

SPINOZA'S THEORY OF POLITICAL CRISIS

By  
JEREMY P LIVINGSTON, B.A.

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AUTHOR: Jeremy P Livingston, B.A. (University of Prince Edward Island)

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## Abstract

Spinoza's political philosophy is partly based on an implicit sense that crisis can play a generative role. He begins with a subjective theory of value, and sees political participation as following from that. Our desires are relative to our respective natures; and our interests are in being most able to satisfy our desires. According to the Theological-Political Treatise and the Political Treatise, we submit to governance only when, and to the extent that, we perceive it to be in our interest to do so. The measure of 'natural right' is power alone; and the greatest power always lies with the multitude. Explicitly, Spinoza discusses cases in which nations cease to support the state. This happens when their laws or customs are inconsistent with their desires. When the prevailing order loses the multitude's confidence, it can no longer perpetuate itself, and the state dissolves into a state of nature. This is what I call 'crisis.' During a crisis, a people is vulnerable to invasion. But society can also be renewed, if customs can be reformed in such a way as to obviate the conflict that precipitated crisis. New rights may come to be agreed upon, to better capture the nation's sense of freedom and justice. Liberal democracy is the most broadly inclusive way of life, and formally incorporates everyone's concerns into a perpetual discourse. I have presented Spinoza's views on crisis as a coherent 'theory,' albeit one developed implicitly in the course of discussing other topics. To support my interpretation, I refer extensively to the primary literature. Finally, in order to give a sense of how Spinoza's concepts might be applied to present-day conflicts, I consider the problem of the status of women in post-war Iraq as a case of crisis, and possible policy recommendations that might be made.

## Introduction

In this thesis, I intend to show:

1. that Spinoza has a theory of crisis;
2. what his theory of crisis involves, including the context in which it is developed;
3. that it plays a productive role in Spinoza's conception of civil rights;
4. that Spinoza's theory is instructive, that it helps us understand current political problems.

My interest in the topic of this thesis is a product of a more general project, namely a subjective ethic that celebrates one's own desire. In a political context, this demands that mass politics be re-conceived on grounds other than morals and duties. I believe this is necessary if democracy is to be truly secular; democracy must be understood as a general strategy of living with others in this world in a satisfying manner, rather than a moral imperative given as if from on high — regardless of whether God or Nature is supposed to occupy that height. Now, if we refuse to let ourselves make appeal to any specifically democratic transcendent norm, if we decline the rhetorical opportunity to trump desire, then what is the purpose of all our statements of rights, responsibilities, privileges and duties? On what are they based and what role to they play in a secular life? What form would a politics of desire take? This question has motivated my inquiry into Spinoza's thought.

Spinoza's political philosophy is unique in the canon of modern Western philosophy, in that he begins with a strict and explicit disavowal of moral discourse and a programmatic

statement of a philosophy of power, and yet from there he proceeds to develop a more or less complete theory of the liberal democratic social contract. According to Spinoza, as I understand him, the institutions of democracy are a verbal reflection of an underlying agonistic process, in which militants adopt personas and negotiate ultimata: they determine amongst themselves what they can and cannot tolerate of one another, and what each should be prepared to face from the other if the terms of acceptance are breached; and the documents in which these interpersonal treaties are made become bills of rights and codes of law. Democratic institutions therefore emerge from a history of confrontations and resolutions. The peace of a democratic nation is therefore less like the laying aside of arms and the embrace of mutual love, and more like the lowering of a weapon that stays ready in case of any sign of renewed danger. The advantage of liberal democracy in Spinoza's view, it seems, is that the agreements and understandings upon which it is founded are as explicit as they can be made, and the autonomous power of every individual is acknowledged in the formal agreement-making process. However, any state faces times when new terms must be negotiated; during these dangerous times, which may last for generations, social bonds may be fatally disrupted. The present thesis is my attempt to articulate this interpretation of Spinoza's political philosophy, and to support my interpretation with extensive textual references.

The present thesis is meant to describe Spinoza's theory of crisis. In order for this project to be intelligible, I need to define 'crisis' and 'theory of crisis.' Spinoza does not use

the word “crisis.” His terms include, for example, “destruction of the state” (Theological-Political Treatise, chapter 17 paragraph 30, p. 549), “sedition” and “downfall” (Theological-Political Treatise, chapter 17 paragraph 33, p. 550), or “overthrow” (Political Treatise, chapter 9 section 14, p. 746); my use of the single word ‘crisis’ to describe all of these situations is intended to reflect the common features Spinoza attributes to them. By the term ‘crisis’ I mean a situation in which a political body is vulnerable to collapse, by dint of some combination of factors of which the cultural are primary. In other words, a crisis is one in which a political order is imperiled, not by the overwhelming force of an alien power, but rather by the failing enthusiasm or outright hatred of its own subjects. A polity in crisis courts violence; the choices made by all parties to the crisis can have consequences that determine the fates of whole peoples. As we shall see, a crisis in the sense I intend is not necessarily a sudden emergency that dominates a culture’s attention; some crises last for generations, forming the background of cultural life over stretches of history. Examples to which Spinoza refers include the decline of the ancient Israelite confederacy into twin kingdoms, which were more vulnerable to conquest; the decline of the Republic of Rome into an Empire; and the English Civil War. A ‘theory of crisis’ is a certain way of understanding crisis intellectually and articulating interrelated propositions about it.

My thesis is divided into four sections. In the first section, I review Spinoza’s theory of value, in general terms. I have attempted to organize Spinoza’s clearest assertions to the effect that value is subjective — that is to say, that ‘good’ and ‘bad’ are relative to a desiring

subject. I felt this was necessary in order to provide context and coherence for discussions in the subsequent sections, given the unusual position Spinoza takes with unusual consistency and emphasis. In the second section, I consider how Spinoza applies this theory to interpersonal and social problems, and especially the formation of organized civil society. I find that, on the one hand, Spinoza maintains that might makes right ('right' here used in the political or legal sense, as a prerogative without appeal); but on the other hand, that no regime can protect itself from the consequences of policies that inhibit its own ability to act effectively, or that alienate the multitude, which, when it acts in concert, is always the mightiest party and therefore the one with the most right. The first two sections of my thesis are not an especially original contribution to Spinoza scholarship, but they were necessary in order to give the proper context for what follows. This is a consequence of the two distinguishing features of Spinoza's philosophical approach: his strict deductive method, and his radically original vision. I felt I could not do justice to the nuances of his theory of crisis without putting it firmly in the context of his theory of value; this is what I have sought to do in the first two sections of this paper. I hope they will not be found tedious.

In the third section, I present Spinoza's theory of crisis. According to Spinoza, as I understand him, there are certain junctures in history when the existing articulation of rights and duties no longer satisfies the general population. I call these junctures 'crises.' Crises are usually the outcome of a long period of decline, in which the rights of the people are incrementally reduced — typically with their consent at every step — until they come to feel

constrained by their own way of life, and come to question the relevance of their own leadership and institutions. Every increment is the exploitation of some shortcoming or oversight in the law, or of some inconsistency in public morals; and the whole history of decadence may be an elaboration upon some flaw in the very foundation, the social contract that constituted the society in the first place. During a crisis, the forces of confrontation, normally latent or relaxed in a smoothly-functioning society founded on widespread consensus, suddenly become apparent once more. Two basic outcomes are possible. If the problems that have precipitated the crisis are resolved in a rational manner to the satisfaction of the parties that have confronted one another, then society continues, albeit reformed. However, if the problems cannot be resolved, then the social contract cannot be salvaged; the civil state will decay into a state of nature, from which a new social contract will have to emerge. The third section is necessarily less systematic than the preceding, because whereas Spinoza's theory of value is mostly outlined in the "geometric" Ethics, his discussion of crises is confined only to his conventional treatise texts. This is the section I believe most contributes to scholarship on Spinoza, as I shall explain below.

I conclude my thesis with my fourth section, a discussion of some of the positive consequences of crisis that Spinoza sees for politics, especially regarding the nature of rights, and offer some thoughts on how these insights might be applied to contemporary problems. Of particular interest to me is the current crisis in Iraq, and how it stands to impact on the rights of women. I advise a course whereby women are materially empowered, so that they



can be in a position to claim more rights for themselves as Iraq emerges from the state of nature in which it was left on the collapse of Hussein's Ba'ath regime.

My method for the first three sections, and the first portion of the fourth, depends on close reading of the text, referring extensively to passages in the primary sources and interrelating them. The first two sections, although familiar and widely considered in secondary literature on Spinoza, are intended to provide context for the subsequent sections; so I've preferred to use Spinoza's own words to present his ideas as much as possible. I present quoted material as it becomes relevant in the course of developing a line of thought, and I argue for my interpretation as I present the material upon which it is based. In the latter two sections, I use the same method to present an aspect of Spinoza's thought that has not been widely discussed. When it comes to applying Spinoza's thought to a contemporary crisis situation, I have made an effort to find the most current news pertaining to the crisis to be considered, namely the reconstruction of Iraq.

The theory of crisis that I have presented in the third section of my thesis has not been widely treated as an object of possible scholarly focus. Interest in Spinoza has risen during the past 50 years in both anglophone and francophone scholarship, and in each language there is a tendency to treat his politics differently. Most English-language secondary literature on Spinoza's political theory emphasizes his social contract theory of the formation of states, and his indebtedness to Hobbes; Douglas Den Uyl's Power, State and Freedom is an important example in this regard. French-language scholarship, on the other hand, focuses

on Spinoza's apparent anticipation of certain Marxist notions of mass politics. Etienne Balibar's Spinoza and Politics and Alexandre Matheron's Individu et communauté chez Spinoza have been the most influential books of this trend; both have following the lead of Louis Althusser's and Etienne Balibar's work on Marx, Reading Capital, which makes occasional provocative references to Spinoza. In both of these traditions, the subject is the constitution of the state, or its normal functioning. There is little discussion of the state's collapse, or potential collapse.

The only sustained discussion I could find was chapter 9 of Prof Matheron's Individu et communauté chez Spinoza. Prof Matheron's discussion focuses on developing a typology of crisis, so that we might be able to talk about the kinds of crisis to which a monarchy is prone, for example, or those to which an aristocracy is prone, or a barbarian or civilized nation is prone. I was not satisfied with this approach; I felt that, although providing a broad level of detail, it failed to do justice to the more extensive scope of Spinoza's discussion of crisis. Although Prof Matheron's analysis of crisis in Spinoza's thought was valuable in its own right, I felt that it would not be especially useful to me in outlining the contours of Spinoza's general theory of crisis. Above all, I felt that the overall role of crisis in Spinoza's thought would be overlooked in any analysis that ends with typology. Therefore, I have chosen to focus on the more universal conclusions regarding crises to be found in Spinoza's texts. Particular cases are considered as instances of the general case.

The neglect of crisis in Spinoza scholarship is unfortunate, because crisis, as a show of force, has such implicit significance for Spinoza's theory of political might and political right. As we shall see, in Spinoza's political philosophy, might makes right; but if a government doesn't respect certain freedoms its subjects want or need, a crisis will be precipitated whereby they challenge its might. During these times, a renewal of the social order is possible, in which new rights may come to be articulated. In order to understand how this is possible, we must begin with Spinoza's theory of value, which is foundational to his political thought.

### 1. Value as a function of the relative constitution and situation of a perceiving subject

It is said that every philosophy begins with an ethical commitment, a fundamental attitude about life that informs the development of every systematic thought, from metaphysics to politics. If a thinker is basically subservient, conformist, or resentful, their philosophy will be one of subservience, conformity, or resentment. What little we can gather of Spinoza's biography shows him to have been fiercely independent and, at the same time, given to thoughtful enjoyment of life; and his philosophy is one of joy and freedom. The clearest expression of these motives is in his subjective theory of value.

Spinoza's theory of value constitutes his most radical break with the tradition of ideas that preceded him. But his subjectivism also provides the foundation for a social and political philosophy. In the medieval tradition, Christian moral thought was the foundation of politics and the philosophy of law and jurisprudence; and classical authors had also tended to found their politics on an ethical or moral program. Spinoza, however, rejected the categories according to which pagan and Christian philosophers articulated their judgments. As far as Spinoza is concerned, the age of general abstract approbation or condemnation is over. Instead, Spinoza professed a doctrine of moral nihilism, or more positively speaking, ethical relativism. This solipsism is of no significance to Spinoza; he is concerned rather with the perspectival relativity that lies at its root. Spinoza is the most consistent and most explicit of the early modern philosophers in maintaining this doctrine. He does have a positive theory

of good and bad that takes as its center the appetites and desires of acting, experiencing subjects.

Spinoza's ethical relativism consists in this: — According to Spinoza, a judgment of good or bad is the disposition of a mind with respect to some influence in its environment. The mind either experiences a growth of its power to act, or else a diminution. In the case of a growth of power, the mind is disposed to judge the perceived source of that experience as good; in the case of a diminution of power, it is disposed to judge the perceived source as bad. Spinoza believes that all judgments of good or bad whatsoever can be accounted for according to this principle, and that there are no other kinds of judgments that might transcend the influence of particular events on particular individuals. In Spinoza's words:

When this conatus [the effort of the mind to persevere in its being for an indefinite time] is related to the mind alone, it is called Will; when it is related to mind and body together, it is called Appetite, which is therefore nothing else but man's essence, from the nature of which there necessarily follow those things that tend to his preservation, and which man is thus determined to perform. Further, there is no difference between appetite and Desire except that desire is usually related to men insofar as they are conscious of their appetite. Therefore, it can be defined as follows: desire is 'appetite accompanied by the consciousness thereof.'

It is clear from the above considerations that we do not endeavor, will, seek after or desire because we judge a thing to be good. On the contrary, we judge a thing good because we endeavor, will, seek after and desire it. (Ethics part 3 proposition 9 scholium, p. 284)

And more generally:

By 'good' I understand here every kind of pleasure and furthermore whatever is conducive thereto, and especially whatever satisfies a longing of any sort. By 'bad' I understand every kind of pain, and especially that which frustrates a longing. For I have demonstrated ([in the passage quoted above]) that we

do not desire a thing because we judge it to be good; on the contrary, we call the object of our desire good, and consequently the object of our aversion bad. Therefore, it is according to his emotion that everyone judges or deems what is good, bad, better, worse, best or worst.... [E]very man judges a thing good or bad, advantageous or disadvantageous, according to his own emotion. (Ethics part 3 proposition 39 scholium, pp. 298-299)

As for the terms 'good' and 'bad,' they likewise indicate nothing positive in things considered in themselves, and are nothing but modes of thinking, or notions which we form from comparing things with one another. For one and the same thing can at the same time be good and bad, and also indifferent. For example, music is good for one who is melancholy, bad for one in mourning, and neither good nor bad for the deaf. (Ethics part 4 preface, p. 321)

In other words: our judgments are our own, and reflect ourselves.<sup>1</sup> When we make an abstract moral judgment according to the traditional concepts, all we really do is indicate how we would respond to the same factors of influence if it were us and our constitution in place of the actual agent — or at least, we indicate how we would like to think we would respond. We think we're speaking of true good or bad, but we really only substitute one relativity for another: a real relativity (the agent who acted in his context) is replaced with a hypothetical one (ourselves in the actor's position). The first thing Spinoza requires of us, is that we own our own judgments.

