potentia* disappears and the entire political field is abandoned to *potestas*. In the radical democratic reading, *potentia* rises over *potestas* and determines the constitution of the political. It is startling that in fact the liberal and the radical democratic interpretations agree on one critical point, namely, they reject the possibility that there is a persistent relation between *potentia* and *potestas* in Spinoza. They are committed instead to separating them by privileging either one

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<sup>2</sup> PLATO, *Republic*, trans. Paul Shorey, Harvard University Press, Cambridge 2003, 338c.

<sup>3</sup> Steven B. SMITH, *Spinoza, Literalism, and the Question of Jewish Identity*, Yale University Press, New Haven 1997, p. 124.

<sup>4</sup> For the most perspicacious presentation of the radical democratic reading of Spinoza that is also critical of some of its positions, see Martin SAAR’s *Die Immanenz der Macht: Politische Theorie nach Spinoza*, Suhrkamp, Frankfurt a.M. 2013.

<sup>5</sup> Antonio NEGRI, *The Savage Anomaly: The Power of Spinoza’s Metaphysics and Politics*, trans. Michael Hardt, University of Minnesota Press, Minneapolis 2002, p. 114.

or the other. And yet, the intertwinement of *potentia* and *potestas* is a distinctive feature of the social contract tradition, according to which the people transfer their right to sovereignty thereby *authorizing* it to exercise executive power and to legislate.

Significantly, despite the liberal and radical democratic interpretation's, *potentia* and *potestas* are never completely separated for this authorization to take place. Leo Strauss clearly recognizes this point when he writes about Hobbes that «only *if potentia* and *potestas* essentially belong together, can there be a guaranty of the actualization of the right social order»<sup>6</sup>. To explore the conjunction of *potentia* and *potestas* in Spinoza's conception of right, I will argue that chapter 16 was written in conversation with *De Cive*<sup>7</sup>. This conversation raises questions that are important to discern the conjunctions and disjunctions between right and authorization. First, how does the intertwinement of *potentia* and *potestas* inform human sociality? Second, how does it contribute to the establishment of the social contract? And, lastly, how does right carve out a space that is incommensurable with sovereignty, thereby avoiding the old problem of power from the *Republic*? I will take these questions in turn<sup>8</sup>. As Alexandre Matheron demonstrates what is at stake in Hobbes and Spinoza's divergent accounts of right is nothing less than the conceptualization of authorization<sup>9</sup>.

## 2. Epicurean Communities: Fear and Utility

I will start with the hypothesis that the common ground between Hobbes and Spinoza is their epicurean kind of materialism. Hobbes's epicurean kind of materialism is well-documented<sup>10</sup>. There are biographical details that support this view, such as his

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<sup>6</sup> Leo STRAUSS, *Natural Right and History*, University of Chicago Press, Chicago 1953, p. 194.

<sup>7</sup> Thomas HOBBS, *On the Citizen*, ed. Richard Tuck and Michael Silverthorne, Cambridge University Press, Cambridge 2003, hereafter abbreviated as *C* and cited by chapter followed by paragraph number.

<sup>8</sup> There is a different, narrower use of authorization in discussions of Hobbes. Thus, Zarka argues that authorization is lacking in *De Cive* as the sovereign is pre-existing while the sovereign is authorized, which is to say created, by the people's renunciation of right in *Leviathan*. See Yves Charles ZARKA, *Hobbes and Modern Political Thought*, trans. James Griffith, Edinburgh University Press, Edinburgh 2018, pp. 45–46. I do not use here authorization in this technical sense.

<sup>9</sup> Alexandre MATHERON, "The Theoretical Function of Democracy in Spinoza and Hobbes", in eds. Warren Montag and Ted Stolze, *The New Spinoza*, University of Minnesota Press, Minneapolis 1997, pp. 206–17.

<sup>10</sup> Friedrich LANGE, *Geschichte des Materialismus und Kritik seiner Bedeutung in der Gegenwart*, Baedeker, Iserlohn 1887.

association with Gassendi and other materialists at the Cavendish salon in Paris<sup>11</sup>. But neither the physicalist nor the hedonistic interpretations of epicureanism are the most important common ground for Spinoza and Hobbes. Rather, the critical similarity is that they both place practical judgment or instrumental rationality at the center of their conception of human nature<sup>12</sup>.

I have argued elsewhere in detail about the importance of practical judgment in epicureanism<sup>13</sup>. In brief, I show that the core of materialism from antiquity to the present is the rejection of creation *ex nihilo*<sup>14</sup>. However, this materialism that we find in atomists such as Democritus is amplified by a significant insight found in Epicurus, namely, that practical judgment or phronesis is the foundation of knowledge and virtue<sup>15</sup>. When the epicurean manuscripts re-appear in the mid-fifteenth century, the humanists translate the epicurean phronesis as utility<sup>16</sup>. This is to avoid confusion with the *prudencia* of the stoic tradition that also influences Christianity. By the seventeenth century, the most common way of expressing this calculation of utility is, in Hobbes's words, as the propensity of the individual to calculate the «greater good or the lesser evil» (C 5.1) or in Spinoza's *Ethics* (Part IV, Proposition 65), to «follow the greater of two goods or the lesser of two evils.»

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<sup>11</sup> Catherine WILSON, *Epicureanism at the Origins of Modernity*, Clarendon Press, Oxford 2008.

<sup>12</sup> Arrigo Pacchi and Gianni Paganini have provided significant insights into the convergences of Hobbes's political philosophy with epicureanism. Thus Paganini perceives a «neo-Epicurean mold» in Hobbes's political philosophy. Gianni PAGANINI, «Hobbes, Gassendi, and the Tradition of Political Epicureanism», *Hobbes Studies*, n. 15, year 2001, p. 22. In his comparison of Hobbes's position to Gassendi's epicureanism, Paganini comes close to my interpretation of Hobbes's relation to epicureanism when he writes that true divergence consists in their respective evaluation of «utilitas», *ibid*, 23-24. My addition to this insight is that the «calculation of utility», as Paganini calls it, is a form of *practical judgment* that combines rationality and emotion. The difference between Spinoza and Hobbes, I will argue, consists in how this combination is carried out.

<sup>13</sup> Dimitris VARDOULAKIS, *Spinoza, the Epicurean: Authority and Utility in Materialism*, Edinburgh University Press, Edinburgh 2020.

