

## Topic 1 (Spinoza)

### 1. Introduction

In today's world people basically live in societies administered within states. When we think about the functions of government of such a state it is worth considering what are its origins, because from the reasons for its creation we can infer its supposed functions. The philosophical concept that casts some light on this problem is the issue of state of nature and social contract, which I will analyse in my essay.

It can be also implied from the quotation in the topic that the existence of the government somehow originates from some human natural rights (as it is stated – to exist and work), and so I will pay some attention to this notion, considering whether there actually is something like natural human rights and what exactly are they.

Finally it is worth analysing whether Spinoza is actually right in his analysis of the function of the government. I will try to show possible other approaches to the role of a state. Hence the general question we shall consider is whether it is possible to set up some working government with sensible functions even if the concepts of state of nature and natural human rights will turn out to be nonsensical or at least unprovable.

### 2. Origins of the states – state of nature

Spinoza believes that the aims of the state can be inferred from its origins, foundations. This leads us to concept of state of nature and the social contract that follows. State of nature is a philosophical concept describing the life of humans before the establishment of any form of government, and was an extremely popular issue in the time of Enlightenment and even earlier. The leading philosophers analysing this problem were Hobbes, Locke and Rousseau. Hobbesian point of view would probably be close to the one proposed by Spinoza, as he presented state of nature as a war of everyone against everyone else (people injure each other), there is total lack of security and peace and scarcity of natural resources. From this image Hobbes developed his concept of social contract: he stated that all people meet to do something against the state they live in, and they collectively agree to give their natural freedom to a governor, who from now on gains almost dictatorship power. This state, although close to oppression, is still more favourable than a state of nature. People are led by *fear* to do it, so the most important function of the state is to liquidate fear and ensure peace.

Still, both Locke and Rousseau held different points of view on the idea of state of nature (Rousseau went to such an extreme that he claimed the state of nature is far better than any government, as it is most favourable for a man to be close to his natural position). Locke believed that in the state of nature people are free, equal, and there are actually no major conflicts among them. The state is established when people start to trade among themselves and they need some administrative structure that would guard these transactions and assure

that all people follow procedural justice. In this light people would not hurt each other in the state of nature, but still, with the establishment of government they again access to more possibilities so it is a more beneficial option. We can see that this perspective is very different from the one presented by Hobbes.

Can we then say that such thing as a state of nature really existed if we have such contrasting views on it? We can find a extensive critics of this very concept in the essay by D. Hume. He offers several arguments for which the idea of state of nature is nonsensical. First of all, we do not really have much historical examples for it (it would actually be much easier to find examples of states arising out of conquest or war, not some original position). Moreover, looking from the point of view of human psychology, it is much more natural for one to follow the tradition, the previous generation, than to subvert, suddenly return to the state of nature and establish new social contract. People usually do not think about the form of state they exist – they just go on living. So it does not in the end seem to be sensible to analyse the purposes of the government by looking on its origins – the empirist such as Hume would say that we have to look on what we have now, not to create some abstract theories of something we do not have proof of.

### **3. The functions of the government**

A. “*Strengthening natural rights*” - the idea of natural human rights, their origin and content

The concept of natural rights is somehow connected with the idea of state of nature – it assumes that there are some basic, primary features of man that are unalienable no matter of conditions. For Spinoza these natural rights are rights to exist and work; but for others there well can be equality, freedom and right to live (Locke). And again we face the problem of disagreements – if natural rights are the most basic features of man, why then do philosophers differ in describing them? Logically speaking, they should all be unanimous...

This leads us to the problem of origins of human rights – some philosophers say that they come from God, but this does not solve the discussion as we have even more problems with proving the existence of God himself. If then the rights come from humans, we should decide whether they always existed (as Spinoza suggests) or were created by humans themselves at some point. When we take into consideration the diversity of views on human rights, it would be probably more convincing to assume that in the end they were established by humans (this would explain why they differ in various parts of the world). Then the Human Right Organisation (1948) can be interpreted as social contract created to preserve rights seen as valuable by humans (that are: liberties rights, right to fair trial, welfare rights, minorities rights, security rights and equality rights). In the utilitarian perspective we could say that even if we cannot agree for any unanimous concept of origins of human rights, it is better to establish some non-permanent procedures so to oppose the horrible crimes that are going on currently. The consistency of philosophical attitude is then less important than preventing e.g. next genocides. In this light the function of the government should be to bring into life the rights outlined by the Human Right Organisation and to ensure that they are fulfilled within the state.

### B. “Right to exist and work”

It is interesting to wonder why Spinoza chose these two particular human rights as the most basic ones for humans. Intuitively I think it is easy to agree that a government should do all to assure right to live for all humans and try to provide opportunities for work. Is it, however, only this that it should do? H. Arendt’s concept would be quite a contrasting one. In her work “Human Condition” she outlined three basic areas of human life – labour, work and action. Labour is a thing that can well be performed by animals and is aimed to preserve life in the biological sense (so in a way it is this right to life). Work is something that humans do to create things not existing in the world of nature. But the most important sphere is *action* – it is crucial for human condition, and ability to perform action is the feature that makes us different from animals. It is the function of the state to ensure empty room for citizens to act (this is called disclosure), create public space in which citizens can practice their civic abilities, values, discuss, speak. So the crucial function of a state is to provide various civic liberties – freedom of speech, assembly, thought, free press.

In the end it is possible to reconcile these two attitudes (of Arendt and Spinoza). It seems that there must be some basic needs fulfilled for a person to be able to act. A human would not care for his freedom of speech if he was starving and had nowhere to live in. So probably Arendt presupposes existence of right to live and work and goes to more important for her value, that is action.