None of this is to say that good or bad are purely matters of convention, still less purely arbitrary, if that means the product of judgments that have no cause. Good and bad are relative to the subject and circumstance, but given a certain subject in particular circumstances, good and bad are strictly determined, at least in principle. The agent's

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<sup>1</sup> See also Ethics part 3 proposition 51 and its scholium (pp. 303-304); and proposition 57 and its scholium (pp. 308-309).

response to his environment is a necessary function of his nature and his context, both of which are the way they are by virtue of the role they play in nature or for God. This includes unhealthy and mean behavior as well as healthy and magnanimous behavior. It is therefore specious to judge human vice; a more philosophically enlightened attitude is to try to understand the causes and consequences of vice. Because Spinoza sees every finite thing as determined by the order of nature, including human will, he considers it absurd to condemn people's actions according to standards that claim to transcend the specific contexts of individual action. Not even reason provides a standard by which we can judge a person's actions in the moral sense; see the argument in Theological-Political Treatise chapter 16 paragraphs 4-5, pp. 527-528. Spinoza provides a similar argument more concisely in Ethics:

They [who 'prefer to abuse or deride the emotions and actions of men rather than to understand them'] will doubtless find it surprising that I should attempt to treat of the faults and follies of mankind in the geometric manner, and that I should propose to bring logical reasoning to bear on what they proclaim is opposed to reason, and is vain, absurd, and horrifying. But my argument is this: in Nature nothing happens which can be attributed to its defectiveness, for Nature is always the same, and its force and power of acting is everywhere one and the same; that is, the laws and rules of Nature according to which all things happen and change from one form to another are everywhere and always the same. So our approach to the understanding of the nature of things of every kind should likewise be one and the same; namely, through the universal laws and rules of nature. Therefore the emotions of hatred, anger, envy, etc., considered in themselves, follow from the same necessity and force of Nature as all other particular things. So these emotions are assignable to definite causes through which they can be understood, and have definite properties, equally deserving of our investigation as the properties of any thing, whose mere contemplation affords us pleasure. (Ethics part 3 preface, pp. 277-278)

He is adamant on this point, which he repeats in Political Treatise chapter 2 sections 3-4, p. 683. 'Bad' or 'evil' cannot refer to a deviation, as such, from the order of God or Nature, because all things, even the injury and confusion of mayhem and crime, follow logically from the nature of the universe and from the nature of the perpetrator. Just because we are too limited to comprehend the form taken by the chain of events, it does not make that chain any less of an absolutely perfect entailment of the essence of nature. We think in terms of deviation, though, because we like things to be within the scope of our comprehension, and the existence of things that harm us confuses us — so there is a natural tendency to think that they do not belong in a well-ordered nature, as we conceive it. On this theme in a more specific connection, see also Ethics part 1 appendix, pp. 238-243.

As Spinoza understands it, a human being is a part of the natural universe, natura naturata: the composition of parts which exist or have been brought forth by the power constitutive of being, a flux governed by necessary and essential regularities. Like all such parts, each of us is an elementary unit expression, in a finite form or mode, of the primordial activity of the cosmos, natura naturans: the bringing-forth or becoming of nature. The human body is a complex system, which is subject to physical, chemical, or biological interaction with other bodies, upon some of which such bodies it is dependent for its renewal or development. It needs the services of outside things (like nutritious food) in order to perpetuate itself; it is also subject to harm from outside bodies (like poison), insofar as interaction with those bodies tends toward the disruption of the highly particular and delicate



machinery which constitute the life of the body. Fortunately, we are not left to the passing vagaries of chance; we have a capacity to act. Nevertheless, even our capacity for action can be affected, since it is made possible only by our constitution — which can be disrupted. The human body, like all bodies, tends or endeavors to persevere indefinitely, and in humans this essential endeavor is called 'will,' 'appetite,' or 'desire' (desire being appetite of which we are conscious; appetite being will considered as applying both to the mind and to the body, whereas will is reserved for the same phenomenon considered as applied to the mind alone). These definitions of appetite, desire, and will come from Ethics part 3 proposition 9 scholium, p. 284. Spinoza calls appetite "nothing else but man's essence." Spinoza repeats this notion a little later, when he defines 'desire' as "the very essence of man insofar as his essence is conceived as determined to any action from any given affection of itself." (Ethics part 3 definition of the emotions 1, p. 311) Conatus is the primordial activity of nature as it disports or discharges itself through a particular mode, and in human modes this conatus is desire.

Appetite is the essence of human nature. Therefore, all action, which can only be understood clearly and distinctly as following from that nature, is action to fulfill will or appetite; all action is motivated by desire. An event is desired when we believe that it will benefit our constitutions, that its parts will enter into an agreeable relation with our own moving parts; an event is avoided insofar as we believe it will, on the contrary, disrupt our constitutions. However, because appetite, the essence of our nature, refers only to our

respective specific constitutions, and because action refers only to our own respective natures, it follows that we do not act on anything but appetite, will, and desire. In other words, we only ever act to achieve some objective insofar as we have come to desire that objective. Thus, if the words 'good' and 'bad' (or 'evil') are to have any meaning whatsoever, they can refer only to the real and concrete effects of outside bodies on our own respective constitutions. 'Good' and 'bad,' therefore, are relative to the constitution of a subject whose body undergoes an interaction with another body which benefits it or harms him.

We can express this idea in modern parlance. According to Spinoza, human beings are always situated. We are situated in society, and ultimately we are situated in nature. We are situated with respect to other people, and with respect to things; and what we know of people and of things is a function of our relationship to them. It is these relationships that determine our valuations; they establish our desire, which is an instance of the human power to embrace what pleases or empowers us. Desire is not necessarily just a passive feeling, as Spinoza understands it: desire is how our bodies knit themselves into nature more intimately. The entire content of our being consists in this situatedness, in our relationships with things and with one another; it is solely on the basis of these relationships that we can judge good or bad. Therefore, we can say that value for Spinoza is relative (ie., a function of relationships), and moreover that it is relative to the subject (ie., a function of relationships determining a valuer, a situated human being), all of which is to say that it is subjective.

There can be no outside transcendent term, Spinoza says, according to which we could render substantial judgments of good or bad. Such an alleged “outside term” can never be anything but a vain abstraction, divorced from the reality that all things are determined to be as they are by the ineluctable necessity of the cosmos. It is in reference to this position that we can call Spinoza a ‘nihilist.’ But this is not, in the first conception, a negative doctrine. According to Spinoza, all beings, even the worst villain, are determined by nature to have the constitution and the perspective they have. A petty crook may be wrong about his own natures and circumstances, and the harm he does to his victims is very real and demands a response; but given his own (flawed) sense of his lot, the crook could not choose his desires — he was determined to action by nature itself, and if we cannot see specifically how this occurred, and thus how to respond in a practical manner or to prevent similar things from happening, this is our failing, not the crook’s. If the crook misunderstands his nature or his circumstances, that is a failing of knowledge, not a moral failing, and it must be prevented by fostering reason; it must be responded to by instituting laws that discourage antisocial behavior of itself. If the crook is right about his circumstances, that he can only survive or advance himself by means of crime, then his act is one of desperation, again not a moral failing. If the crook is right about his nature, that he is an abomination and can live only by the destruction of his fellows, he is no more responsible for this than is a wolf, whose predation also follows from its nature. As Spinoza said to a correspondent, Willem van Blyenbergh, who had asked, “if there were a mind to whose particular nature the pursuit of

pleasure and villainy was not repugnant, but agreeable, [whether] it [could] have any virtuous motive that must move it to do good and avoid evil;" (letter 22, pp. 830-831):

It is just as if someone were to ask me whether, if it accorded better with a man's nature that he should hang himself, there would be any reason why he should not hang himself. However, suppose it possible that there could be such a nature. Then I say ... that if anyone sees that he can live better on the gallows than at his own table, he would be very foolish not to go and hang himself. And he who saw clearly that he would in fact enjoy a more perfect and better life or essence by engaging in villainy than by pursuing virtue would also be a fool if he did not do just that. For in relation to such a perverted human nature, villainy would be virtue. (letter 23, p. 834)

No doubt, Spinoza was going out of his way to shock with this comment, as Blyenbergh was a bit of a trying conversant. Nevertheless, the point stands clear: whether the crook's actions followed from his inadequate knowledge of himself, or from adequate knowledge of himself, in neither case does a moral judgment against an abstract or transcendent standard make any sense.

Now, we can form knowledge of ourselves and of the manner in which the objects we encounter influence us. And we also develop goals, objectives, desires, and other notions about how we prefer to be affected by things, and what sorts of people we'd like to become, with what sorts of powers and in what sorts of circumstances. For this reason, we can assess good and bad, not just with respect to manifest pleasure and pain, but also with respect to whether influences contribute or detract from ideals or models that we set for ourselves. In the Short Treatise, Spinoza puts it thus:

... [A]ll things are necessarily what they are, and ... in Nature there is no good and no evil. So that whatever we want man to be [in this respect] must refer

to his kind, which is nothing else than a thing of Reason. And when we have conceived in our mind an Idea of a perfect man, it should make us look (when we examine ourselves) to see whether we have any means of attaining to such perfection.

Hence, then, whatever advances us towards perfection, we call good, and, on the contrary, what hinders, or also what does not advance us towards it, bad. (Short Treatise part 2 chapter 4, p. 67, *emph. sic*)

Spinoza remains faithful to this conception of good and bad in Ethics:

... [A]lthough [good and bad are relative], these terms ought to be retained. For since we desire to form the idea of a man which we may look to as a model of human nature, we shall find it useful to keep these terms in the sense I have indicated. So in what follows I shall mean by 'good' that which we certainly know to be the means for our approaching nearer to the model of human nature that we set before ourselves, and by 'bad' that which we certainly know prevents us from reproducing the said model. Again, we shall say that men are more perfect or less perfect insofar as they are nearer to or farther from this model. For it is important to note that when I say that somebody passes from a state of less perfection to a state of greater perfection, and vice versa, I do not mean that he changes from one essence or form to another (for example, a horse is as completely destroyed if it changes into a man as it would be if it were to change into an insect), but that we conceive his power of activity, insofar as this is understood through his nature, to be increased or diminished. (Ethics part 4 preface, pp. 321-322)

See also Ethics part 4 definitions 1 and 2, p. 322. These ideals or models, insofar as they have motive power, still find their validation in the agent's sense of what contributes to the growth of his own power; but they don't necessarily involve pleasure or pain in the gross sense. Spinoza believes that this is the only really conceptual component a theory of good and bad needs in order to be complete.

'Good' and 'evil' do have a strict, objective sense in Spinoza's use, but this sense refers to subjective terms. Although we may not necessarily know whether what we desire

will, in fact, be beneficial to us, or whether what we avoid will be injurious, to the extent that we are able to discover adequately what helps and what harms, to that extent we can talk of an objective good or an objective evil. 'Good' is "that which we certainly know is useful to us" (Ethics part 4 definition 1, p. 322), and 'evil' is "that which we certainly know hinders us from possessing anything that is good" (Ethics part 4 definition 2, ibid.) — in other words, something is objectively good, relative to me, if it objectively agrees with my constitution; it is objectively bad, relative to me, if it objectively hurts me. We can get a good sense of the possible hurt or help we will experience from any event by observing what others have gone through. Insofar as our constitutions are similar, we can largely predict, for all but the most subtle affects, that what benefits them would benefit me, and what hurts them would hurt me, too. The most developed constitutions among us, therefore, would serve as excellent models; nevertheless, the precise determination of 'good' or 'ill' is relative to nothing but our respective constitutions as bodies and as experiencing and evaluating subjects — it is 'subjective.' This is the basis of what I have called Spinoza's "ethical subjectivism"; his science of behavior (his ethics) rests on a foundation of subjectivity in matters of value. (For more on this theme generally, see Ethics part 4 preface, pp. 320-322.)

All our notions of good and bad derive from our respective desires, then. The role of reason (and the more important faculty of intuition) is to provide us with the knowledge we need to realize our desires with successful action. If reason can be said to exhort, it exhorts us to take care of ourselves, to attain greater perfection in ourselves, and to indulge our

desires, though soberly and in a consistently sustainable manner. On the exhortation of reason:

Since reason demands nothing contrary to nature, it therefore demands that every man should love himself, should seek his own advantage (I mean his real advantage), should aim at whatever really leads a man toward greater perfection, and, to sum it all up, that each man, as far as in him lies, should endeavor to preserve his own being. (Ethics part 4 proposition 18 scholium, p. 330)

Spinoza makes explicit the connection between the deductive faculty and the practical faculty: "Whatever we endeavor according to reason is nothing else but to understand; and the mind, insofar as it exercises reason, judges nothing else to be to its advantage except what conduces to understanding." (Ethics part 4 proposition 26, p. 333) Therefore, our rational understanding of things gives us certain knowledge of what is good for us and what is bad. (Ethics part 4 proposition 27, p. 334) We need knowledge in order to engage in a sustained and consistent enjoyment of the good things in life. Reason has the power to quiet an unruly desire, but only by showing the inconsistency of realizing both that one and another of greater intensity or personal significance. Above all, reason's function is to provide us with the knowledge of our circumstances that permit us to take full advantage of whatever opportunities may present themselves to us.

Would it make sense to refer to Spinoza's theory of valuation as 'libertine'? The word was not current in Spinoza's time, but within a hundred years it had become indelibly associated with his thought. There are three senses customarily included under the word 'libertine'. The etymological meaning, the sense to which the Romans gave their word

libertinus, was strictly a term of politics and law, and it referred to a freedman or manumitted slave; we shall consider this sense shortly, in connection with Spinoza's own political philosophy. The second meaning, the denotation given to the term by the early modern French, is a concept of ethics or moral philosophy; it refers to a free-thinking philosophy in which the pursuit of sensual pleasures, unburdened of any concern for duty, is considered the cardinal principle of behavior. In this sense, we can say with confidence that Spinoza's philosophy is libertine.