<sup>14</sup> This is the position defended by Friedrich LANGE in his monumental history of materialism that remains unsurpassable to this day, *Geschichte des Materialismus und Kritik seiner Bedeutung in der Gegenwart*, Baedeker, Iserlohn 1887.

<sup>15</sup> The clearest articulation of this position is in the letter to Menoeceus that has been preserved by DIOGENES LAERTIUS, in «Epicurus», in *Lives of Eminent Philosophers*, trans. R.D. Hicks, Harvard University Press, Cambridge 1931, book X.

<sup>16</sup> See Alison BROWN, *The Return of Lucretius to Renaissance Florence*, Harvard University Press, Cambridge 2010.

An indication of Hobbes's epicureanism in terms of phronesis or the calculation of utility is his use of the "golden rule" from the Sermon on the Mount (*Matthew* 7.12) to express the idea of utility. «Do not do to another what you could not have done to you» (C 4.26). The "golden rule" is important for modern epicureanism as it was believed to affirm the epicurean principle about the centrality of utility for understanding human nature<sup>17</sup>. Such use of the "golden rule" is made by Spinoza himself in chapter 16 of the *Theological Political Treatise*, according to which one ought «to do to no one what they would not want done to themselves, and to defend another's right [*jusque ... alterius ... defendere*] as they would their own» (175/192). It is noteworthy that Spinoza articulates the "golden rule" here in terms of natural right. I will return to this point later.

The distinctive feature of Hobbes's epicurean use of phronesis is that it is explicitly linked to the drive for self-preservation or the conatus. It is this conjunction that is definitive of human nature, according to Hobbes, and which grounds natural right. Thus, we read that «each man is drawn to desire that which is Good for him and to Avoid what is bad for him, and most of all the greatest of natural evils, which is death; this happens by a real necessity of nature as powerful as that by which a stone falls downward» (C 1.7). There is, on the one hand, the calculation that seeks to maximize the good and to minimize the bad, which is typical of how phronesis is formulated in the seventeenth century; and there is, on the other, the conjunction of this formulation with the conatus. Hobbes calls this conjunction of phronesis and the conatus «the first foundation of natural right» (C 1.7). Natural law is also defined within the same framework: it is the «right reasoning» that «may conduce to his advantage or to other men's loss» and which is concerned with «the longest possible preservation of life and limb» (C 2.1).

Hobbes's distinctive innovation arising from the conjunction of the calculation of utility and the conatus consists in privileging one emotion, fear, in the determination of phronesis. From antiquity, phronesis indicates a combination of emotion and

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<sup>17</sup> This justification relying on the "golden rule" becomes a common place and persists well into the nineteenth century. For instance, John Stuart MILL repeats in his essay on utilitarianism: «In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality». See "Utilitarianism", in *The Collected Works of John Stuart Mill*, ed. John M. Robson, University of Toronto Press, Toronto 1982, volume 10, p. 218.

rationality, as we learn for instance in book 6 of Aristotle's *Nicomachean Ethics*. No particular emotion is privileged in this tradition. Privileging fear is Hobbes's innovation<sup>18</sup>.

We can readily discern the challenge Hobbes poses to Spinoza at this precise point. Not only is fear associated in the epicurean tradition, at least since Lucretius, with the establishment of "religio"—an insight fully shared by Spinoza who insists in the preface of the *Theological Political Treatise*, for instance, that fear is the main cause of superstition and "despotism". Moreover, Spinoza is following the epicurean tradition that indicates the co-presence of rationality and emotion without privileging any kind of emotion. There is no privileged emotion in Spinoza. Thus, Hobbes poses a double challenge: both to the way traditionally fear is a negative emotion leading to superstition, and to the construction of instrumental rationality in Spinoza. It is around this challenge that I locate the dialogue between Hobbes's *De Cive* and chapter 16 of the *Theological Political Treatise*. They both strive for an epicurean politics based on the calculation of utility, but their politics are ultimately very different because of these differences—whereby we are faced with the conundrum: Hobbes or Spinoza?

The deviation introduced by fear results in a profoundly different articulation of sociality in Hobbes and Spinoza. For Spinoza our relations to others are determined by the principle to "love your neighbor as yourself", which according to chapter 14 of the *Theological Political Treatise* is the fundamental principle religion and the ultimate expression of piety. Neighborly love is Spinoza's way of saying that utility is always reciprocal, it is never simply a personal matter. In Hobbes, neighborly love is rendered meaningless if not dangerous. A Hobbesian re-articulation of charity might be: «if you love yourself and your life – which you should, as this is constitutive of your human nature – then fear your neighbor»<sup>19</sup>. The reason is that in the state of nature – that is, the state where the human can express its nature without restrictions – «man to man is an arrant wolfe»<sup>20</sup>. There is no reciprocity in the calculation of utility, there is only ever

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<sup>18</sup> Hobbes may be influenced by LUCRETIUS's account of the role of fear in the three stages of society outlined in book 5 of *De Rerum Natura*—but I cannot take up this comparison here.

<sup>19</sup> Cf. Dimitris VARDOULAKIS, *Sovereignty and its Other: Toward the Dejustification of Violence*, Fordham University Press, New York 2013, pp. 84–93.

<sup>20</sup> The complete quotation from the famous dedication of *De Cive* is as follows: «There are two maxims which are surely both true: Man is a God to man, and Man is a wolf to Man. The former is true of the relations of citizens with each other, the latter of relations between commonwealths» (C3–

personal self-interest. This leads to a war of all against all whose effect is fear for one's life. This existential threat forms the foundation of Hobbes's entire political project.

We can express this difference in terms of right and power. Right (the freedom to act afforded by the absence of law in the state of nature) is coupled with power (the actions one performs depending on one's desires and calculations). By linking right to power, Hobbes leads a materialist charge against the Platonic sources of the understanding of right as indicating a value independent of experience – and in this Spinoza is in agreement. Their disagreement pertains to the inferences Hobbes draws about human nature and phronesis from the linking of right and power. Whereas Spinoza accepts this link to argue that the other is part of the calculation that one forms so as to use the words of the *Ethics* – «man is a god to man» (*E IV*, P35S), the instrumental rationality that characterizes individuals according to Hobbes is destructive. Thus, whereas for Spinoza the calculation of utility yields a constructive articulation of sociality, the articulation is destructive for Hobbes. In his narrative of the state of nature, Hobbes is adamant that the instrumental rationality characterizing the human leads to a violence that dissolves the social bonds in a war of all against all.