### C. “Without injury to himself or others”

I have already noticed that it is slightly unjustified to claim that humans would *for sure* hurt each other if no government existed (still, we do have police today that in a way performs the function of providing citizens with security). But there is some truth in this statement which was developed by Mill in his concept of a state and liberty. He claimed that each citizen can do what he wants (make use of his freedom) as long as it does not inflict the freedom of others. And it is the function of the state to ensure that no one breaks this rule.

## 4. Other functions of the state not mentioned by Spinoza

### A. Retribution

So far we showed the functions of the state in the light of state of nature and human rights. But is it only this that makes up the functions of the government? Spinoza’s opinion against government restraining citizens could be understood as an argument against justice embodied in the procedural law (because we might say it is somehow coercive). Is the written, coercive law not needed in a state? I shall analyse this problem in the light of law as deterrence and retribution. Spinoza would probably oppose both of them saying that they cause fear and impose obedience. There are, however, many arguments that would support them. Retribution is deeply embedded in our morality – usually we would agree that if someone did something wrong, he should be punished for that. This somehow restores the balance in the society and moreover can provide a criminal with a chance of resocialisation, correcting what he has done. The fact that the rules of retribution are embodied in the bill of law is also vital, as it

opposes a situation in which everyone could administer justice as he sees it, which undoubtedly would lead to chaos.

It is also interesting to notice here that some philosophers (like Durkheim) support the idea of retribution as they think it has beneficial effects on the integrity of the society of a state. Retribution designates some criminals that as an effect are outside the society, and hence they somehow help to mark the borders of this community. This allows for greater stability of the state.

Retribution can, on the contrary, be severely criticised. Nozick's concept of protective association would be good to present here. This contemporary political philosopher advocates for what is called minimum state – a construct that would provide all the citizens with the rights they need (like peace), but avoids any coercive measures (such as retribution). This is what we call protective association. Spinoza would be probably happy to agree to this idea.

### *B. Deterrence*

As for deterrence, this is a concept that uses the idea of law as preventing from committing a crime. A criminal-to-be can either be scared of consequences that he would have to face if he was captured, or he can, in a more sophisticated manner, internalise the law and feel morally obliged to follow the regulations.

Deterrence, although a much “softer” method of keeping peace in a state, poses a lot of problems. Nozick for example stated that we do not know how much deterrence we need to prevent crimes unless we test it (which seems to be a risky experimental idea...). Further, if we agree for deterrence, we somehow assume that all criminals will think logically before committing a crime, which is obviously not always the case (some may act under the influence of a sudden impulse). Finally we could even come to a conclusion that deterrence causes something contradicting the idea of Spinoza – fear. It is the fear of a punishment that make people restrain themselves from committing a crime.

### *C. Distributive justice*

We should not forget about a very important function of a state as shown by Rawls (“Justice as Fairness”), that is distributive justice. Rawls claimed that it is a function of a government to ensure all humans with basic, most extensive human rights (equal for all) and that all the other goods (economical or political) are given for some people to the advantage of everyone and are accessible for all people. There are, however, opponents to this view – Nozick would for example say that there is no such thing as distributive justice, because it is impossible to ensure that all people get the same.

Still, distributive justice does not have to be understood as equality of goods, but rather as equality of opportunities. It is a state that can provide us with education, which aims at giving all people equal chances of entering and functioning in the world. The institutions that are provided by the government (such as education, law) seem obvious for us, but they are not mentioned by Spinoza.

## 5. Anarchism

Nozick made a basic distinction between the supporters of any whatsoever state (archists) and the opponents of it (anarchists). Let us shortly present the vision of anarchism, because it is radically different from what we have said so far. Anarchism as defined by E. Goldman is a conception that advocates for realisation of human freedom to a most possible degree and claiming that any form of government is harmful for people and unnecessary. It follows that government binds people, reduces their creativity, introduces market that makes people believe they have to buy more than they in fact need.

The problem with anarchism is that it is, as stated by Nozick – an *unprotective* association. When we give all people all possible freedom (and they can do what they want) what can follow is complete chaos, inability to communicate. Even if we assume that people are not aggressive by nature and we will not get a Hobbesian total war as a result, there will be some other problems. For example, the world of today is very much globalised, and it is a state that provides us with many means of communication with the rest of the world (e.g. by structure of diplomacy). If we do not have a state, we are somehow separated from the access to some remote parts of the world and we can achieve much less.

## 6. Conclusion

It turns out that we cannot base the analysis of functions of government on the idea of state of nature and the social contract, because these ideas are suspected – we cannot even for sure prove that they exist. It would be also quite risky to base the role of the state only on the ideas of natural human rights as it is also not a certain concept. We can well analyse the roles of government without taking into consideration the state of nature of human nature. It is possible, however, to use the idea of human rights (even if it is a bit shaky) to establish functions of government – for example, distributive justice is based on the idea of right of equality, but not only, as it adds to it the idea that there must be the same opportunities accessible for all for the distributive justice to work.

Spinoza seems to be right when he claims that a state has to provide human with a right to live and work and to protect him from injuries from others. But still, he omits some other functions without which the state would not work properly. For Mill, for example, it is much more important if the citizens to have liberty than to have security (because pursue of security can, in extreme, lead to social stagnation, which is very undesirable for Mill).

In the end I would say that a perfect government (if such thing exists) should base on internationally established and agreed human rights and try to ensure for its citizens the maximum amount of freedom. Freedom, however, can only be created when there is already security provided and the basic human needs (like right to live and work). So it finally seems that Spinoza stated the very rudimentary functions of a government, but we should go a bit further. I hope I have shown it in my essay.