However, we should also consider the third meaning, the connotation which has been implied by that term since it became common in the modern period: it suggests a sophistry contrived to excuse the sort of debauched, anti-social, drunken and over-sexed behavior that makes a person unfit for inclusion in a civilized community. This certainly would not be in keeping with Spinoza's enumeration of the sorts of pleasures he has in mind.<sup>2</sup> But more importantly, Spinoza recognizes that not all pleasures are consistent with one another, and

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<sup>2</sup> Spinoza gives an example of the things to which a wise and spiritually emancipated man might be drawn:

[I]t is the part of a wise man to make use of things and to take pleasure in them as far as he can (but not to the point of satiety, for that is not taking pleasure). It is, I repeat, the part of a wise man to refresh and invigorate himself in moderation with good food and drink, as also with perfumes, with the beauty of blossoming plants, with dress, music, sporting activities, theaters, and the like, in which every man can indulge without harm to another. For the human body is composed of many parts of various kinds which are continually in need of fresh and varied nourishment so that the entire body may be equally capable of all the functions that follow from its own nature, and consequently that the mind may be equally capable of simultaneously understanding many things. So this manner of life is in closest agreement both with our principles and with common practice. (Ethics part 4 proposition 45 scholium, p. 345)



sometimes a strong present pleasure must be renounced in the name of sustaining other pleasures, perhaps each weak in their own right but considered altogether, overwhelming the momentary passion. This is the point of Spinoza's ethical system, which is based on the premise that one can guide one's desires intellectually by maintaining an appreciation for the full, ultimate context in which one acts so that actions can be considered in light of all the consequences we know them to have, put into a sober perspective.

Spinoza takes a very strong stand on the position of ethical relativism, much stronger than most of us today are willing to take. Why, then, should we consider it a noteworthy development in the history of the theory of the social contract? The answer consists in the special demands placed on us by the practical requirements of politics, law, and the pursuit of justice and of freedom. Regardless of where we think our values ultimately come from, it is vital to the smooth functioning of a free and prosperous society that we be able to recognize that this source, and the specific terms of our values, are open to deep dispute and to widely varying interpretations. These disputes are not subject to any straightforward resolution. However, the people who will dispute our moral premises, or who will interpret justice differently, are those on whose cooperation we need to be able to depend in order to survive and thrive. Thus, regardless of what we think about our respective values considered as transcending dialogue and practical application, we need to learn at least to treat them as

if they were wholly subjective if we hope to negotiate our way amongst one another.<sup>3</sup>

Regardless of whether we believe our own values to be justified, the task at hand — of living in harmony — requires a secular consensus; if moral commitments aren't shared, we need a coincidence of values, a cooperative commitment based on our different respective values.

We do not significantly distort either Spinoza's meaning or his intent if we qualify his thesis that all valuation is relative to the valuing subject with the clause "for all intersubjective intents and purposes;" since these intents were prominent to him when he formulated this thesis in the first place. Spinoza, motivated by his commitment to total secularism, takes this requirement to the most extreme point; he posits no possibility of moral conciliation, and confines his philosophical thought exclusively to resolving the practical problem of coincident values. Surely if he can develop a coherent political philosophy even on this basis,

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<sup>3</sup> A similar point has been made by Professor Jeremy Waldron, in his book Law and Disagreement — specifically in chapter 8, "The Irrelevance of Moral Objectivity"; pp. 181-187. Unlike Spinoza, Prof. Waldron denies ethical relativism; his point is that from a position of moral realism, it does not follow that our social decision-making is made any easier, since there is no substantive agreement on what the content of objective norms might be, and no agreement on how we could go about discovering it. As he writes:

If moral realism is false, then what clash in the courtroom and in the political forum are people's differing attitudes and feelings, and there will seem to be something arbitrary about any one of them prevailing over any of the others, when none can be certified, so to speak, on any credentials other than the fact that some people find it congenial. If realism is true, then what clash in the courtroom and in the political forum are people's differing beliefs (hunches, hypotheses, speculations, prejudices) about moral matters of fact. But that these are beliefs about matters of fact does not detract in any way from what will still seem to be a certain arbitrariness in one of them prevailing over any of the others. (Law and Disagreement, chapter 8, pp. 185-186; *emph. sic*)

Although I'm quite comfortable with Spinoza's formulation of ethical relativism, the point is that in the circumstances of politics, we must take responsibility for our normative judgments in public discourse; we must proceed as if our reasons pertained only to our own desires, irrespective of our private opinions as to their groundedness.

any shared values in practice will only reinforce a social order that draws its strength from another, much more stable source.

## 2. The foundation of a civil order

In the previous section, I outlined Spinoza's general theory of valuation. It applies to the inanimate objects with which we are confronted in the course of our activities, and which we can turn into objects of immediate consumption, or into instruments in the pursuit of mediate consumption. As far as Spinoza is concerned, social or political valuation was no different. The terms of our participation in any interaction are not dictated by values of a special category of morality. Rather, we have practical interests in cultivating personal, commercial, and political relationships. These practical interests make civil society possible.

Three things above all hold our worldly interest: adequate knowledge, self-control, and material welfare — which is to say, safety, health and comfort. Of these supreme goods, the first two find their source within the attitudes of the individual alone; only material welfare depends on external circumstances to any significant extent. Qv. Theological-Political Treatise, chapter 3 paragraphs 6-7, pp. 417-418. Consider especially this part:

[T]he means that serve for the attainment of security and physical wellbeing lie principally in external circumstances, and are called the gifts of fortune because they mainly depend on the operation of external causes of which we are in ignorance. So in this matter the fool and the wise man have about an equal chance of happiness or unhappiness. Nevertheless, much can be effected by human contrivance and vigilance to achieve security and to avoid injuries from other men and from beasts. To this end, reason and experience have taught us no surer means than to organise a society under fixed laws, to occupy a fixed territory, and to concentrate the strength of all its members into one body, as it were, a social body.

Material welfare, then, is the core motive for social organization.

Human beings present themselves to us as objects with respect to which we can adopt dispositions of valuation. This valuation can be positive, or negative. On the one hand, we form friendships and business relations with those from whose activities we benefit. And we present ourselves to others, offering conditional enticements in order that their behavior might be influenced as our actions become factors in their valuations. In other words, we solicit and secure agreement from one another.<sup>4</sup> On the other hand, we also react with wrath or fear to those whose activities harm us; and we can present ourselves in a threatening posture to others. These are the circumstances that make politics necessary and possible.

There is nothing more useful to any human being, than another human motivated by self-interest. Such a man's behavior can be influenced to benefit us by the incentives we offer. In fact, Spinoza makes a radical claim: Rational men necessarily agree in nature, insofar as they are rational. Now, this doesn't mean that men can't agree without being

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<sup>4</sup> In Ethics, Spinoza introduces "agreement" as a general term for the characteristic of things to contribute to our pleasure; he also says that such things have something in common with our nature. The "commonality" that is relevant in this connection is not the same thing as identity or similarity. The notion of a thing having something in common with us is introduced in Ethics part 4 proposition 29. The structure of the proof sheds some light on what Spinoza means here. "The power of each individual thing (and consequently of man ...), whereby he exists and acts is determined only by another particular thing ... whose nature ... must be understood through the same attribute as that through which human nature is conceived" (p. 335) In part 4 proposition 31 (p. 335), Spinoza uses the synonymous expression, "a thing is in agreement with our nature [res aliqua cum nostra natura convenit]". Spinoza's meaning is still somewhat obscure, and he fails to give examples that would make his intention clear. In part 4 proposition 35 scholium, Spinoza uses the example of two people who disagree because they both want the same object for themselves (Peter wants to make it Peter's, whereas Paul wants to make it Paul's own). (p. 337) Spinoza says that this is not agreement, because then both would want the same object for only one of them, not for each for himself; if they agreed, then both Peter and Paul would work for Peter (say) to achieve the object. From this, it seems that by "agreement" Spinoza means a tendency or inclination to contribute to a common end. This is true even of tools, in a sense; when we swing a hammer, the momentum (conatus) of the head disperses when it strikes the nail, which is our own objective. But it is clear that, even by the time he introduces the notion, he already has in mind human agreement, "agreement" in the everyday sense.

rational; nor does it mean that men who are generally rational will not, for all that, still have conflicts. Rather, it means that it is always in the interest of human beings to work together to achieve their goals, to direct their energies to productive ends rather than waste time and resources on violence that can only benefit one of them (at most); and that insofar as people are rational, they will recognize this and adjust their behavior in order to take advantage of this fact given the circumstances in which they find themselves. Spinoza maintains that people can agree without being rational, but they only necessarily agree to the extent that they are rational. If they are irrational, they may or may not agree, depending on their particular passions and the circumstances in which they find themselves.

Insofar as men are assailed by emotions that are passive, they can be contrary to one another. (Ethics 4 proposition 34, p. 336)

Insofar as men live under the guidance of reason, to that extent only do they always necessarily agree in nature. (Ethics 4 proposition 35, p. 337)

There is no individual thing in the universe more advantageous to man than a man who lives by the guidance of reason. For the most advantageous thing to man is that which agrees most closely with his nature;... that is (as is self-evident), man. But man acts absolutely according to the laws of his own nature when he lives under the guidance of reason,... and only to that extent is he always necessarily in agreement with the nature of another man.... Therefore, among individual things there is nothing more advantageous to man than a man who ... etc. [Final ellipses Spinoza's] (Ethics 4 proposition 35 corollary 1, pp. 337-338)

Note that different people can be active or passive with respect to different emotions. Reason is not a matter of degrees in any particular consideration; either the person acts rationally (ie., on adequate knowledge), or he doesn't. But a person may be able to act rationally with

respect to more or fewer emotions than another, or may be able to develop adequate knowledge more or less consistently (either generally speaking or with respect to some certain kinds of issues), and in this sense we can say that some are more rational than others. It's doubtful whether any finite being could be perfectly rational in all circumstances; in any event, it is only with respect to those endeavors in which we can behave rationally, that we can necessarily agree in nature. Also, people cannot be said to agree (ie., be consonant) in nature because they are similarly irrational (by Ethics 4 proposition 32 and proof and scholium, p. 336).

It is also to the interest of any rational human being, that other people around one are rationally pursuing their own interests — because in increasing their own respective powers, they increase the range of powers that are at one another's disposal, if one can provide something for them in return. As Spinoza puts it:

It is when every man is most devoted to seeking his own advantage that men are of most advantage to one another. For the more every man seeks his own advantage and endeavors to preserve himself, the more he is endowed with virtue, ... or (and this is the same thing ...) the greater the power with which he is endowed for acting according to the laws of his own nature; that is, ... for living by the guidance of reason. But it is when men live by the guidance of reason that they agree most in nature.... (Ethics 4 proposition 35 corollary 2, p. 338)

Spinoza had no respect for a philosophy that ignores this, the founding principle of social organization; rational co-operation is the foundation of all material prosperity.

So let the satirists deride as much as they like the doings of mankind, let theologians revile them, and let the misanthropists heap praise on the life of rude rusticity, despising men and admiring beasts. Men will still discover

from experience that they can much more easily meet their needs by mutual help and can ward off ever-threatening perils only by joining forces.... (Ethics 4 proposition 35 scholium, p. 338)

Throughout his works, this is one the most consistently represented of Spinoza's personal characteristics.

But just as there is nothing more useful to anyone than a rational human being, so too is there nothing more dangerous to anyone than an irrational human being. An irrational person, in the sense Spinoza means, is not one who does something he knows is wrong; rather, an irrational person is one who cannot develop adequate knowledge. An irrational person throws away opportunities for his own benefit, because he doesn't recognize them as such; he believes he is pursuing his own interest, but he is ignorant of his real circumstances and of the context in which he acts. The means he finds to realize his objectives actually imperil those objectives. In the social context, the irrational person may not understand how or why mutual support and reciprocity are in his interests. He must be prevented from disrupting the affairs of others by force, or by fear of force.

Spinoza is quite blunt in asserting that might makes natural right. For example, he states: "[E]very man is subject to another's right for as long as he is in the other's power, and he is in control of his own right to the extent that he can repel all force, take whatever vengeance he pleases for injury done to him, and, in general, live as he chooses to live. (Political Treatise chapter 2 section 9, p. 685)" But he also points out that might ungoverned by reason becomes frustrated, because it brings the subject into conflict with those upon



whom they depend — or at least those from dealing with whom the mighty could benefit more than by pillaging.

Every man exists by the sovereign natural right, and consequently by the sovereign natural right every man does what follows from the necessity of his nature. So it is by the sovereign natural right that every man judges what is good and what is bad, and endeavors to preserve what he loves and to destroy what he hates. Now if men lived by the guidance of reason, every man would possess this right of his without any harm to another. But since men are subject to emotions which far surpass the power or virtue of men, they are therefore often pulled in different directions and are contrary to one another, while needing each other's help. (*Ethics* part 4 proposition 37 scholium 2, pp. 340-341)

Spinoza elsewhere describes the irrational man's natural right in greater detail:

Now since it is the supreme law of Nature that each thing endeavours to persist in its present being, as far as in it lies, taking account of no other thing but itself, it follows that each individual has the sovereign right ... to exist and to act as it is naturally determined. And here I do not acknowledge any distinction between men and other individuals of Nature, nor between men endowed with reason and others to whom true reason is unknown, nor between fools, madmen and the sane. Whatever an individual thing does by the laws of its own nature, it does with sovereign right, inasmuch as it acts as determined by Nature, and can do no other. Therefore among men, as long as they are considered as living under the rule of Nature alone, he who is not yet acquainted with reason or has not yet acquired a virtuous disposition lives under the sole control of appetite with as much sovereign right as he who conducts his life under the rule of reason. That is to say, just as the wise man has the sovereign right to do all that reason dictates, i.e. to live according to the laws of reason, so, too, a man who is ignorant and weak-willed has the sovereign right to do all that is urged on him by appetite, i.e. to live according to the laws of appetite....

Thus the natural right of every man is determined not by sound reason, but by his desire and his power. For not all men are naturally determined to act in accordance with the rules and laws of reason. On the contrary, all men are born in a state of complete ignorance, and before they can learn the true way of life and acquire a virtuous disposition, even if they have been well brought up, a great part of their life has gone by. Yet in the

meantime they have to live and preserve themselves as far as in them lies, namely, by the urging of appetite alone, for Nature has given them nothing else and has denied them the actualised power to live according to sound reason.... Thus whatever every man, when he is considered solely under the dominion of Nature, believes to be to his advantage, whether under the guidance of sound reason or under passion's sway, he may by sovereign natural right seek and get for himself by any means, by force, deceit, entreaty or in any other way he best can, and he may consequently regard as his enemy anyone who tries to hinder him from getting what he wants.

From this it follows that Nature's right and her established order, under which all men are born and for the most part live, forbids only those things that no one desires and no one can do; it does not frown on strife, or hatred, or anger, or deceit, or on anything at all urged by appetite. This is not surprising, for Nature's bounds are not set by the laws of human reason which aim only at man's true interest and his preservation, but by infinite other laws which have regard to the eternal order of the whole of Nature, of which man is but a particle. It is from the necessity of this order alone that all individual things are determined to exist and to act in a definite way. (Theological-Political Treatise chapter 16 paragraphs 4-6, pp. 527-528)

Spinoza's conception of "natural right" constitutes one of his most radical differences from Hobbes. It is well within someone's natural right, as Spinoza conceives it, to shoot themselves in the foot; nature has endowed them with the ability to point a gun in that direction and to pull the trigger, if they believe doing so would be in their interests. They would be mistaken, of course; but their actions would not contravene the laws of nature. It is incumbent upon the rational to see to it that they will be a match for those who would implicate them in destructive social orders against their will.