As the distinctive emotion of instrumental rationality, fear plays a positive role in Hobbes's account of the origins of social interaction. This is the first point that Hobbes makes in the opening of chapter 1 of *De Cive*. He articulates this positive function of fear as the absurdity of the principle of neighborly love: «if man naturally loved his fellow man, loved him, I mean, as his fellow man, there is no reason why everyone would not love everyone equally». But this is not the case because in one's relations with others «everyone is looking for profit not for friendship». And given that these «public affairs» rely on the pervasive egotism or pursuit of self-interest, «a kind of political relationship develops, which holds more mutual fear than love» (*C 1.2*). There is no community based on love. The idea of a benevolent neighbor is a delusional fiction because the calculation of the individual's personal interest is conducted at the expense of others. Calculations of utility derive from the base instincts of the human that, when left unchecked in the state of nature, they lead to pure violence (*C 1.11*).

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4). Of course, this means that man can be “god” to man according to Hobbes only under the compulsion of the state. By contrast, the relations between different states, which mirror the state of nature, is the condition of universalized enmity. Without being able to go into an analysis of *Ethics* Part IV here, the point that I am making and which is also clear from Chapter 16 is that Spinoza does not accept the distinction that Hobbes draws in the dedication of *De Cive*.

Therefore, it is not love but «mutual fear» that characterizes the relation between humans due to how phronesis operates.

The fear generated by everyone's inherent egotism is indispensable not only for Hobbes's anthropology—developed most remarkably in the opening chapters of the *Leviathan*—but also for the foundation of society: «no one should doubt that, in the absence of fear, men would be more avidly attracted to domination than to society. One must therefore lay it down that the origin of large and lasting societies lay not in mutual human benevolence but in men's mutual fear» (C 1.2). Love as a social virtue and love of neighbor as the basis of law and of command are— «no one should doubt» —a recipe for conflict between humans. Conversely, it is only fear of the neighbor, or “mutual fear”, that can lead to the preservation of society. Fear marks the origin of society, according to Hobbes. In other words, it is fear that drives humans to the realization that exercising natural right is detrimental to social interaction. If the calculation of utility is prone to violence, it is its primacy emotion, fear, that seeks to rectify this inimical impulse<sup>21</sup>.

The moment fear becomes central, authority is required to manage and regulate that fear in the service of achieving order, peace and stability. This is what instigates the process of authorization, whereby people transfer their right to a sovereign so that the sovereign can transform the fear of the other into the fear of punishment for laws to be followed and for people to avoid harming each other. To put this in terms of power, according to Hobbes, *potentia* without *potestas* entails pure, unadulterated violence. Because of its inherent violence and the fear that this violence engenders, human capacity or *potentia* is inextricable from sovereignty or *summa potestas*. “Mutual fear”, or the fear of the neighbor, brings together *potentia* and *potestas* so as to lead to the authorization that establishes the political order.

To recapitulate Hobbes's argument, the process of arriving at the commonwealth has three stages, all determined by fear due to the conjunction of phronesis and the conatus. In the state of nature, humans fear for their lives from others; in the social

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<sup>21</sup> The centrality of fear in Hobbes's account is well-known. For instance, Carl Schmitt and Leo Strauss agree on the importance of fear in Hobbes's philosophy, despite the implicit polemic conducted through their respective books. See Carl SCHMITT, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, trans. George Schwab and Erna Hilfstein, Greenwood Press, Westport 1996); and Leo STRAUSS, *The Political Philosophy of Hobbes: Its Basis and its Genesis*, trans. Elsa M. Sinclair, University of Chicago Press, Chicago 1963.

stage humans realize that mutual fear can lead to productive interpersonal relations because it curtails the existential threat to one's life; and, the political realm is characterized by the authorization of the sovereign to transfigure the existential fear of death and the mutual fear into the fear of punishment as a way of securing the law and the lives of subjects.

Spinoza differentiates his exposition of right from Hobbes's from the beginning. As soon as the coextensivity of right and power is expressed in terms of the human, this is couched within desire: «The natural right of every human is determined not by sound reasoning [*non sana ratione*], but by its desire and its power [*sed cupiditate et potentia*]» (174/190). It is useful to recall here the definition of desire in the *Ethics*. *Cupiditas* is the essence of the human and it consists in the coupling of an appetite with the consciousness of that appetite. In other words, desire as that which delimits the potential of the human is an emotion or passion—something that the human undergoes, or something that determines the human—accompanied by the rational calculation as to how that determination affects the human. It is not “sound reason” that operates here, in the sense that it is not reason concerned with adequate ideas. It is rather the practical kind of reason that is concerned with means and ends. This is the notion of phronesis that since Aristotle and Epicurus couples emotions to the calculation of utility.

Importantly, *cupiditas* or desire does not have a privileged emotion according to Spinoza. The combination of emotion and rationality in the exercise of phronesis can have many combinations that are all valid from the perspective of natural right. From the perspective of right, all emotions are on an equal footing, according to Spinoza. This means that phronesis as the *potentia* of the human's natural right is as such—that is, irrespective of a specific emotional compartment—the necessary and sufficient condition for the formation of society. Human natural right is coextensive with commonality. This is a profoundly empowering gesture. It offers the possibility of a reciprocal conception of utility. Let us see how Spinoza describes this sociality.

It may be the case that «reason can claim no more right than hatred and anger», but still from the perspective of phronesis «there cannot be any doubt as to how much more it is to the human's advantage [*utilius*] to live in accordance with the laws and sure dictates of our reason, which, as we have said, aim only at the true utility of the human [*verum hominum utile*]» (175/191). The reason concerned with utility aims at the human's self-preservation—it is linked to the *conatus*. This means that phronesis is not a function of each individual on its own. Rather, it is that which brings individuals

together: «in order to achieve a secure and good life, humans had necessarily to unite in one body [*in unum conspirare*]» (175/191). Unlike Hobbes, for whom the conjunction of phronesis and the conatus leads to fear for one's life, here the conjunction leads to the reciprocity of utility<sup>22</sup>. Spinoza continues: «They therefore arranged that the unrestricted right naturally possessed by each individual should be held collectively [*collective habere*], and that this right should no longer be determined by the strength and appetite of the individual, but by the power and will of all together [*ex omnium simul potentia, et voluntate*]» (175/191). The sociality made possible by the reciprocity of utility is the basis of the political.