Spinoza sees politics as a struggle between the rational and the irrational for the mandate of nature. Ceteris paribus, a rational man is stronger than an irrational man, because his activities are directed by a more adequate understanding of its context; but ceteri are

rarely paes, other considerations are rarely equal, and sometimes an irrational man can come to exercise power over a rational man. This, Spinoza insists, is how nature works; power is the same as prerogative, might makes right (jus). The problem for the rational, therefore, is to organize themselves and prepare to resist those who believe (against reason) that force is a better way to get what they want, and who are prepared to act on that belief. Spinoza argues in the Political Treatise draft:

[E]very man in the state of Nature [in statu naturali] is in control of his own right just as long as he can guard himself from being subjugated by another, and it is vain for one man alone to try to guard himself against all others. Hence it follows that as long as human natural right is determined by the power of each single individual and is possessed by each alone, it is of no account and is notional rather than factual, since there is no assurance that it can be made good. And there is no doubt that the more cause for fear a man has, the less power, and consequently the less right, he possesses. Furthermore, it is scarcely possible for men to support life and cultivate their minds without mutual assistance. We therefore conclude that the natural right specific to human beings can scarcely be conceived except where men have their rights in common and can together successfully defend the territories which they inhabit and cultivate, protect themselves, repel all force, and live in accordance with the judgment of the entire community. For ... the greater the number of men who thus unite in one body, the more right they will all collectively possess. (Political Treatise chapter 2 section 15, p. 687)

This follows from the proposition that "If two men come together and join forces, they have more power over Nature, and consequently more right, than either alone; and the greater the number who form a union in this way, the more right they will together possess." (Ibid. section 13, p. 686)

So in order to secure their affairs against interference from the irrational, human beings set up a civitas, an ordered and organized armed resistance. They make themselves

citizens; they establish laws and policies. They coordinate their activities according to common purposes. In order that the civitas, the particular mode or organization of a civil state of society, satisfy the objectives for which it was instituted, its citizens must see to it that their organization is stronger than any would-be contender (and this is the substance of a state's sovereignty).<sup>5</sup> A citizen, as such, participates in an organization with its own mission to become stronger than any individual or faction that might oppose it, a mission defined in part by that citizen's rational interests but also by those of others. As the civil organization develops a code or program of conditions and ultimata that direct its activities against the enemies of its constituents, it comes to define civil rights and civil laws; these laws constitute an ideal standard of good and bad behavior, much more restrictive than natural law. This is the problem of politics: How do we, as individuals who pursue worldly goals and who each have some modicum of power and some stake in one another's actions, organize ourselves to be as strong as we can be? What rights ought we recognize for others, for the sake of prudence in the pursuit of our own security?

Spinoza's understanding of civil organization is typical of the tradition of the social contract, and the influence of Hobbes is clear. However, Spinoza's philosophy is markedly different from the more widely familiar exemplars of this tradition. In the first place, the

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<sup>5</sup> The expression Spinoza uses most often, that Mr. Shirley translates as 'sovereignty', is worth noting: Spinoza says summa potestas, literally "greatest power". The significance of this is that sovereignty is not a moral category for Spinoza, but a factual one: the sovereign is whoever really is the most powerful. If a community wishes to exercise sovereignty, they must participate in an organization that can mobilize itself effectively against any irrational antisocial force. The word Spinoza uses for the validated authority of a committed political institution or office is imperium; this is sovereignty as it comes to be vested, whereas potestas is that by virtue of which this vestiture is secured.

'legitimacy' as such of a state, or any of its laws, is not an issue. All that matters is that the citizens perceive the state's activities to contribute to their interests — which means, primarily, to their safety and to their freedom. Even the promise the citizens made to one another to establish their covenant in the first place is only of ongoing relevance insofar as it establishes trust; it has no inherent moral binding force. A civil organization can only achieve sovereignty (summa potestas) if it gains, and maintains, the support of those it would make its citizens. It is only as strong as the population that agrees to constitute it, and that agreement will only be kept as long as it is in the interests of every constituent of that population. This is, of course, a consequence of Spinoza's ethical subjectivism:

[W]e must consider how this covenant is to be made so as to ensure its stability and validity. Now 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 endures any evil except to avoid a greater evil or to gain a greater good. That is to say, everyone will choose of two goods that which he judges the greater, and of two evils that which seems to him the lesser.... Now from this it follows that nobody is going to promise in all good faith to give up his unrestricted right, and in general nobody is going to keep any promises whatsoever, except through fear of a greater evil or hope of a greater good....

We may thus conclude that the validity of an agreement rests on its utility, without which the agreement automatically becomes null and void....  
(Theological-Political Treatise chapter 16 paragraphs 7-8, pp. 528-529)

Civil organization serves the material interests of its participants.

What do rational citizens consider to be in their interests? In order to understand the constitution of the civil order, we need to identify the rational man's reason for participating in a state in the first place; we need to identify what it is that the civil order creates and

protects for its citizens, so that we can identify what activities are necessary for providing that, and what activities are on the contrary incompatible with it. There is no determinate theoretical answer, but a few principles can be understood. Of course, as we have seen, security is a vital concern; but what is it that we're trying to secure? In this connection Spinoza emphasizes that it is not just the citizen's bare life that is at stake, but more generally the citizen's quality of life. This includes preserving a stable economy in which individuals can arrange for their own welfare according to mutual benefit.<sup>6</sup>

Spinoza's is a politics of desire, not of obedience. We institute civil organizations in order to protect our pursuit of happiness, which means above all securing our freedom. They hold our loyalty only so long as they satisfy that task. The concept of "sovereignty" as understood today, the fundamental and original moral authority of a collective over those in its reserved territory, cannot be found in Spinoza. No collective can claim obedience from any subject on transcendent moral grounds — that is, on ideal grounds that transcend or

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<sup>6</sup> In fact, Spinoza emphasizes the role of trade in social organization, perhaps more than any of the other more influential thinkers of the seventeenth century:

The formation of society is advantageous, even absolutely essential, not merely for security against enemies but for the efficient organization of an economy. If men did not afford one another mutual aid, they would lack both the skill and the time to support and preserve themselves to the greatest possible extent. All men are not equally suited to all activities, and no single person would be capable of supplying all his own needs. Each would find strength and time fail him if he alone had to plough, sow, reap, grind, cook, weave, stitch and perform all the other numerous tasks to support life, not to mention the arts and sciences which are also indispensable for the perfection of human nature and its blessedness. We see that those who live in a barbarous way with no civilising influences lead a wretched and almost brutal existence, and even so their few poor and crude resources are not acquired without some degree of mutual help. (Theological-Political Treatise chapter 5 paragraph 10, p. 438)

This opinion contrasts markedly with that of Grotius, who believed trade primarily inspired resentment and inequality.

trump our interests in it. Effective public policy discourse aims to inform, negotiate, and mediate our respective interests, not to make us sacrifice our interests for a “greater good”, for a raison d'état, or for a righteous code.

The constitution and preservation of a civil order is a special, aggregate case of the mutual presentation of each of us to one another. Citizens promise not to pursue violent means of resolving their differences so long as certain minimum standards of behavior are maintained by all. These standards make up the system of justice that will be at work, including customs of property and of procedure. The notion of an objective or general standard of approbation only makes sense in this context, since before an individual commits to a civitas (or when we consider the individual apart from his commitment to a civil order), there is no transcendent standard of good or bad. Before there is a positive constitution, there is only a state of nature. This is one of the key points with regard to which Spinoza's philosophy can be seen to have been substantially influenced by that of Hobbes.

From this it can readily be understood that in a state of nature there is nothing that is universally agreed upon as good or evil, since every man in a state of nature has regard only to his own advantage and decides what is good and what is bad according to his own way of thinking and only insofar as he has regard to his own advantage, and is not bound by any law to obey anyone but himself. Thus in a state of nature wrongdoing cannot be conceived, but it can be in a civil state where good and bad are decided by common agreement and everyone is bound to obey the state. Wrongdoing is therefore nothing other than disobedience, which is therefore punishable only by the right of the State, and on the other hand obedience is held to be merit in a citizen because he is thereby deemed to deserve to enjoy the advantages of the state.

Again, in a state of nature nobody is by common agreement the owner of any thing, and in nature there is nothing that can be said to belong to this man rather than that man. Everything belongs to everybody, and accordingly

in a state of nature there cannot be conceived any intention to render to each what is his own or to rob someone of what is his. That is, in a state of nature nothing can be said to be just or unjust; this is so only in a civil state, where it is decided by common agreement what belongs to this or that man. From this it is clear that justice and injustice, wrongdoing and merit, are extrinsic notions, not attributes that explicate the nature of the mind. (Ethics part 4 proposition 37 scholium 2, p. 341)

The Latin phrasing that is translated 'state of nature' is status naturali. The word status is also the word Spinoza uses to denote the different kinds of social arrangements that people can make — monarchy, aristocracy, or democracy. The expression 'state of nature' can therefore be understood as the arrangement that prevails when no other arrangement is made. It is worth briefly noting here that according to Spinoza's conception, a human being has the minimum of natural right in the maximally natural state; they have the maximum of natural right in a liberal democracy that gives them the maximum of civil right.

The most explicit and dramatic case of the development of positive consensus is in the conventions to establish a democracy, at which the people of a region (or their representatives) commit in good faith to one another's protection according to an agreed-upon set of principles. But the same basic operation is at work every day in any peaceful society. As long as the de jure ruler doesn't take it upon themselves to make particularly offensive laws, as long as the citizens' duties don't impede significantly on their normal business, the people can be said to have given provisional agreement to the principles of justice recognized in their society. This is not the same as consent; it could be an unswerving loyalty, or it could be a grudging tolerance. It persists only so long as the



citizens perceive it to be in their interests to remain obedient. But so long as this condition is satisfied, there can be said to prevail a standard of justice and legitimacy between and amongst those who ratify it.

Can we call Spinoza an anarchist? It depends on how we understand that term. Law is certainly important for Spinoza, as is government. But the word 'anarchy' does not refer to law (which would be dikē or nomos, corresponding with Spinoza's Latin term jus) or to the fact of governance (kratia, corresponding with Spinoza's potestas). Anarchy is defined by its lack of a moral center or locus; it is defined by the absence of an originary legitimator (archē). In this sense, we can say confidently that Spinoza is an anarchist. The civil order does not gain its consistency by virtue of having its laws and policies emanate from some authority (whether it be "the crown," "the people," or "the constitution"); rather, it gains its consistency from the consent and support of willing and able-bodied human beings who judge the actions of the civil order to be in their interests. It is the coincident will of the multitude that determines the actual ascendancy of any regime or any system of governance.

It is noteworthy that Spinoza conceives of democracy, not as a collective, but as a confederation of individuals. We feel at liberty to use the word "individual" while continuing a thought in which we just used the word "multitude," because these are not altogether different things. A multitude is a multitude of individuals; it is and acts through the being and activity of the individuals that compose it. A collective and a confederation are alike corporated multitudes; they differ in that a collective presumes membership and reserves

moral authority for its organs, whereas a confederation has a voluntary membership and its organs are supported primarily because of the perceived rewards. A democracy is a formal arrangement whereby the inhabitants of a region agree to conjointly and cooperatively administer that region. It is a confederation of individuals, which makes it the expression of a multitude; the multitude is not a collective, but an ever-shifting fabric of associations and identities.

Spinoza explicitly states that obedience has no place in democracy. This means, not that obedience is per definitione impossible in democracy (as Rousseau would later maintain), but rather that obedience must be wilfully repudiated by a democratic community.

Spinoza introduces the concept of democracy as follows:

[W]ithout any infringement of natural right, a community can be formed and a contract be always preserved in its entirety in absolute good faith on these terms, that everyone transfers all the power that he possesses to the community, which will therefore alone retain the sovereign natural right [summum naturæ jus] over everything, that is, the supreme rule [summum imperium] which everyone will have to obey either of free choice or through fear of the ultimate penalty. Such a community's right is called a democracy, which can therefore be defined as a united body of men which corporately possesses sovereign right over everything within its power. (Theological-Political Treatise chapter 16 paragraph 9, p. 530)

So it is a task a people must set to itself, if it would be free: never to ask of one another that they obey, and never to ask for an authority to be set up over them. The ideal of democracy is that "all [would be] required to render obedience to themselves and no one to his equal" (Theological-Political Treatise chapter 5 paragraph 12, p. 439). Spinoza goes on to state:

[S]ince obedience consists in carrying out orders simply by reason of the authority of a ruler, it follows that this has no place [nullum locum habere] in a community where sovereignty [imperium] is vested in all citizens, and laws are sanctioned by common consent. In such a community people would remain equally free whether laws were multiplied or diminished, since it would act not from another's bidding but from its own consent.

I consider the operative phrase here to be “has no place”. Evidence in support of this construal is to be found in Spinoza’s discussion of the Mosaic law in Theological-Political Treatise chapter 5 paragraphs 13-15, pp. 439-440. The Hebrews, Spinoza says, were accustomed to slavery, and would only be able to found a state for themselves if its conditions replicated slavery; and what’s more, this slavery had to be one to which they were bound by love rather than by fear. For this reason, Moses gave the Hebrews a theocracy with a strong ritual component. This code made it such that nothing of any social significance would be left to the individual's discretion. Now, Spinoza insists that this code does not contribute to personal salvation, but only to the temporal prosperity of the republic. (Ibid.) Spinoza’s point would be irrelevant if moral obedience and legal compulsion were of different orders of thought. If it were logically impossible for citizens in a democratic polity to render obedience in the course of obeying the law, then it wouldn’t matter whether people adhered privately to a servile religious code. But since this discussion is presented as an application of the former proposition, that obedience has no place in a democracy, we must take it to argue that even ceremonial obedience is inappropriate for a free people. This is not just a point regarding the establishment of a religion publicly; it is a point about ceremonial observation generally. Even the religion a people keeps privately is a reflection on their

general habits and customs, and private obedience is inconsistent with a democratic way of life. As Spinoza says later, “[O]bedience is not so much a matter of outward act as internal act of mind.” (Theological-Political Treatise chapter 17 paragraph 3, p. 537)

All of this makes Spinoza’s conception of democratic power quite different from more familiar forms of democratic theory, such as Rousseau’s. For Rousseau, ‘obedience’ is logically impossible in a democratic polity. His argument for this is given in The Social Contract book 1 chapter 7, pp. 56-58. As Rousseau argues:

The sovereign, then, consisting solely of the individual persons which form it, has and can have no self-interest that is contrary to theirs; as a result, it does not need to give any form of guarantee to its subjects, because it is impossible that the body should want to harm all its members.... Simply by virtue of its existence, the sovereign is always what it should be.

This is a consequence of his assertion that “each in giving himself to all gives himself to none, and since there are no associates over whom he does not acquire the same rights as he cedes, he gains the equivalent of all that he loses, and greater strength for the conservation of what he possesses” (*ibid.*, p. 55) — as if ceding 99% of one’s autonomy in exchange for 1% of a say in the affairs of ninety-nine others, were the same in substance as retaining all of one’s autonomy and engaging others as independent peers. This latter, on the contrary, is the arrangement Spinoza advocates.<sup>7</sup>

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<sup>7</sup> Note that Rousseau’s avowed agenda is different from Spinoza’s. Spinoza wants to analyze political concepts with a critical view, so as to understand the nature and conditions of a just society and to give us a sense of what kinds of reform might be possible and advantageous. But Rousseau proposes to defend existing social practices, not to critique them. “Man was born free,” he writes (*ibid.*, p. 45), “and everywhere he is in chains.... How has this change come about? I do not know. How can it be made legitimate? That is a question which I believe I can resolve.” This statement is ambivalent. Does he mean to be a sort of defending attorney for obedience, or an apologist? Is obedience a conclusion he wants

Spinoza certainly doesn't have in mind a world in which any person could arbitrarily declare any or all laws on him void; such a unilateral secession would put the new little king outside of the civilities of organized society, which means that the former subject would have just renounced any claims to justice from his former state. The point is that democratic laws don't rest on the legitimacy of the collective, but on the consent of the governed. It is in this sense that we can complete the thought we began in our previous discussion: Spinoza's philosophy is certainly 'libertine' in that he advocates a political order in which all are free, and none obey.

How is the repudiation of obedience to be understood as a substantive requirement for a rational social order? Surely those who are punished do not consent to being punished; and surely that is not what Spinoza requires. On the other hand, it just as surely can't be that the bounds of legitimacy are to be formally determined by the consent only of those who adhere to the law; if this were so, the state would be justified in doing whatever it liked to its subjects without regard for reason, since either they will give consent to it, or else they will deny consent, and by denying they would put themselves outside of the bounds of their social contract — which would absolve the state of any claims they could make on it. Nowhere does Spinoza argue for such an arrangement, which would constitute a Hobbesian

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to establish or an assumption with which he begins? In any event, it's clear that repudiating obedience is not a live option as far as Rousseau is concerned.

‘commonwealth of acquisition,’ in other words really no commonwealth at all.<sup>8</sup> A ‘democracy’ founded on these lines would be a totalitarian ochlocracy, a tyranny of the majority or even of the simple plurality, and can hardly be said to have repudiated ‘obedience’; on the contrary, a community that operates this way has instituted obedience of each to all, and is not a state of liberty but of universal servility. So in this latter case, too, the consent of the governed would not have been a substantive requirement, because it would be exercising its natural right indiscriminately.

As we have seen earlier, it is the irrational man that instigates violence. The rational find ways to agree, forgoing violence for voluntary association or tolerant non-association. Thus, it is the irrational man that compels obedience, that sets himself up as a law unto himself. The state of nature, a world without law, is not, for Spinoza, a world without obedience (as it would be for Locke); rather, it is a condition in which all are vulnerable, in which all are susceptible to compulsion. A rational civil order is one in which only one command prevails: Do not command, do not compel. This is the raison d’être for democracy. As Spinoza says: “[I]t is the fundamental purpose of democracy to avoid the follies of appetite and to keep men within the bounds of reason, as far as possible, so that they may live

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<sup>8</sup> That is to say, Spinoza recognizes the possibility of a sovereign with totalitarian pretensions emerging as a matter of historical course; and if we find ourselves subject to the laws of such a sovereign, it is in our interests for the most part to acquiesce. In this regard, it matters little whether the sovereign operates according to an ostensibly democratic procedure. But nowhere does Spinoza advocate this as a rational, prudential, or even practical option for a democracy. He suggests, in fact, that democracies are less prone to this failing than other orders, since in larger assemblies it will be harder for all to fall prey to the same mistakes at once. (Theological-Political Treatise chapter 16 paragraph 10, p. 530) Generally speaking, the advantage of liberal democracy is that it allows everyone the maximal say in how their own life is to be governed, and is therefore the least provocative of all forms of government.

in peace and harmony. If this basic principle is removed, the whole fabric soon collapses.”

(Theological-Political Treatise chapter 16 paragraph 10, pp. 530-531) And again:

It follows quite clearly from my ... explanation of the basis of the state that its ultimate purpose is not to exercise dominion nor to restrain men by fear and deprive them of independence, but on the contrary to free every man from fear so that he may live in security as far as is possible, that is, so that he may best preserve his own natural right to exist and to act, without harm to himself and to others. It is not, I repeat, the purpose of the state to transform men from rational beings into beasts or puppets, but rather to enable them to develop their mental and physical faculties in safety, to use their reason without restraint and to refrain from the strife and the vicious mutual abuse that are prompted by hatred, anger or deceit. Thus the purpose of the state is, in reality, freedom. (Theological-Political Treatise chapter 20 paragraph 5, p. 567)

In this sense, we can say perhaps that for Spinoza, the only rational law is a law against all other laws; and that the democratic state exists, not to enforce a collective will, but to resist all other collective wills. Adherence to this principle, the principle of an injunction on command, alone satisfies the substantive requirement that in a democracy, no one be required to render obedience to their equal.

To sum up: Spinoza begins by asserting that there are no objective moral norms, and that might makes right (jus). Now, an organized group can be much stronger than an individual; so it is in our interests to be involved in such a group, so as to be among the party who enjoys right. Larger groups with broader human bases will tend to make for more stable covenants; and therefore a more broadly inclusive form of government will give a nation an edge over its enemies, as it can depend upon more people to support it — either with their

own participation in the army, or with the donation of material or of logistical or economic support. Democracy, of course, is the most consummately inclusive form of government, and therefore the one to be most highly recommended. However, in order to involve as many people as possible in the stability of the nation, it is necessary for all members of society to offer one another freedom, and to renounce arbitrary violence against one another as a means of getting what they want for themselves. Thus, the margin of rights and privileges enjoyed by citizens must be wide and varied. This is the condition that must be satisfied if an organization is to win the general confidence of a nation, and as the condition of its might it is therefore the condition of justice. This is why liberal democracy is in our interests.



### 3. Crisis of confidence

The significance of the preceding is to establish that:

1. We support governments that will defend our way of life and preserve our standard of living.
2. But because each of us has our own respective values, it happens that the way of life that each of us desires, and the composition of the standard of living to which we can accustom ourselves, is different for each of us.
3. Therefore, in order to secure an agreement that we will all support the same civil order, we make concessions upon one another (by means of parliamentary or of market procedures, or just by tacit understanding) that define the scope and direction of activities undertaken in common, in order to accommodate our respective desires, needs, and interests.

This is the case of normal civil society. But Spinoza takes interest, not only in the normal case, but also the pathological. In this section, I would like to outline his understanding of the breakdown of civil order. As we shall see later, this has consequences for Spinoza's understanding of civil rights.

Before we begin to explore this ground, it is worth making a clarifying point. Spinoza did not have an explicit analytic of crises. In the course of the following pages, I attempt to reconstruct Spinoza's conception of the decline and collapse of political orders in general on the basis of comments made in slightly different connections in the original works. In this respect, my task will be similar to that of those Spinoza commentators who have reconstructed his implicit conception of the formation of political orders. At least two outstanding projects have had this as their objective.<sup>9</sup> Spinoza's implicit conception of the formation of regimes has no doubt attracted more attention because it most clearly situates him in the liberal tradition of social contract thought; but I believe we should also consider his conception of the decay of regimes, because it highlights Spinoza's unique contribution to that tradition. Furthermore, it should be noted that now we move out of the realm of pure, systematic theory, and increasingly into the realm of history, where threads of thought may become a little more tangled. I ask the reader's forgiveness if the presentation in the next section must, of necessity, be less organized than that of the preceding ones.

Rational conduct always seeks agreement, ie. non-violent resolution. This means, in the first place, that as long as the laws of a country aren't egregiously provocative, the

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<sup>9</sup> I'm thinking here of Prof Matheron's Individu et communauté chez Spinoza and of Prof Den Uyl's Power, State and Freedom.

rational citizen will generally live within their bounds.<sup>10</sup> But it also means that the state itself must not make provocative laws, and must provide as wide a margin of liberty as its citizens demand. Although rulers make civil laws, in doing so they must attend to the condition of their rule; for if they make laws that contradict the basis of their own authority, they will lose it. All regimes depend upon their subjects for their own validation. When this mandate is questioned, when the state is no longer perceived as being able to provide the rewards its citizens seek from it, its days are numbered. Spinoza provides a concise survey of his argument:

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<sup>10</sup> As Spinoza notes:

Now (although Hobbes thinks otherwise) reason is entirely in favour of peace; but peace cannot be secured unless the general laws of the state are kept inviolate. Therefore the more a man is guided by reason, that is, the more free he is, the more steadfastly he will observe the laws of the state and obey the commands of the sovereign whose subject he is. (Theological-Political Treatise chapter 16 supplementary note 33, pp. 580-581)

This is the only time in Theological-Political Treatise that Spinoza explicitly distinguishes his own position from that of Hobbes. Also, we should consider this passage:

But, it may be objected, is it not contrary to the dictates of reason to subject oneself entirely to the judgment of another? And, consequently, is not the civil order contrary to reason? And from this it would follow that the civil order is irrational and could be instituted only by men destitute of reason, not by men who are guided by reason. However, since reason teaches nothing contrary to Nature, as long as men are subject to passions ..., sound reason cannot require that each man should remain in control of his own right; that is to say ... reason declares this to be an impossibility. Again, the teaching of reason is wholly directed to seeking peace, but peace cannot be achieved unless the common laws of the commonwealth are kept inviolate. So the more a man is guided by reason ... the more steadfast he will be in preserving the laws of the state and in carrying out the commands of the sovereign whose subject he is. Furthermore, a civil order is established in a natural way in order to remove general fear and alleviate general distress, and therefore its chief aim is identical with that pursued by everyone in the natural state who is guided by reason, but pursued in vain.... Therefore, if a man who is guided by reason has sometimes to do, by order of the commonwealth, what he knows to be contrary to reason, this penalty is far outweighed by the good he derives from the civil order itself; for it is also a law of reason that of two evils the lesser should be chosen. (Political Treatise chapter 3 section 6, pp. 691-692)

[W]e cannot without qualification assert that a commonwealth is not bound by laws, or that it cannot do wrong. For if a commonwealth were not bound by the laws or rules without which [it] would not be a commonwealth, then it would have to be regarded not as a natural thing but as a chimera. So a commonwealth does wrong when it does, or suffers to be done, things that can cause its own downfall.... Thus, in order that a commonwealth should be in control of its own right, it must preserve the causes that foster fear and respect; otherwise it ceases to be a commonwealth.... [T]o slaughter subjects, to despoil them, to ravish maidens and the like turns fear into indignation, and consequently the civil order into a condition of war. (Political Treatise chapter 4 section 4, p. 697)

This is Spinoza's conception of political crisis.

A regime is founded on authority (imperium) that is 'transferred' by its citizens. But this transfer is provisional and can be rescinded at any time. This is Spinoza's main innovation over Hobbes's social contract theory. Even a government that reserves absolute discretionary power must, in practice, satisfy the expectations of its subjects if it hopes to maintain itself. While it may have imperium for the day, it always depends on the potestas of its citizens. A regime must always be mindful of how it is perceived by its subjects, because they are always the greatest threat:

Nobody can so completely transfer to another all his right, and consequently his power, as to cease to be a human being, nor will there ever be a sovereign power that can do all it pleases.... [F]or men have never transferred their right and surrendered their power to another so completely that they were not feared by those very persons who received their right and power, and that the government has not been in greater danger from its citizens, though deprived of their right, than from its external enemies. If men could in fact be so completely deprived of their natural right as thereafter to be powerless to do anything except by the will of those who hold the supreme right, then indeed the subjects of the most violent tyranny would be without resource, a condition which I imagine no one can possibly envisage. It must therefore be

granted that the individual reserves to himself a considerable part of his right, which therefore depends on nobody's decision but his own. (Theological-Political Treatise chapter 17 paragraph 1, p. 536)

All this is to explain why every regime is under an onus to behave rationally and civilly — and, in fact, generally do.

As we have shown, sovereign powers possess the right of commanding whatever they will only for as long as they do in fact hold supreme power. If they lose this power, with it they also lose the right of complete command, which passes to one man or a number of men who have acquired it and are able to retain it. Therefore it is exceedingly rare for governments to issue quite unreasonable commands; in their own interest and to retain their rule, it especially behoves them to look to the public good and to conduct all affairs under the guidance of reason. (*Ibid.* chapter 16 paragraph 10, p. 530)

In other words, imperium is granted by consent and persists only so long as consent is sustained. Without consent there is no imperium, only the naked tactics of the few (the government) against the many (the multitude). And no ruler, Spinoza says, has ever been so monolithic that they did not fear their own subjects — all the moreso the more civil right denied them.

Spinoza emphasizes the extreme case in order to make his point: a dictatorial regime, overthrown by insurrection. His view here can be summed up with one maxim: violentia imperia nemo continuit diu — violent regimes never last long.<sup>11</sup> In Spinoza's use, this maxim

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<sup>11</sup> Spinoza repeats this line twice in Theological-Political Treatise: first at chapter 5 paragraph 11, p. 438, and again at chapter 16 paragraph 10, p. 530. He attributes it to Seneca, although he has altered the syntax. The original line is "violenta nemo imperia continuit diu." It occurs in the course of an intense debate between Pyrrhus and Agamemnon, regarding whether they should sacrifice Polyxena to the ghost of Achilles. Pyrrhus insists that they owe it to Achilles' memory, and that, as the occupying force in Troy, the Greeks are in a position to do whatever they want. Agamemnon urges restraint; in fact, a large part of his monologue reflects the same sentiment Spinoza intends:

takes on a curious significance. In the first place, we note that it pertains to imperium, to a regime that claims official status or legitimacy. It does not pertain directly to potestas, to factual power. Trivially, anyone, or any regime, can do whatever it wants that is within the scope of its power, violent or otherwise. However, this maxim is a comment on the terms and conditions necessary for a regime to gain and maintain power at all. The point is that a regime that feels impelled to make a show of strength will, by that very fact, lose it. A regime that is perceived to rule justly and peacefully, with the confidence of its subjects, can conserve itself indefinitely; but a regime that antagonizes its subjects cannot count on them to support it, and in the course of perpetuating itself will have to depend increasingly upon itself alone — eventually overextending itself, as it comes to be tested more and more boldly.