The coextensivity of right and power culminates in the imperative that one ought «to do to no one what they would not want done to themselves, and to defend another's right [*jusque ... alterius ... defendere*] as they would their own» (175/192). The first sentence articulates the fundamental principle of religion or neighborly love, expressed as the “golden rule” from the Sermon on the Mount. This familiar epicurean move that highlights the importance of the calculation of utility—a use that Hobbes himself makes, as we saw above—is articulated in the second sentence in terms of right. Reciprocal utility extends to the exercise of right. The imperative of natural right, according to Spinoza, is to defend the rights of the other. For Spinoza, unlike Hobbes, we can have common desires that are constructive. These enable the sharing of one's right with others and lead to the imperative to defend the other's right. This sharing—which is strictly impossible in Hobbes because of his privileging of fear—is enough for Spinoza to link natural right to the formation of society.

### 3. The Robber in the Night: On the Promise

Hobbes's conception of the social contract requires the combination of fear and the promise. Fear needs to combine with promise for the formulation of the social contract. Fear is, according to Hobbes, responsible not only for the relations that we form with others but also for how these relations are instituted in legal and governmental institutions. The material cause that forges the transition from the state of nature

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<sup>22</sup> On the conjunction of power and the conatus, see Cesare CASARINO's compelling “Grammars of Conatus: Or, On the Primacy of Resistance in Spinoza, Foucault, and Deleuze” in eds. Kiarina Kordela and Dimitris Vardoulakis, *Spinoza's Authority Volume 1: Resistance and Power in the Ethics*, Bloomsbury, London 2017, pp. 57–85

through the social bond to the civil state is fear<sup>23</sup>. The Hobbesian account goes as follows: Because human nature makes people fear for their lives and because they realize that their utility is served by authorizing a power to guarantee their self-preservation, people transfer their rights to sovereignty that oversees adherence to the law through the threat of punishment. Thus the social contract transforms the fear of one's life due to the unfettered violence of the neighbor into the fear of the punishment from the sovereign. The political sphere is formed through this transformation of fear.

The concept of the promise is critical in this account. In Chapter 2 of *De Cive* Hobbes defines the concept of the contract as the act that establishes the political sphere. A contract occurs when «the trusted party promises to make performance later; and a promise of this kind is called an AGREEMENT [*pactum*]» (C 2.9). The promise is required for the *pactum*—which can signify both agreement in general and the social contract more narrowly. Such a promise can only take place for the agreement to be valid if reasoning about one's advantage or disadvantage is operative: «Promises therefore which are made in return for *good* received (such promises too are *agreements*) are signs of will, that is ... signs of the last act of deliberation by which the liberty not to perform is lost; consequently they are obligatory» (C2.9). He recapitulates this train of thought as follows: «Agreements are made only about actions which are susceptible of deliberation; for an agreement requires the will of its maker, and will is the final act of deliberation. *Agreements are therefore only about possible, future things*» (C2.14). This reference to the future is what makes them a promise. A *pactum* is a specific kind of promise that involves the “will” that is, the calculation of one's utility. But this is “the last deliberation” in the sense that making a *pactum* one promises to *cease* calculating their utility about the matter agreed upon. A *pactum* according to Hobbes is the calculation of utility to transfer authority or to *authorize* someone else to deliberate on our behalf and the *promise* to obey the person endowed with that authority. The key element is that the promise is realized: “deliberation” is suspended and obedience occurs. This kind of agreement that realizes the promise is what Hobbes understands as the social contract.

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<sup>23</sup> For a fascinating discussion of Hobbes's materialism according to which the contemplation of causality is inadequate for materialism and what is also needed is the thought that arises from known effects, see Richard LEE, *The Thought of Matter: Materialism, Conceptuality and the Transcendence of Immanence*, Rowan & Littlefield, London 2016, Chapter 4.

The combination of fear and the promise raises a difficulty that bothers Hobbes. He acknowledges it as an imaginary objection immediately after concluding his description of the agreement or *pactum*: «The question is often asked whether *agreements* extorted by fear are obligatory or not». To demonstrate the necessity of the combination of fear and the promise for the contractual arrangements, Hobbes uses an extraordinary example. He considers a highway robbery: «For example, am I obligated if, to save my life, I make an *agreement* with a highway robber to pay him a thousand gold pieces tomorrow, and to do nothing that might result in his arrest and arraignment?» Hobbes's answer is unequivocal: an agreement or *pactum* «will not be invalid simply because it was motivated by fear» (C 2.16). The conjunction of fear and the promise does not invalidate the agreement. As the example of the robber shows, the calculation to promise money in exchange for one's life relies on the principle of self-preservation. A promise given in fear of one's life is certainly obligatory, according to Hobbes.

Hobbes continues by drawing an analogy between the agreement with the highway robber that combines fear with the promise and the social contract:

If agreements through fear were invalid,] this would imply that the *agreements* by which men unite in civil life and make laws are invalid (for one's submission to government by another person is motivated by fear of mutual slaughter); and that one is not acting rationally in putting one's trust in an agreement with a captive on the price of his ransom. The truth is that agreements are universally valid once the benefit has been accepted, and if the act and the content of the promise are licit. And it is licit to make a promise to ransom my life and to give anything I like of my own to anyone, even to a robber. Thus we are obligated by agreements motivated by fear, unless a civil law forbids it by making what is promised illicit. (C 2.16)

There are two conditions that validate an agreement or *pactum*. First, an agreement is valid if its “benefit has been accepted”. This is the epicurean idea that an agreement relies on its utility. It also has to be “licit”, meaning that it conforms to the law. Hobbes's frankness is disarming. Given his premises, Hobbes's inference is valid—“we are obligated by agreements motivated by fear”. But the example itself is unsettling, even horrifying, to law abiding citizens, since the example presents the sovereign as analogous to a highway robber. The presence of fear essentially indicates that the promise needs to be cashed in. The nature of the authorized party—the robber or the sovereign—is entirely irrelevant to the promise, that is, to the agreement to suspend judgment for certain future actions in exchange for a certain benefit, namely, self-preservation.

In *De Cive*, fear transforms right into a promise effecting the transition to the political. This is only further intensified in the *Leviathan*, where the metonymic personification of the authorized party is no longer the highway robber but rather the mythical monster, the leviathan<sup>24</sup>. The reason that Hobbes employs this mythical monster is, as he explains, its description in the Bible as the “king of the Proud”, that is, as the one who can stand above all others who are only concerned for themselves—and this standing above others is because of not being subject to fear<sup>25</sup>. Fear defines the position both of the citizen and the sovereign—the former being subject to fear of the law, and the latter being fearless<sup>26</sup>.