Secondly, and relating to the previous point, the maxim refers to the particular regime or style of regime in place — not to the conditions for the security of the populace, their

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... nosce hoc primum decet  
quid facere victor debeat, victus pati.  
violenta nemo imperia continuit diu,  
moderata durant; quoque Fortuna altius  
evexit ac levavit humanas opes,  
hoc se magnis suppressere felicem decet  
variosque casus tremere mentuentem deos  
nimium faventes. magna momento obrui  
vincendo didici. (lines 256-264)

In Elaine Fantham's translation:

... One must learn this first, what the victor should do, and the vanquished suffer. No man has ever preserved power for long through violence, but restrained power endures; and as Fortune has raised higher the success of man, so it is right for the successful to subdue himself and to fear changed circumstances, in awe of the gods when they are too favorable. In conquering I learned that great organisms are overthrown in an instant.

continuity as a nation, or their particular mode of civil organization. So, the overthrow of an offensive regime doesn't mean the end of law and order for a people, or their political extinction. On the contrary, it may well be the beginning; it creates a new opportunity for radical democratic reform that would expand their civil rights, rather than undoing them.

And thirdly, we note that what a "violent regime" violates is not just the bodies of its subjects, but above all their peace. A violent regime is one that rules as much through the fear of force — what the law calls 'constructive force' — as by actual force properly speaking. An administration need not necessarily have harmed its subjects in order to intimidate them, and therefore makes enemies not only of those who run afoul of its arbitrary and irrational laws, but also of law-abiding citizens desirous of peace and freedom. After Spinoza's first citation of Seneca's maxim in Theological-Political Treatise, he extrapolates his point as follows:

For as long as men act only from fear, they are doing what they are most opposed to doing, taking no account of the usefulness and the necessity of the action to be done, concerned only not to incur capital or other punishment. Indeed, they inevitably rejoice at misfortune or injury to their ruler even when this involves their own considerable misfortune, and they wish every ill on him, and bring this about when they can. Again, men are impatient above all at being subject to their equals and under their rule. (Theological-Political Treatise chapter 5 paragraph 11, p. 438)

When pressed with an attempt at intimidation on the part of their government, people can even be drawn into revolutionary conspiracy:

[M]atters which arouse general indignation are not likely to fall within the right of the commonwealth. It is without doubt a natural thing for men to

conspire together either by reason of a common fear or through desire to avenge a common injury. And since the right of the commonwealth is defined by the corporate power of the people, undoubtedly the power of the commonwealth and its right is to that extent diminished, as it affords reason for many citizens to join in a conspiracy. (Political Treatise chapter 3 section 9, p. 693)

These people come to have a stake in the collapse of the regime.

A conspiracy need not be large to destroy an absolute ruler. It need only be unopposed, and a politically alienated populace will easily permit its rulers to be ousted. Spinoza gives an example: “Two common soldiers undertook to make one man Emperor of Rome in place of another, and they succeeded” — a reference to the murder of Servius Sulpicius Galba and the accession of Marcus Salvius Otho in 69 CE; Spinoza seems to attribute this coup to the actions of Barbis Proculus and Veturius, two soldiers in the imperial bodyguard who supported Otho.<sup>12</sup>

Although the history of imperial Rome could offer a bounty of examples just like this one, the crisis case Spinoza considers in the most detail is that of the collapse of the state of ancient Israel. Israel survived for generations as a regional power. But in spite of its strengths, it eventually become weakened and vulnerable to outside imposition. Spinoza points to Scripture to suggest that the eventual collapse of Israel was fated from its inception:

[I]f it had to be allowed that the Hebrews were stubborn beyond other mortals, this would have to be attributed to the defectiveness of their laws or

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<sup>12</sup> Spinoza's reference is at Theological-Political Treatise chapter 17 supplementary note 35, p. 581, and it refers to Tacitus's Histories book 1. Mr. Shirley mistakenly annotates this as “A reference to the murder of Caligula and the accession of Claudius”, an event not covered in Histories.



of their established customs. It is, of course, true that if God had willed their state to be of longer duration, he would also have given them laws and ordinances of a different kind and would have established a different mode of government. So we can only say that their God was angry with them, not only, as Jeremiah says in chapter 32 verse 21, from the foundation of their city, but right from the time when their laws were ordained. Ezekiel, too, makes the same point in chapter 20 verse 25, where he says: "I gave them also statutes that were not good and judgments whereby they should not live, in that I polluted them in their gifts by rejecting all that opened the womb (that is, the firstborn) so that I might make them desolate, to the end that they might know that I am the Lord." (Theological-Political Treatise chapter 17 paragraph 32, pp. 548-549)

His suggestion that "God was angry with them" seems to be ironic, since Spinoza denied that God was a judge of men's morals in the usual sense, and the line can be meant only to occasion the quotations from Scripture. But the point remains that the sacred election of the Hebrews was destined to be annulled by dint of a flaw inherent in the laws by which they were elected in the first place. According to Spinoza, that flaw was the privileges enjoyed by the Levites.

Were the Levites "violent" in the requisite sense outlined above? The example of Israel is not meant to represent the extreme case of crisis, which was only illustrated by Seneca's maxim; however, there is a sense in which we can say the privilege of the Levites was 'violent.' Although they did not exercise any legal power, the Levites nevertheless were granted a permanent subsidy according to law, and exclusive dominion over temple rites and sacrifices essential for individual salvation; and Spinoza points out that the cost of this,

which devolved upon the Hebrew citizens of other tribes, was punishment incurred for having worshiped the golden calf during Moses's absence.

In order that we may rightly understand these words [of Ezekiel 20:25-26] and the cause of the destruction of the state, we should observe that it had first been intended to entrust the entire ministry of religion to the firstborn, not to the Levites (Numb. ch. 8 v. 17): but when all except the Levites had worshipped the calf, the firstborn were rejected as defiled and the Levites were chosen in their place (Deut. ch. 10 v. 8). The more I consider the change, the more I am forced to exclaim in the words of Tacitus, "At that time, God's concern was not for their security, but for vengeance." I cannot sufficiently marvel that such was the wrath of heaven that God framed their very laws, whose sole end should always be the honour, welfare and security of the people, with the intention of avenging himself and punishing the people, with the result that their laws appeared to them to be not so much laws — that is, the safeguard of the people — as penalties and punishments. All the gifts that they were required to make to the Levites and priests, as likewise the compulsory redemption of their firstborn by a payment to the Levites for each one, and the fact that the Levites alone were privileged to perform the sacred rites — all this was a constant reminder of their defilement and rejection. (Ibid. paragraph 32, p. 549)

The idolaters and their descendants would forever be debarred from the priesthood, and would be required to support those who had been faithful, and to listen to them. Although their formal role was strictly consultative, it had weighty authority, and the Levites also sternly lectured the Israelites on matters of personal morality. "Then again, the Levites were continually finding occasions to rebuke them, for among so many thousands of people one may well imagine there were many would-be theologians making themselves a nuisance?" (Ibid.) So, Spinoza suggests, in effect, the Israelites were forced (by God's law) to pay to be

told off (by God's priests). The Levites did wield the power of threat, a threat backed by God's punishment of exclusion from the everlasting reward.

Now although they were as pious and obedient as anyone else could by nature be, the Israelites understandably grew to resent their arrangement as time wore on, especially in times of dearth; so they sought to get around the Levites' monopoly. They began to take their chances with other, more permissive and more inclusive religions. Eventually, in a bid to modernize Israel and to bring its mode of governance more into keeping with that of its neighbors, the citizens broke the quasi-republican covenant that had governed them since Moses's death, and appointed a mortal king. And the monarchy was inevitably drawn into intrigue and conflict with the Levites, leading to cycles of rebellion, deposition, and civil war.

As a result [of all that has been outlined in the preceding paragraph], the people were keen to keep watch over the Levites — who were no doubt just human — and, as often happens, to accuse them all for the misdeeds of one. Hence there were continual murmurings, culminating in a sense of resentment at having to maintain in idleness men who were unpopular and unrelated to them by blood, especially when food was dear. Little wonder, then, that in times of peace when there were no more striking miracles and no men of unquestionable authority appeared on the scene, the people's morale began to fail through discontent and greed, and eventually they looked for a change, forsaking a worship which, although worship of God, nevertheless involved their humiliation and was also the object of suspicion. Little wonder that their rulers — and rulers are always seeking ways to keep for themselves supreme sovereignty over the state — made every concession to the people and introduced new forms of worship, with the view to securing the people's favour and alienating them from the high priest. (*Ibid.*, pp. 549-550)

All this, Spinoza concludes, followed from the special privileges the Levites enjoyed under the Mosaic constitution.

We can see that, according to Spinoza's account, the legitimacy of the Levites was not in question until well into the period of kings. Their rights were ordained by God himself, in whom the Israelites mostly continued to believe; who could be more legitimate? But what did come to be questioned very early was their relevance. The privilege of the Levites represented a punishment for a crime committed by ancient ancestors; it represented a total debarment of the everyday citizen from the chance to interpret the law or to administer salvation. The demands of tradition and religion conflicted with the demands of justice, of responsibility and equity. The Israelites could no longer be moved to support both at the same time, and so sides were picked and the factions drawn into conflict. The Israelite way of life was inconsistent to the Israelites themselves; how then could anyone expect them to be enthused about protecting it? In this way, the social covenant binding the Israelites decayed, leaving a carcass ripe for Babylonian, Persian, Greek, and Roman pickings.

Let us review the principles at work here, and see if we can develop an anatomy of crisis. The first characteristic of a crisis, in Spinoza's view, is that there be a group, party, administration or institution claiming wide margins of discretion over the lives of the people, and trying to exercise that discretion. It may be that these claims are founded on nothing but bold and unpretended intimidation. More likely, they are founded on traditions and laws outlining or implying an outline of the scope of legitimate authority.

The second characteristic is that the regime's claims, though perhaps legitimate according to tradition or according to the law, exceed the needs and expectations of the majority of the subject populace, as they understand them to be. That is, although they may agree that it was established properly and that its form is in keeping with custom (and especially when it wasn't or isn't), the people of a nation don't respect or trust their institutions — at least with regard to some issue that is of significance to them, such as the standing of their civil liberties, or inequitable privileges. This failure of respect is great enough that it disinclines them from supporting the prevailing regime or system in some way that is considered normal, or in some way that the government depends upon, either practically, formally, or morally.

Note that it is not necessarily the case that subjects have any notion of a better government. That may be so, or it may not. It may well be that people have no sense at all how to prevent their government from being able to make the kinds of claims it has made; they may well think it better not to try to prevent this in principle, since they may want their government to exercise similar powers but more judiciously. In fact, while crises are opportunities to exchange worse rulers for better ones, it can also be a time for tyrants to ascend over merely adequate but dysfunctional and uninspiring regimes. In the case of ancient Israel, an attempt to escape a burdensome and embarrassing institution set off a chain of consequences that resulted in the nation's inability to defend itself adequately against its enemies. Spinoza also invokes the example of the English Revolution: the revolutionaries

thought they could do away with kingship, but were so without any sense of alternative forms of governance that Oliver Cromwell could, and even had to, take on more and more of the prerogatives of the throne, and was prevented from becoming a king in name only by his own distaste at the title. (Theological-Political Treatise chapter 19 paragraph 15, p. 556)

Note also that the authority's motives are not necessarily relevant to the crisis as such. It may be that the government conspires to accumulate power in a cynical, self-conscious bid for mastery over the nation's citizens. On the other hand, it may well be that the administration has a sincere (albeit fantastic and uninformed or inconsistently informed) desire to benefit its subjects. In fact, the citizens themselves may have placed demands on their government that require it to bite off more than it can chew — that require it to take on tasks it can't solve, that it may not even be possible for anyone to solve. This case would be particularly tragic. A crisis is not determined by what is wanted, nor by whom it is that wants it, nor why; a crisis is determined by whether, when we compare the set and scope of powers the government reserves to itself (whatever those might be) in the pursuit of its goals (whatever they are) with the set and scope of powers the citizens are willing to let it have (whatever those might be) in pursuit of the goals they want it to pursue (whatever they are), there is such a fatal mismatch that citizens perceive their government to be no longer worth supporting.

Finally, crisis does not necessarily appear quickly, or resolve itself quickly. The decay of Israel, which was fated from the very time of the giving of the law by Moses, took

hundreds of years and was punctuated by a number of crises that Spinoza considered to have been related, as symptoms of the same problem inherent in the nation's constitution. A crisis can manifest as a lingering feeling of helplessness, resentment, and complacency just as much as an instant of clear peril.

Ultimately, Spinoza's understanding of crisis is one according to which a society that has exhausted its legitimate problem-solving or adaptation strategies must return to the state of nature in order to advance. When the civil order ceases to provide meaningful structure or direction to the affairs of citizens, they will supersede it. This is why crisis provides an opportunity for the renewal of political institutions, but at the same time represents a grave danger that societies very often fail to navigate. When the old definitions of right and wrong cease to bind, there is an opportunity for tyrants and demagogues to assert themselves.

One can feel, implicit in Spinoza's discussion of the rise and fall of regimes, a sense at work of history as an organic process, in which nations trace their identities out of a state of nature in response to particular circumstances which they faced at particular times, only to recede again into the natural state once that identity has discharged itself of power or meaning. This sense is worth considering. Now, it would be anachronistic to describe the decline of a nation in Spinoza's conception as 'organic' without qualification. If an educated person of the 17<sup>th</sup> century were to hear the word "organic," he would understand a body divided into dedicated institutions ("organs") with specific functions and defined liaison channels, and most likely subordinated to a central apparatus analogous to the head or brain.

A term with this sense would apply much more to the political theory of Hobbes, depending as he does so much more on the basic simile of the state as a giant man than does Spinoza. But when we hear the word “organic,” we think “vegetal” or perhaps “evolutionary”; the implied image is of something taking on its determination in response to occasional and momentary challenges according to its own internal specificity — adapting, growing, aging, and finally being overcome. Politics in Spinoza’s understanding is certainly organic in this sense, in a way that it isn’t in Hobbes’s.

It has been remarked that Spinoza understands politics in what we would today call an “evolutionary” way.<sup>13</sup> If we want to use the language of evolutionary theory to describe politics in Spinoza’s account, we would have to say that social consensus (be it explicit, as in a formally ratified liberal democratic constitution or in the sacrament of committing to a scriptural authority, or implicit in the manners, habits, or mores of a nation) represents the origin of the species. But then, we can extend the metaphor: crisis represents the force of natural selection, that which punctuates the equilibrium of the state’s day-to-day self-perpetuation.

Spinoza’s understanding of crisis reflects his idiosyncratic approach to liberal political theory. Crisis is simply unthinkable for liberalism at its most naïve (such as that of

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<sup>13</sup> Douglas Den Uyl uses this term in his article “Sociality and Social Contract: A Spinozistic Perspective” (*Studia Spinozana* 1, p. 20); and he refers to Alexandre Matheron’s study, *Individu et communauté chez Spinoza* chapters 8-9, which discuss the formation of civic orders and the transition from one form to another thereof. I have discussed both of these works in my introduction.



Rousseau; for why would people lose faith in a legitimate government?), and cuts a negative figure for modern conservatism (which would hold, in the words of Maistre, that “Every nation has the government that it deserves”). But for Spinoza, crisis seems to be the natural death-cycle of a nation, when forms and habits developed by our ancestors harden around our muscles, and force us to crack out of them and return to the state of nature.

The organic notion poses a special problem for liberalism, since the latter proposes to found a political order on our intelligence, on the critical application of organizational techniques, and on a reflective awareness of our historical context, rather than on prophecy or received habit. The organic notion seems to have something inherently anti-intellectual, anti-liberal about it. If every society has a limit of growth and a cycle of decay dictated by its original terms of ascendancy, it would seem as if intelligence were a contrivance, and fervor of the sort that welded the Hebrew nation counts for more than strategies of choice or double coincidences of wants of the sort that inform liberal theory.

However, Spinoza's vision of social decay has nothing of the fatalism or inevitability which that of, say, someone like Oswald Spengler would later have. In Spengler's Romantic conception of history, a civilization maintains itself long enough to explore the basic feelings it takes as constitutive of its culture; once that exploration has been exhausted, the civilization simply settles into a permanent routine, without any collective spirit that could maintain solidarity. For Spengler, this process is played out entirely within the subconscious life of a collective, immanent to a culture's art, religion, and politics considered as an

interrelated whole.<sup>14</sup> Spinoza clearly doesn't have this sort of process in mind. Though it may be that every society must eventually decay, as far as Spinoza is concerned there doesn't seem to be any particular time at which, or any manner in which, it must decay. Statistically, the more choices a nation must make, the more likely it becomes that at some point they will err, and with time this likelihood approaches certainty — but this is no grounds for renouncing intelligence with respect to any particular choice. Furthermore, the destiny of a civilization is decided by the choices of those individuals who make it up. Those decisions may be poor ones, but they are not wholly dictated by blind collective forces.

To the extent that, and for as long as, we are guided by reason, we will thrive; and this is true whether we're speaking personally or politically. But we must also prepare for our inadequacy of understanding; and this is what will prove the end of any society. Now this is not a conservative argument after the Burkean model, which substitutes tradition for discretion on the grounds that discretion can err. Spinoza doesn't advocate adherence to social conventions as a solution to the problem of crisis; on the contrary, crisis occurs because adherence is no longer possible. We cannot cling blindly to tradition as if our minds were never capable of questioning it, because as soon as the question is even raised as to whether we ought to do this, it is only because tradition as such has thrust a crisis upon us — a crisis that can only be resolved by clever navigation of received and innovated customs. Although Prof Den Uyl attributes to Spinoza a position of "conservatism" in the course of

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<sup>14</sup> Oswald Spengler, Decline of the West.

comparing him to FA Hayek (“Spinoza suggests that we must avoid at all costs radical transformations of the basic form of a regime” — “Sociality and Social Contract: A Spinozistic Perspective”, p. 25), Spinoza’s discussion of politics always presumes on the contrary that some forms of government are fatally decadent, and that at a crisis juncture a society must transform however radically may be necessary to obviate the problem at hand, or else it will die. At these times, there is no holding on and no going back. Our objective is to construct, as intelligently as we can, a social order as stable as we can; and that means that we must incorporate a degree of flexibility and fluidity to our institutions. That way, we can disassemble specific institutions that no longer promote our interests without implicating the rest of our social fabric; crises would thence become very specific and the stakes of any decision less dramatic.

The possibility of a reactionary revolution is worth pausing over. Spinoza’s premise is that might makes right. On the face of it this would seem to allow that totalitarian reactionary regimes are “right” if they are ascendant. Certainly, if a reactionary party can politick or intimidate its way into a position of supremacy within their society, if no one can stop it, then it can try to do whatever it wishes. It would have the natural right to do so, according to Spinoza’s understanding of right. But we should not take from this the impression that a reactionary regime has as much natural right as a democracy. The reactionary regime can never escape the natural consequences of its policies. As we have seen, the invasive use of force involved in perpetuating it would be irrational. The regime

that operates according to a totalitarian principle can last for a long time, and make the lives of its subjects very unpleasant; but such a regime only makes itself weaker and weaker, makes its enemies multiply. All this, while liberal democratic nations tend to become stronger and stronger, and makes its allies multiply, because their use of force is rational and principled.

If a crisis represents a return to the state of nature due to a failing confidence in past systems of legitimation, then a compulsive reactionary return to those past systems is doomed to failure. Even if the original regime was liberal and rational, the reactionary return can never be. The only solution is a renewal: an effectively new society must emerge in the vacuole left by the decay of the old. The process by which this occurs must be comparable to that by which a new society forms in the first place; and Spinoza's conception of this has already been discussed at length by others.<sup>15</sup> When the new form of society is even worse than the ruins of the old, there may be a restoration, like that of England after the Commonwealth. This is an opportunity for reform, but insofar as it really is a substantial return to the state of things before the new social order, it is still prone to crisis and the move is only a stop-gap measure. The only long-term solution is the attainment and maintenance of a true consensus that must emerge from the state of nature implicit in a crisis situation.

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<sup>15</sup> Qv. especially Alexandre Matheron's Individu et communauté chez Spinoza, and Douglas Den Uyl's Power, State and Freedom.

#### 4. Application to contemporary issues

The role of crisis in Spinoza's liberalism is straightforward and explicit. At the same time, it gives his conception of liberalism a determination unique in the tradition. In point of law, whoever is vested with imperium decides what is right and what is wrong, by consent of the people. But in point of fact, a state that denies people certain rights will be tempting crisis and courting revolution. Foremost among these rights, and the one Spinoza treats in depth, is freedom of expression.

While the summum potestas invariably determines what is legally and morally right or wrong, it can't and shouldn't try to regulate opinion or expression. The power of thought and judgment is inalienable. Although we can conceive of someone "whose beliefs, love, hatred, contempt, and every single emotion is under the sole control of the governing power" (Theological-Political Treatise chapter 17 paragraph 3, p. 537) if we understand that control as being gained by love and loyalty, nevertheless "[i]t would be vain to command a subject to hate one whom he is indebted for some service, to love one who has done him harm, to refrain from taking offence at insults, from wanting to be free of fear, or from numerous similar things that necessarily follow from the laws of human nature." (Ibid. paragraph 1, p. 536.) The sovereign can influence its subjects in any number of ways, but it can't just bully them into believing what it wants them to believe.

Consequently, freedom of expression must also be granted. In the first place, trying to prohibit bad opinions or bad speech can only backfire on the sovereign, since the prohibition can never be effective. Any attempt to control the speech or press of its subjects would draw a sovereign into a never-ending series of struggles that would squander public resources — in other words, it is drawn into crisis.

[U]tter failure will attend any attempt in a commonwealth to force men to speak only as prescribed by the sovereign despite their different and opposing opinions. Not even men well versed in affairs can keep silent, not to say the lower classes. It is the common failing of men to confide what they think to others, even when secrecy is needed. (Theological-Political Treatise chapter 20 paragraph 4, p. 567)

So prohibitions on expression are futile. Secondly, even if they could be ensured, the consequence would be that the sovereign cultivates deceitfulness at the expense of honesty.

It would thus inevitably follow that in their daily lives men would be thinking one thing and saying another, with the result that good faith, of first importance in the state, would be undermined and the disgusting arts of sycophancy and treachery would be encouraged. This is the source of false dealing and the corruption of all honest accomplishments. (Ibid. paragraph 10, p. 569)

So by persecuting people for their opinions rather than their actions, the state promotes obsequiousness rather than obedience. But it can never achieve even this pathetic goal, since it can never effectively prevent people from saying what they want. Tolerant government, therefore, “is undoubtedly the best and its disadvantages are fewer because it is in closest accord with human nature” (Ibid. paragraph 13, p. 570) An intolerant government is one that will face insoluble crises.

In short, if there is to be rule of law at all, a right to free expression must be reserved to each citizen. Failure to grant this right undermines law and dooms a political body to a crisis that may destroy it altogether, or will at least force it to become more tolerant anyway. “Human nature,” therefore, imposes constraints on the form that law can take. It is clear, though, that this “nature” is not a conception of man’s moral status as inherently deserving of respect; rather, it is human nature to demand respect when it is not given. A human being’s right to free expression stems not from their status as a rational unit of moral worth, but rather from their political reality as an intransigent locus of force.

The above argument establishes that there are certain rights that must be respected if there is to be any justice at all. Spinoza suggests that there are other rights that must be respected if a particular way of life is to be practiced. In the Political Treatise draft, Spinoza intended to discuss the three Aristotelean forms of state, namely monarchy, aristocracy, and democracy, and their respective attendant problems and special concerns. One interesting issue he considers is that of the customs regarding property that may be most suited to this or that form of government. It is in the power of the summa potestas to determine who should be considered to own what, and who will have what kind of discretion over which goods.

[I]n a state of Nature the one thing a man cannot appropriate to himself and make his own is land and whatever is so fixed to the land that he cannot conceal it anywhere or carry it away where he pleases. Thus the land and whatever is fixed to it in the way we have described is especially the public property of the commonwelath, that is, of all those who by their united

strength can claim it, or of him to whom all have delegated the power to claim it. (Political Treatise chapter 7 section 19, p. 716)

But some choices may result in such an impoverishment that this power is undermined, and the nation destroyed. Spinoza suggests that the choice of property institution — whether it be collective or individual — depends on the choice of state.

For example, under a monarchy, “The fields and the soil and, if possible, the houses as well should be public property, that is, should belong to the sovereign [Jus Civitatis], by whom they should be let at an annual rent to citizens...” (Ibid. chapter 6 section 12, p. 703)

Spinoza reasons as follows:

Another factor which is also of great importance in promoting peace and harmony is this, that no citizen may own real estate.... Hence the danger from war is practically the same for all; all will have to make a living by engaging in trade or by lending money to their fellow citizens.... So they will have to engage in commercial dealings that either make them mutually involved with one another or that require the same means for their furtherance. (Ibid. chapter 7 section 8, p. 712)

A monarchy therefore ought to be run as a collective, or what we usually call today, a socialist economy. Failing this, land-holding subjects will have a special stake in questions of war, and they will lead the state into crisis. On the other hand, in an aristocracy — where there is plural but restricted citizenship — the above concern does not apply. Immovable property ought to be delegated to individual discretion:

[F]or this ... reason [that subjects in an aristocratic republic are effectively treated as strangers in their own land, as far as their government is concerned], it cannot be without danger to the whole state that lands, houses, and all the soil should belong to the state and be let to the inhabitants at an



annual rent. For subjects who have no stake in the state would all be likely to desert their cities in times of danger if they could carry wherever they pleased what goods they possessed. Therefore in this state lands and farms are to be sold, not let, to subjects, but on this condition, that they should also pay every year a certain proportion of their annual income.... (*Ibid.* chapter 8 paragraph 10, p. 727)

An aristocracy, therefore, needs to have an individualistic property system; it needs to have a free market and private enterprise as far as real estate and capital is concerned. Failing this, subjects will have no special stake in protecting the state, and again the state will sink into crisis.

Spinoza never finished his chapter on democracy. For biographical reasons, of course, it seems most likely that he would have preferred private ownership of means of production in a democracy, since he moved in liberal republican circles. But we cannot know for certain whether he would have argued that the situation in a democracy is more or less like one or the other of the preceding forms, or whether there were another consideration specific to democracy that would recommend one or the other institution, or whether yet he would have suggested a third form of property altogether. The point is that, in his view, once we commit ourselves to one or another mode of government, we must also structure the subject's property rights in a particular manner. Otherwise the security of the state will be undermined because of conflicting interests, and the shadow of crisis will loom.

What is true of free speech or of property, may also be true of other rights. Reasoning similar to the arguments outlined above could provide for many other aspects of "human

nature”; in fact there may be many practical constraints on the form justice can take. Theory tells us only that human beings need, and are in a position to insist upon, their freedom — the specific articulation of that freedom into particular rights emerge from particular conflicts or problems that a nation faces in the course of its duration. Regarding the question of what “rights” human beings can demand, and which they should demand for the sake of their own interests, our only guides are tradition and experiment, and history, which is an archive of other nations’ traditions and experiments.

Spinoza’s position, therefore, is that rights are not something granted to people; at least, not in point of fact, however it may come out de jure. Rather, rights are something that the people claim for themselves of their governments; they are something governments must recognize if they are to perpetuate their laws at all. This represents a strikingly original position regarding rights; its novelty is that it reflects and incorporates insights from both the natural and the positive theories of justice. On the one hand, rights are only rights if they are claimed within a program of statements of enforcement — this is a doctrine of the positive theory of law. On the other hand, there are certain rights which, because of human nature, must precede statute if there is to be any law at all — this is a doctrine of the natural theory. Human nature, in this case, is the people’s power to make claims and to enforce them as part of a consistent way of life. It is the summa potestas, the prevailing material power, and not the imperium or sovereign in the modern sense, that determines the system of enforcement claims which define positive law; and it is man’s force, not morality, that determines his

natural rights which set natural constraints on law. The individual's desire for freedom, and willingness to resist anyone that denies it (peaceably or otherwise): this is the factor that defines law, both as it is asserted and as it is constrained. By undermining the naturalistic morality of natural law theory while simultaneously liquidating the positive law theory of its centeredness on a sovereign, Spinoza obviates any conflict between them at the level of individual rights.

The above discussion has implications both for domestic policy and for foreign development. With regard to domestic policy, one key factor distinguishes current political circumstances from those of Spinoza's time, but which reflects an affinity with the circumstances of ancient Israel's collapse. Namely, the sign of a regime's failure of confidence is no longer insurrection or conspiracy, but apathy. How has it come about that, in the (ostensibly) most democratic countries in history, voter turnout is so consistently low, with anywhere from a third to a half of us regularly neglecting to participate, even though more now depends on voting than ever before? How has it come about that inarticulate "protest", whose apparent object is to shame or intimidate, is now seen as a credible form of political self-representation — as credible as (or more credible than) having or being a representative in the formal political process? I don't hope to answer these questions here. I merely intend to point out that today's political crisis, if such it may be called, consists in this: that our moral commitment to 'legitimate' democratic government is fading in front of us; and that past conceptions of political authority, which assumed a derivation of

commitment from legitimacy, have ipso facto been rendered fatally incoherent and useless to our present needs. Only an interest-relative intersubjective theory of justice, of the sort offered by Spinoza, has anything to offer us by way of reforming our political customs and habits so as to renew our confidence in government's power to represent our own respective interests effectively.