Spinoza challenges Hobbes’s example of the highway robber as an analogy for the one who is authorized through the social contract. The difficulty of Spinoza’s argument and the reason that it has been so misunderstood is its bare simplicity. Spinoza, like Hobbes, follows the epicurean position that emphasizes the calculation of utility. Unlike Hobbes, however, he has no use of fear as the primary emotion of phronesis leading to the binding nature of the contract. Instead, for Spinoza all that matters is utility. In this, he closely follows Epicurus who argues that the laws are binding only so long as they are useful<sup>27</sup>. How does that impact on his conception of the promise? *What is Spinoza’s promise?* Let us read closely his recounting of the confrontation with the robber.

Spinoza, like Hobbes, starts the discussion of the social contract by pointing to the human’s inherent drive to calculate its utility, but he thereby arrives at a different sense of the promise. Spinoza asks what ensures the «stability and validity» of the «social contract [*pactum*]» (175/191). He immediately turns to a discussion of the calculation of utility: «it is a universal law of human nature that nobody rejects what he judges to be good except through hope of a greater good or fear of greater loss, and that no one

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<sup>24</sup> I should note that the example of the highway robber is repeated in the *Leviathan* but in a much less stark manner. It no longer plays the crucial role it had in *De Cive*. See Thomas HOBBS, *Leviathan*, ed. Richard Tuck, Cambridge University Press, Cambridge 1999, p. 98.

<sup>25</sup> HOBBS, *Leviathan*, 221.

<sup>26</sup> I deal with this point in detail in my *Sovereignty and its Other*, Chapter 3.

<sup>27</sup> See DIOGENES LAERTIUS, “Epicurus”, *Lives of Eminent Philosophers*, trans. R.D. Hicks, Harvard University Press, Cambridge 1931, X.152–53.

endures any evil except to avoid a greater evil or to gain a greater good» (175)<sup>28</sup>. The ground of the political is the calculation of utility. After this, Spinoza introduces the figure of the promise: «Now from this law [i.e., that the human calculates its utility] it necessarily follows that nobody is going to promise to give up one's unrestricted right unless through deception [*absque dolo*], and in general nobody is going to keep any promises whatsoever, except through fear of a greater evil or hope of a greater good» (176/192)<sup>29</sup>. This may appear as being close to Hobbes's idea that the agreement relies on the benefits it confers. But what about the idea of the promise? Does the promise make the agreement or pactum obligatory, as is the case in Hobbes?

At this precise point, Spinoza repeats Hobbes's example of the highway robbery in order to address the issue of the promise:

To make the point more clearly understood, suppose that a robber [*latronem*] forces me to promise [*promittam*] to give him my goods at his pleasure. Now, since, as I have already shown, my natural right is determined by power alone, it is quite clear that if it is within my power [*si possum*] to free myself from this robber by deceit [*dolo*], promising him whatever he wants [*quicquid velit, promittendo*], I am permitted [*licere*] by natural right to do so, that is, to pretend to agree to whatever he wants [*dolo scilicet, quicquid velit, pacisci*]. (176/192)

It is not the obligation to keep one's promise that validates the agreement but rather the possibility that the promise will be broken as soon as it is no longer useful. There is no other basis for the social contract other than its utility:

the validity of an agreement relies on the calculation of its utility [*ratione utilitatis*], without which the agreement has no force [*pactum nullam vim habere*]. (176/192)

And also:

nobody makes a contract [*contrahit*] or is bound to abide by an agreement [*pactis*], except through hope of some good or apprehension of some evil. If the basis is removed, the agreement annuls itself [*pactum ex sese tollitur*]. (180/196)

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<sup>28</sup> Recall here Hobbes's similar formulation that I quoted earlier. It is common in the seventeenth century to formulate phronesis as the calculation of the better of two good alternatives or the least of two evils. See also *E IV*, P65 and P66.

<sup>29</sup> I examine the notion of "dolo" in this passage in VARDOULAKIS, "The Freedom to Lie", *Philosophy Today*, v. 58, i. 2, year 2014, pp. 141–62.

Phronesis on its own is the necessary and sufficient condition for the agreement. No special affective condition is required, such as fear, nor the cashing out of the promise in an inviolable obligation to obey.

Not only does this not forget the connection between phronesis and the conatus but rather reinforces it and moreover in a way that is critical of Hobbes's necessary connection between fear and the promise. Immediately after the example of the highway robber, Spinoza gives another example:

Or suppose that in all good faith I have promised somebody [*absque fraude alicui promississe*] that I will not taste food or any other nourishment for twenty days, and that I later realised that I had made a foolish promise [*stulte promississe*] which could be kept only with considerable hurt to myself [*nec sine damno maximo promisso stare posse*]. Since by natural right [*ex jure naturali*] I am bound to choose the lesser of two evils, I have the sovereign right to break faith with the agreement [*possum ergo summo jure fidem talis pacti rumpere*]. (176/192)

According to Hobbes, the agreement or *pactum* requires the combination of fear and the promise to guarantee self-preservation. According to Spinoza, on the contrary, it is because of the concern with self-preservation that the promise can never be secured. If the conditions change, or if we realize that we have made the wrong calculation, the agreement's utility evaporates and we have every right to break our promise so as to preserve our life. It is because of the conatus that «everyone has the natural right to act deceitfully and is not bound to keep his agreements [*dolo agere potest, nec pactis stare tenetur*] except through hope of greater good or fear of greater evil» (176–77/193).

Just as in the case of the robber in Hobbes's example, Spinoza's own examples are «particularly relevant in the institution of a state [*in Republica instituenda*]» (176/192). Spinoza's concept of the social contract, then, rests on a minimal condition, namely, the utility of the agreement. And this means that the moment there is no utility, the agreement is no longer useful and we can forego our promise. Spinoza agrees on the indispensability of the promise for the social contract, but the promise is understood here as something that can never be realized. Or—which amounts to the same thing—the condition of the possibility of the promise is that it can be broken. The promise of the social contract consists in its violability.

Thus, I disagree with Antonio Negri, who finds in these references to the social contract in Chapter 16 the inherent limitation of the *Theological Political Treatise*, supposedly overcome only in the *Political Treatise* where the social contract is never

mentioned<sup>30</sup>. If my interpretation above is correct, a more plausible reason for the disappearance of the social contract from the *Political Treatise* is prudence. After the publication of the *Theological Political Treatise* and the hostile reception it received, Spinoza could have realized that it was too provocative to assume with Hobbes the analogy between the outlaw and the sovereign, and to further add that, by retaining a right to judge, by basing the social contract entirely on the calculation of utility, we are authorized to break our promise. This boldness in Spinoza may explain the apocryphal anecdote about Hobbes's opinion on Spinoza: «When Spinoza's *Tractatus Theologico-Politicus* first came out, Mr. Edmund Waller sent it to my lord of Devonshire and desired him to send him word what Mr. Hobbes said of it. Mr. H. told his lordship: *Ne judicate ne judicemini* [do not judge so that you are not judged yourself]. He told me he had outthrown him a bar's length, for he durst not write so boldly»<sup>31</sup>.

The boldness of Spinoza's argument consists in the realization that a promise is a promise only if it cannot be absolutely adhered to. Hobbes is correct that an agreement is a promise, which means that it relies on how it determines the will in the future. But he draws the wrong inference from this, namely, that this makes the promise obligatory. Much more pragmatic, Spinoza points out that we cannot know the future. No matter how much we may try, not matter how hard we may calculate, we may later realize that our instrumental rationality erred and that what we promised was wrong. Grounding the *pactum* on phronesis that is a fallible kind of judgment entails that the authorization produced by the agreement is founded on the possibility of *de-authorization*.

The impossibility of realizing one's promise robs—and I am using this verb intentionally—sovereignty from a secure basis. If Hobbes's sovereign is a robber because he robs the citizens from their right or *potentia* to break faith and renege on their

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<sup>30</sup> For instance, Negri insists on the «disappearance in the [*Political Treatise*] of any reference to the contractarian horizon» as a significant advancement over the *Theological Political Treatise*. Antonio NEGRI, “*Reliqua desiderantur*: A Conjecture for a Definition of the Concept of Democracy in the final Spinoza”, in *Subversive Spinoza: (Un)contemporary Variations*, trans. Timothy S. Murphy et al., Manchester University Press, Manchester 2004, p. 30.

<sup>31</sup> Andrew CLARK (ed.), *Brief Lives, Chiefly of Contemporaries, set down by John Aubrey, Between the Years 1669 and 1696*, Clarendon Press, Oxford 1898, volume 1, p. 357. For a detailed examination of this Aubrey's statement, see Edwin CURLEY, “‘I Durst Not Write So Boldly,’ or How to Read Hobbes' *Theological-Political Treatise*,” in ed. Daniela Bostrenghi, *Hobbes e Spinoza, Scienza e Politica*, Bibliopolis, Naples 1992, pp. 497–593.

promise, Spinoza's promise, by contrast, robs the sovereign of any security, robs potestas of any absoluteness, because it insists that the calculation of utility authorizes the people to break their promise. This promise in Spinoza makes the future fragile and unstable—but also it opens up hope and possibility because it refuses to reconcile potentia and potestas. No one is secure in the knowledge that the fear generated by their power obligates others to obedience. Spinoza uses the name “pactum” to subvert the idea of the promise that underlies the notion of the social contract. His most subversive political insight is that the promise is violable. Authorization is sanctioned by the possibility of its de-authorization.

#### 4. The Right to Resist or the Fallibility of Judgment? On the Limits of Authorization

To persuasively dispel the suspicion that Hobbes and Spinoza follow the principle that “might is right”, we need to show what limits they set to the power of the sovereign. Without limits to the power of the sovereign, then indeed the authorization is nothing other than the assertion of might is right.

Hobbes makes an ingenious move to guard from this possibility. Just as the transformation of fear—from the existential fear for one’s life to the fear of punishment when the law is broken—institutes the political sphere, it is also fear that delimits sovereignty. The fear of one’s life remains a possibility in an organized political community and grants the subject the right to resist any action of the sovereign that poses an existential threat to it. Differently put, the transformed fear in the commonwealth cannot completely eliminate the fear of self-preservation that characterizes nature. *Conatus* remains operative even when the sovereign offers protection. Consequently, if the sovereign does not account for one’s self-preservation, then the subject has the right to resist.

Hobbes introduces the right to resist immediately after the example of the highway robber: «No one is obligated by any *agreement* he may have made not to resist someone who is threatening him with death». After arguing that agreements based on fear are valid, he turns to the right to resist that delimits the power of sovereignty. What the social contract cannot eliminate is the fear for one’s life. This is why «in the civil state, where the right of life and death and of all corporal punishment are the responsibility of the commonwealth, this very right of killing cannot be allowed to a private person». Only the sovereign has the prerogative of life and death—or the “right of killing”. Hobbes continues by underscoring how this right does not invalidate the individual’s right to self-preservation: «Nor need the commonwealth itself require of anyone, as a condition of punishment, an agreement not to resist, but only that no one protect others» (*C* 2.18). The right of resistance posits a limit to sovereign power. Significantly, this limit passes through the individual, not through others. The individual can protect itself but no one has the right to “protect others”. Thus, the right to resist is not a political but a personal right, one that does not pertain to the protection of the polity but to the preservation of the individual itself.

The existential fear arising from the threat to the *individual's* self-preservation entails both the social contract and the right to resist. The sovereign is authorized to protect the community while the individual retains the right to resist. The conjunction of phronesis and the conatus through fear entails that if the contract asks one to agree not to resist, then the contract will take away the basis upon which the contract itself is founded, namely, the calculation of utility: «an obligation not to resist is an obligation to choose what will seem the greater of two present evils. For certain death is a greater evil than fighting. But it is impossible not to choose the lesser of two evils. Hence by such an agreement we would be obligated to the impossible, and that is contrary to the nature of agreements» (C 2.18)<sup>32</sup>. The confluence of the calculation of utility and the conatus is retained in the political sphere but it is strictly confined to the individual.

The self-preservation of the individual introduces the only exception to the authorization of sovereignty. Thus the right to resist is responsible for the concept of the individual in Hobbes. Without that right, there is no notion of self-preservation, and consequently no fear that prompts the establishment of both the social and the political spheres. Even though the right to resist has received a lot of the attention in the secondary literature on Hobbes, its importance as I sketch it here rarely comes to the fore. The reason may be the profound influence of the interpretation of Hobbes as a “possessive individualist”, that is, the interpretation that the individual in Hobbes is defined through its calculations to achieve its personal utility<sup>33</sup>. This line of interpretation acknowledges Hobbes’s materialism that relies on a conception of the instrumental rationality of the individual but it is one-sided because it does not acknowledge the intersubjective element<sup>34</sup>. Phronesis in Hobbes is inextricable from natural fear and hence from the right to resist when one’s self-preservation is at stake. Thus phronesis can lead to contradictory outcomes: The calculation of utility can create

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<sup>32</sup> The same point is repeated in the *Leviathan*, 98.