In the former section, I suggested a possible crisis scenario that I considered particularly tragic. In this scenario, the citizenry makes greater and greater demands on their government, and the government takes on those tasks in the name of justice. But in trying in good faith to juggle impossible or inconsistent goals, it only alienates its citizenry more. In order to pursue one social goal (for example, security, or social justice) it might have to claim powers that are inconsistent with another (for example, freedom, or rule of law); or, pursuit of the goal may actually compromise it by the very act, as is often the case with intervention in the economy.<sup>16</sup> This, without a doubt, is our most pressing domestic problem.

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<sup>16</sup> Professor Jürgen Habermas has suggested that this is the particular form of crisis to which "late" or "advanced" or "organized" capitalism is susceptible:

As long as motivations [for political involvement] remain tied to norms requiring justification, the introduction of legitimate power into the reproduction process means that the "fundamental contradiction" can break out in a questioning, rich in practical consequences, of the norms that still underlie administrative action. And such questioning will break out if the corresponding themes, problems, and arguments are not spared through sufficiently sedimented pre-determinations. Because the economic crisis [to which Habermas sees "anarchistic commodity production" as fatally vulnerable] has been intercepted and transformed into a systematic overloading of the public budget, it has put off the mantle of a natural fate of society. If governmental crisis management fails, it lags behind programmatic demands that it has placed on itself. The penalty for this failure is withdrawal of legitimation. Thus, the scope for action contracts precisely at those moments in which it needs to be drastically expanded. (Legitimation Crisis part 2 chapter 6, p. 69)

We are asked to sacrifice some of our civil liberties so that the state can protect us from terrorists; we are asked to sacrifice some of our economic liberties so that others may be taken care of. But as the proposed solutions become more ambitious, the problems they are meant to solve become worse, not better. Confusion, and sometimes even corruption, prevail over actual security and prosperity, and we lose confidence in the government's ability to make good on its sweeping promises. Perhaps traditional habits of governance must be abandoned, and new avenues of experiment must be explored — intelligent experiment guided by theory and by a knowledge of history.

So much for the domestic policy consequences. Perhaps the more immediately useful consequences of our thesis have to do with foreign development. We have found it difficult to simply transmit traditional Western democratic forms to countries where it may be hard to find shared values or to determine consensus on questions of sovereignty, legitimacy, or the role of religious law. These forms are the product of generations of conflict and the debate that arose as part of a gradual process of popular empowerment. The consequences of this empowerment forced us to approach one another in new ways specific to the circumstances of the day, which in turn drew us into processes of conflict resolution that generated present democratic forms and norms. Thus, our democracies have been molded by the interaction of Western nations, Western classes, and Western religions. It has proven unrealistic to suppose we could export prefabricated democracy to countries where different

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This is the first theorem of crisis legitimation that Habermas outlines.

social divisions, different interests, and different anxieties prevail, as well as different notions of politics and identity. Not just unrealistic, but often fatal: where only the form of plurality rule exists, without associated checks or democratic habits, a centralized state organ is vulnerable to co-option by tyrannical partisans. A Spinozistic consideration would suggest that civil rights and fundamental principles of justice must emerge from the process of conciliation and dialogue surrounding a concrete historical turning-point. Such a consideration would also emphasize the imperative that this process not be squashed before it can conclude, and thus the importance that each party is in a position to represent itself as a credible political power to the others involved. Where democracy is most needed, parties can't count on one another's good will to give them what we take for granted in Western democracies. We could put this point another way: We must empower individuals to claim rights, not empower collective organs to grant them.

Let's use the status of women in Iraq as a concrete example.<sup>17</sup> Equal status and complete freedom are demanded, both by the religion of Islām as it is generally understood, and by the secular agenda currently espoused by many — most notably the faction of Kurdish nationalists. But Shiite sectarians, especially in the south, seem poised to declare a theocratic rule that would severely compromise the rights of women. Indeed, it would seem that

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<sup>17</sup> In pursuing this example, we shall disregard Spinoza's unfortunate solitary remark about the status of women, to be found in Political Treatise chapter 11 section 4, pp. 753-754; the view it expresses is not worthy of being considered in the present connection. Suffice it to say, Spinoza did not think seriously on the problem of women's rights; my discussion in the following paragraphs is my own attempt to apply Spinoza's thought to a new problem.

sectarians may already be imposing reactionary standards of chastity, piety, and modesty on women in communities controlled by military wings of the main Shia parties.<sup>18</sup> Shiites constitute the majority of the Iraqi population — upwards of 60%.<sup>19</sup> Within this community, the majority, although moderate, capitulate to an extremist leadership.<sup>20</sup> So, although they constitute a minority position, these views are sufficiently representative that there is no apparent consensus on the status to be accorded women in a democratic Iraq. Democracy could therefore become overwhelmed by an extremist plurality. A strongly centralized democratic republic with very broad margins of discretion could quickly reverse all that is being insisted upon by USAID and by the American people. For this reason (among others), those who support secular governance are being drawn into critical confrontation with their Shiite neighbors.

How, then, could Western development efforts ensure that women enjoy full rights and equal status? What would a Spinozistic insight into the problem suggest? A statutory bill of rights would be useless if the legislative process can be subordinated by an extremist plurality, and even a constitutional bill of rights is of little consequence if an extremist party is positioned to rewrite it. Sharia, or religious justice, will likely be a source of law of some degree of authority in the new Iraqi constitution, which to that extent would not be subject

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<sup>18</sup> Peter W. Galbraith, "Iraq: Bush's Islamic Republic".

<sup>19</sup> *Ibid.*

<sup>20</sup> Mitchell Prothero, "Iraqi women on the verge of a revolution".

to democratic review or revision.<sup>21</sup> In short, women in Iraq cannot count on the letter of the law to protect them in the long term or with any consistency. Rather, women must be empowered first in point of fact: they must be taught political, commercial, and martial skills that will allow them to support their own claims for equality. Women must be willing and able to take rights that aren't given to them. Furthermore, communities that support the liberation of women must also be given enough autonomy to ensure that if the national government fails to live up to its promises, there will at least be some communities able to make up the difference. These communities must also be able, legally and practically, to protect women fleeing areas where their rights aren't guaranteed; since we might not be able to protect women in all communities, it may be necessary to provide haven for women starting new lives in more democratic areas. Politically speaking, all this would suggest an emphasis on decentralized confederal arrangements. In general, Spinozistic wisdom would counsel methods of building consensus that do not compromise local freedoms, and that do not centralize power into institutions that could be co-opted by extremist sectarians. Public speaking, parliamentarianism, forensic debate and critical thinking must be sponsored in every community. Inclusive educational and military institutions which can demonstrate compliance with clear standards of women's liberation should receive preferential treatment from Western aid organizations. Equal rights for women must be pursued first at the practical level; the political level can only follow consistently from practical success.

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<sup>21</sup> Mitchell Prothero, "Under the clerics' thumbs": Dan Murphy, "Iraqi women urge limited sharia in new constitution":



It would seem that the Kurdish faction is best poised to play this role in Iraq today. Culturally, the Kurds have a noted respect for women; Kurdish women are not required or expected to wear veils, and they regularly wear pants and make-up.<sup>22</sup> Kurdish leadership has committed to secular governance with full rights for women.<sup>23</sup> The Kurdish peshmergas, freedom fighters that cooperated with American forces, train and equip women in their own unit. These fighting women have averred that they “love the Kalashnikov and an outdoor life” too much to take up a submissive position in their society.<sup>24</sup> Generally, the peshmergas constitute a large proportion of the operative native fighting force in Iraq, and are loyal to their community’s values. And the Kurdish government has already secured a great deal of de jure autonomy in the new Iraq,<sup>25</sup> autonomy that it will be able to use to interfere with any national partisan attempts to strip away women’s rights through the democratic process. As long as this autonomy is appreciated and respected by the Americans helping to reconstruct the country, the Kurds stand to accomplish a great deal for secular government in Iraq. Unfortunately, devolution of power is not popular among all Iraqis.<sup>26</sup> It appears the current US administration has been pressuring Kurdish leadership to make significant concessions

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<sup>22</sup> Anastasia Taylor-Lind, “Warrior Women”

<sup>23</sup> Galbraith.

<sup>24</sup> Taylor-Lind.

<sup>25</sup> Galbraith.

<sup>26</sup> BBC, “Iraq constitution: Sticking points” Al-Jazeera, “Sunnis caution against federal Iraq”

in order to generate agreement by compromise rather than by consensus.<sup>27</sup> Only time will tell whether these concessions undermine the Iraqi secular agenda altogether.

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<sup>27</sup> Galbraith. CBS/AP, "Role Of Islam Hampers Iraq Talks". Al-Jazeera, "Iraq talks stall over religion, oil".

Conclusion

Spinoza insists that desire is our essence. Every element of our experience has relevance or value insofar as it conditions our desire in a certain way; and every action is the expression of desire. According to Spinoza, it is through desire that we are made one with all things; to indulge desire is to affirm the sacred character of life. Nature empowers us to satisfy our desires in any number of ways, but only some of those are consistent with satisfying other desires broadly, intensely, or consistently. Therefore reason is of utmost importance; rational conduct is that which aims to satisfy the greatest range of desires with the greatest intensity on the most consistent basis.

In a social context, that means seeking agreement — seeking arrangements in which our desires and strengths coincide and reinforce one another. In a liberal democracy we are mutually empowered and mutually liberated. However, we are also all in a position to harm one another; so the pursuit of agreement must be cautious. We must each, to the best of our own ability, consider our interest in democracy, and express what we consider to be conducive or compatible with it. We must negotiate democracy, in order to set the firmest limits on destructive and irrational behavior. Over time, the value of democracy as a singularly discursive and rational way of life can come to be recognized and celebrated as such.

To the extent that we may have failed to develop or express a clear understanding of what democracy entails for us, or to the extent that our present understanding differs from

that we previously held or that of our ancestors, our society may be led into crisis. During crisis, the social bonds that hold us together as a nation are imperilled, because they cease to be of any apparent value to us in the form they have been received. As we have seen, Spinoza understands the time of crisis to be a very sensitive one. On the one hand, well-intentioned reforms often result in a state of affairs worse than that they were meant to change. On the other hand, any demand to conserve the former situation in spite of its flaws is fatally naïve, condescending, and basically unjust. Our rights and responsibilities, and the whole form of our law, is determined by the choices we make in these times. A Spinozistic formula for the eternal perpetuation of democracy might therefore be: freedom and individual autonomy and responsibility, secured by discourse when possible, and mutually assured harm when necessary.

As I pointed out in my introduction, much of the existing secondary literature on Spinoza's political philosophy has emphasized either his conception of the social contract, or his conception of mass politics. In his theory of crisis, we see both, in both a positive and negative form. A crisis occurs when mass support of the social contract fails; in a crisis there is no social contract and the disintegration of the multitude. It is my hope that future scholarship will be able to incorporate an agonistic dimension, involving concessions and ultimata, into more robust accounts of Spinoza's conception of the social contract and life in civil society. Only then can his singular contribution to liberal theory really be appreciated.

Annotated Bibliography

1. Primary sources:

Spinoza, Benedictus de. Complete Works. Translated by Samuel Shirley. Indianapolis: Hackett Publishing, 2002.

———. Opera. Heidelberg: Carl Winters Universitätsbuchhandlung, 1972.

Mr Shirley's translation has been used throughout, because it is good English. When it was necessary to clarify a semantic point, the original Latin has been drawn from the Carl Winters edition of Spinoza's texts in the original language.

2. Secondary sources on Spinoza's political philosophy:

Althusser, Louis, and Etienne Balibar. Reading Capital. Translated by Ben Brewster. London: Verso Editions, 1979.

Balibar, Etienne. Spinoza and Politics. Translated by Peter Snowdon. New York: Verso Editions, 1998.

Den Uyl, Douglas. Power, State and Freedom: An Interpretation of Spinoza's Political Philosophy. Assen, Netherlands: Van Gorcum, 1983.

———. "Sociality and Social Contract: A Spinozistic perspective?" Studia Spinozana 1 (1985), pp. 19-51.

Matheron, Alexandre. Individu et communauté chez Spinoza. Paris: Éditions de Minuit, 1969.

3. Other works referred to in clarifying Spinoza's thought or comparing it with present thought:

Habermas, Jürgen. Legitimation Crisis. Translated by Thomas McCarthy. Boston: Beacon Press, 1975.

Spengler, Oswald. Decline of the West. 2 vols. Translated by Charles Francis Atkinson. New York: Alfred A. Knopf, 1996-1999.

Seneca, Lucius Annaeus. Troades. Translated by Elaine Fantham. Princeton: Princeton University Press, 1982.

#### 4. Articles on Iraq:

Al-Jazeera. "Iraq talks stall over religion, oil?" Aljazeera.net (August 20, 2005), <http://english.aljazeera.net/NR/exeres/B2854A0C-D0E1-40C3-BD9A-6C886F7D54D6.htm>

———. "Sunnis caution against federal Iraq?" Aljazeera.net (August 19, 2005), <http://english.aljazeera.net/NR/exeres/0AD4E5B0-1BF1-43F1-81FC-2B6964E86DB1.htm>

Associated Press. "Role of Islam hampers Iraq talks?" CBS5 News (August 20, 2005), [http://cbs5.com/topstories/topstories\\_story\\_232095927.html](http://cbs5.com/topstories/topstories_story_232095927.html)

BBC. "Iraq constitution: Sticking points BBC News (August 25, 2005), [http://news.bbc.co.uk/2/hi/middle\\_east/4155860.stm](http://news.bbc.co.uk/2/hi/middle_east/4155860.stm)

Galbraith, Peter. "Iraq: Bush's Islamic Republic?" New York Review of Books (August 11, 2005), <http://www.nybooks.com/articles/18150>

Murphy, Dan. "Iraqi women urge limited sharia in new constitution" Christian Science Monitor (August 9, 2005), <http://www.csmonitor.com/2005/0809/p11s01-woiq.html>

Prothero, Mitchell. "Under the clerics' thumbs?" Salon.com (August 13, 2005), [http://www.salon.com/news/feature/2005/08/13/iraqi\\_women/index.html](http://www.salon.com/news/feature/2005/08/13/iraqi_women/index.html)

———. "Iraqi women on the verge of a revolution?" Salon.com (February 22, 2005), <http://www.salon.com/news/feature/2005/02/22/women/index.html>

Taylor-Lind, Anastasia. "Warrior Women" BBC South East Wales (2003), [http://www.bbc.co.uk/wales/southeast/sites/newport/pages/article\\_peshmerga.shtml](http://www.bbc.co.uk/wales/southeast/sites/newport/pages/article_peshmerga.shtml)