<sup>33</sup> The classic study here is C.B. MACPHERSON’s *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford University Press, Oxford 1962. I should also note the influence of this interpretation of Hobbes in studies on the relation between Hobbes and Spinoza. For instance, the only limitation of the otherwise excellent study by Aurelia Armstrong is the presupposition of the interpretation about Hobbes’s possessive individualism. See Aurelia ARMSTRONG “Natural and Unnatural Communities: Spinoza beyond Hobbes”, *British Journal for the History of Philosophy*, v. 17, i. 2, year 2009, pp. 279–305.

<sup>34</sup> For a different interpretation of Hobbes’s materialism that is acutely aware of the limitation of the interpretation of Hobbes as an individuality, see Samantha FROST, *Lessons from a Materialist Thinker: Hobbesian Reflections on Ethics and Politics*, Stanford University Press, Stanford 2008.

both egotism requiring the strong rule of the sovereign *and* it can also undermine the rule of the sovereign and even invalidate—and that is Hobbes’s word—the social contract. The exceptionality of the sovereign—the fact that the sovereign stands above the law—relies on the exceptionality of the individual—on the *conatus* articulated as the individual’s right to resist. The two exceptionalities are part of Hobbes’s articulation of a dialectic of authorization and utility that creates sovereignty and individuality as part of the same process. The mutual limitation of the *potentia* of the individual and the *potestas* of the sovereign—this synchronized and unified action—structures Hobbes’s entire political philosophy. The right to resist essentially means that right is not completely transferred to the sovereign—which is why Hobbes rejects “might is right”.

Thus Spinoza is actually wrong to ascribe to him in Letter 50 the position that there is a complete transfer of right for the formation of the commonwealth. The individual’s right to resist posits the limit to sovereign power. And if we dig a little deeper, we will uncover further similarities. The prevarication of Letter 50 is symptomatic not of the erasure of the difference between Spinoza and Hobbes—far from it. Rather, it is symptomatic of a difficulty Spinoza is facing when he defines utility as reciprocal—that is, by deriving obedience from the principle of neighborly love. The right of resistance is easy for Hobbes to articulate as every *individual* seeking to preserve itself. With Spinoza’s insistence on the reciprocity of utility, the preservation of one individual as opposed to another can create conflict and the determination of utility as a whole is much harder. Differently put, because the emphasis in Spinoza shifts away from the individual, Spinoza does not have recourse to the right of resistance. This makes it harder than Hobbes to show the limits of sovereign power. It is symptomatic of this difficulty that Spinoza ascribes a wrong position to Hobbes in Letter 50.

To address these difficulties, Spinoza persists with his minimalist approach of determining the political by defining every significant concept with recourse to *phronesis*. Immediately after introducing the robber example to show the necessity of the violability of the promise in the conjunction of *phronesis* and the *conatus*, and inferring from this that “the validity of an agreement rests on its utility”, Spinoza adds that these considerations are «particularly relevant in considering the constitution of a state [*in Republica instituenda*]» (176/192). Essentially, what is relevant is the use of practical judgment in the polity. How the state is instituted depends on the use of *phronesis*. The first possibility that Spinoza entertains is that «all humans could be readily induced to be guided by reason alone [*solo ductu rationis*]» (176/192). He

quickly notes, however, «that is by no means the case» (176). Judgment fails. There may be many reasons for this failure—for instance, when emotional surges cloud the judgment of the people. These are instances where the utility of the people is better served by authorizing someone to judge for them. That's where the figure of the sovereign is important in Spinoza's argument. People can «transfer some of their individual power [*quantum unusquisque potentiae*]» to the person who holds «supreme power [*qui summam habet potestatem*] whereby he can compel all by force and coerce them by threat of the supreme penalty, universally feared by all» (177/193). The authorized sovereign has the prerogative of life and death to threaten with punishment those who break the law. The authorized potestas functions as a check to the failed judgments of potentia. *Potestas delimits potentia*.

But the delimitation is mutual: when the sovereign's judgment fails to cater for the utility of the people, they have the right to de-authorize. Spinoza adds immediately after the quotation above: «This right sovereignty will retain only as long as [*quamdiu*] it has this power of carrying into execution whatever it wills; otherwise its rule will be precarious, and nobody who is stronger will need to obey it unless they so wish» (177/193). Notice the conditional. Spinoza repeats this idea twice more in the next few pages: «sovereign powers [*summīs potestatibus*] possess the right of commanding whatever they will only for as long as [*quamdiu*] they do in fact hold supreme power [*summam habent potestatem*]» (177/194). And: «This contract will remain in force for as long as [*quamdiu*] its basis—namely, the consideration of danger or utility—persists» (180/196). This repeated qualification—so long as, *quamdiu*—underscores the continuing operation of right in the fact that the people can still calculate their utility even after they promise to transfer their right thereby entering the social contract. Whereas utility is confined to the fear of the life of the individual in Hobbes, here Spinoza makes it a communal right that checks and delimits the power of the sovereign. The right to resist is thus exponentially expanded. It is now not only the expression of self-preservation as a result of the fear of physical annihilation, but in addition the expression of the ineluctable capacity to calculate utility reciprocally that creates the potential of de-authorization. *Potentia also delimits potestas*.

One may press Spinoza at this point, and insist that Spinoza has still not answered the crucial question, namely, what ought to happen when the sovereign acts against the utility of the people. And how is the reciprocity of utility to be calculated? Isn't that

Spinoza's problem all along? Spinoza concedes that this is a valid question, but it is instructive to note how he frames it:

We may now be asked, "What if the sovereign's command contravenes religion and the obedience we have promised to God by express covenant [*Deo expresso pacto promissimus*]? Should we obey the divine or human command [*imperio*]?" As I shall later be dealing with this question in more detail, I shall here make only this brief reply: we must obey God before all things when we have a sure and indubitable [*certam, et indubitatum*] revelation. But in matters of religion humans are especially prone to go astray [*maxime errare solent homines*]. (182/199)

The question about the adherence to the social contract is framed in terms of the incommensurability between reason and obedience. Shall we obey the divine command, that is, our human nature that consists in the exercise of practical reason? Or shall we obey the one authorized to command? This is not a clear choice when the sovereign's command contravenes the fundamental principle of religion, namely, the reciprocity of utility. Unlike Hobbes, the question is never only about the individual's utility, it is primarily about the reciprocity of utility. But this is framed as the tension between reason and obedience. Further, this conflict is determined by the fallibility of judgment—we are "prone to go astray". Spinoza, then, essentially indicates that the framework for answering the question in full is the way in which the two it is impossible to eliminate the tension between reason and obedience.

It is instructive to return here briefly to Negri's treatment of *potentia*. In the *Savage Anomaly* Negri rejects the Hobbesian solution of merging *potentia* within *potestas*. Instead, the relation between *potentia* and *potestas* is presented as an antithesis that has an ontological basis. Spinoza, says Negri, «poses *potentia* against *potestas*»<sup>35</sup>. Notably, this is initially presented as an ontology whose main feature is antagonism. The clearest description of this occurs in Chapter 5 of *The Savage Anomaly*, that is, the chapter devoted to the discussion of natural right and power in Spinoza. The phrase Negri uses to describe this antagonistic ontology is «the horizon of war», which he explains as follows: «the antagonism among individuals ... maintains its nature at the level of developed sociality. ... Natural antagonism constructs the concrete historicity of society»<sup>36</sup>. The more the agonistic element recedes in Negri's writings, correspondingly the relation between *potentia* and *potestas* fractures into a mutual exclusion. Thus, in

<sup>35</sup> NEGRI, *Savage Anomaly*, 140.

<sup>36</sup> NEGRI, *Savage Anomaly*, 112.

*Insurgencies* constituent power, as the new name used for *potentia*, is described in opposition to legalist conceptions of power, in such a way that the «constitutive strength [of constituent power] never ends up as [constituted] power»<sup>37</sup>. By the time that Negri co-authors *Multitude* with Michael Hardt, *potentia* or constituent power has not only found a new name—the multitude—but also, and more importantly, antagonism is confined to the social realm, while in the political realm there is the stark separation between the constructive multitude that is against war and capitalism, and *potestas* that favors of war. There is no possibility of a relation between these two powers specifying two political alternatives<sup>38</sup>. This accords with Negri’s theory of the two modernities: Machiavelli, Spinoza and Marx, stand for *potentia*, the multitude and hence for democracy, while Hobbes, Rousseau, Kant and Hegel stand for the tradition of *potestas* or sovereignty<sup>39</sup>. These two political alternatives never meet. They are antithetical to each other, and they are, insists Negri, profoundly incompatible.

Negri remains blind to the positive possibilities contained in obedience because he is blind to the constructive possibilities entailed by the fallibility of judgment. It is this fallibility that both protects Spinoza from the abuse of power contained in “might is right”, and propels the antagonism between the two regimes of power—natural and democracy and the state of authority—that can never be completely separated. It is this fallibility that propels the dialectic of authority and utility. Conversely, despite the tremendous insights contained in Negri’s engagement with Spinoza, Negri has a tin ear for any mention of the calculation of utility and the necessity of practical judgment in Spinoza’s epicurean materialism.

Let me summarize Spinoza’s response to how the power of sovereignty is delimited by returning to the figure of the promise that is so crucial in his conception of the social contract. The promise to adhere to an agreement can never be fully realized because of the fallibility of judgment. The inability of the people to properly calculate their utility means that it can be useful to authorize someone competent to make decisions on their behalf. Simultaneously, sovereignty’s failure to cater for the utility of the

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<sup>37</sup> Antonio NEGRI, *Insurgencies: Constituent Power and the Modern State*, trans. Maurizia Boscagli, University of Minnesota Press, Minneapolis 1999.

<sup>38</sup> Michael HARDT and Antonio NEGRI, *Multitude: War and Democracy in the Age of Empire*, Penguin, New York 2004.

<sup>39</sup> The theory of the two modernities is central in Negri’s philosophy. See, for instance, Timothy S. MURPHY, *Antonio Negri: Modernity and the Multitude*, Polity, Cambridge 2012, pp. 8–18.

community can lead to its de-authorization. We see, then, that obedience and practical reason are co-implicated in this mutual delimitation that prevents Spinoza's argument from lapsing into the position that "might is right".

The conflict of obedience and reason is critical for Spinoza. There is no instituted community without this double sense of conflict. Etienne Balibar perfectly captures the centrality of conflict in Spinoza's agonistic politics: «no body politic can exist without being subject to the latent threat of civil war ('sedition'). ... This is the cause of causes, which ultimately determines the efficacy of every other cause [in the political]»<sup>40</sup>. Thus, the promise of Spinoza—that is, the fact that there is no obligation to adhere to the agreement of the social contract unless it promotes our utility and no promise can be realized because of the fallibility of judgment—is the observe side of Spinoza's agonistic politics.

## 5. Conclusion

We see a clear fork on the road at this point. It is the choice between Hobbes and Spinoza. In Hobbes, Spinoza encounters a fellow epicurean in the sense that they both depart from the epicurean insistence on instrumental rationality. But the calculation of utility spawns a radically different political epicureanism in the two thinkers. For Hobbes, phronesis is motivated by fear ending up in the authorization of *potestas* that is only checked by the right of the individual to resist. In Spinoza, the entire political field is determined by the operation of phronesis. The key here is to discern the importance of the fallibility of phronesis. This prevents the realization of the promise to adhere to the agreement of the social contract and instigate Spinoza's agonistic politics. Thus, even though Spinoza starts from a minimal description about the political as the exercise of phronesis, the agonistic politics that arises is much more complex than the opposition between authorization and the right to resist.

Anyone who seeks to espouse a materialist politics needs to contend with these two alternatives: the conception of the political arising from fear and the political as a result of the inherent inability to make the correct judgment. Do our interpersonal relations inscribe a mutual fear? Or are our personal limitations responsible for all sorts of mistakes that our best intentions cannot avoid? One concerned primarily about one's individual utility might be inclined to fear. One attuned to the existential comedy that

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<sup>40</sup> Etienne BALIBAR, *Spinoza and Politics*, trans. Peter Snowdon, Verso, London 1998, p. 68.

is life might concentrate on the errors that govern our being. The advantage of the former is that it introduces a “mass psychology” to the political. The advantage of the latter is that it is more pragmatic as it is based on the inevitability of error in practical judgment, while it does not preclude a psychology to be built upon this basis. Its joyfulness and pragmatism make Spinoza’s epicureanism more appealing.

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