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Spinoza - Beyond Hobbes and Rousseau<sup>1</sup>

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Spinoza<sup>2</sup> is again and again placed as a "political philosopher" on an intellectual line with Hobbes and Rousseau, in most cases closer to the latter.<sup>3</sup> This manner of

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<sup>1</sup> For both criticism and help in the translation I am especially indebted to M. P. Lycett (Canterbury), N. E. Boulting (Rochester, Kent), and R. H. Dumke (Munich). I hope that their fierce sense of English usage has saved the text from too many "Teutonisms".

<sup>2</sup> The references to Spinoza refer to the following editions: Tractatus de Intellectus Emendatione (TdIE) = Treatise on the Emendation of the Intellect) and Ethica (E) = Ethics: Edwin Curley (ed.), *The Collected Works of Spinoza*, tr. by Edwin Curley (vol. I; Princeton, 1985); Tractatus Theologico-Politicus (TTP) = A Theologico-Political Treatise: R. H. M. Elwes (ed.), *The Chief Works of Benedict de Spinoza*, tr. by R. H. M. Elwes (2 vols.; New York, 1951-55), I; Tractatus Politicus (TP) = A Political Treatise: A. G. Wernham (ed.) *Benedict de Spinoza., The Political Works*, tr. by A. G. Wernham (Oxford, 1965); Epistulae (Ep) = Letters: A. Wolf (ed.), *The Correspondence of Spinoza*, tr. by A. Wolf (London, 1966). For TdIE and TTP, I refer to the respective pagination. Additions in square brackets are mine.

<sup>3</sup> See e.g., Ch. E. Vaughan, *Studies in the History of Political Philosophy before and after Rousseau* (2 vols.; Manchester, 1925), I, 125: "Spinoza, with his speedy (if not simultaneous) transfer of the 'common will' from the whole body of citizens to their authorised Government, supplies the connecting link between Hobbes and Rousseau. But he stands much nearer to the latter than to the former."; Robert A. Duff, *Spinoza's Political and Ethical Philosophy* (Glasgow, 1903; repr. New York, 1970), 11: "... on the basis of Hobbes' absolutism he builds a superstructure of popular liberties better secured than that of either Locke or Rousseau."; Kuno Fischer, *Spinozas Leben, Werke und Lehre* (4. ed.; Heidelberg, 1898), 461; Friederich Jodl, *Geschichte der Ethik als philosophischer Wissenschaft* (2 vols.; Stuttgart-Berlin, 1930; repr. Darmstadt, 1965), I, 481; cf. also A. G. Wernham, Introduction to: A. G. Wernham (ed.) *Benedict de Spinoza, The Political Works* (Oxford, 1965), 1-47; Robert J. McShea, *The Political Philosophy of Spinoza* (New York-London, 1968), 203; Walter Eckstein, "Rousseau and Spinoza. Their Political Theories and their Conception of Ethical Freedom," *Journal of the History of Ideas*, 5 (1944), 259-91; Wolfgang Röd, "Van den Hoves 'Politische Waage' und die Modifikation der Hobbesschen Staatsphilosophie bei Spinoza," *Journal of the History of Philosophy*, 8 (1970), 29-48; Wolfgang H. Schrader, "Naturrecht und Selbsterhaltung: Spinoza und Hobbes," *Zeitschrift für philosophische Forschung*, 31 (1977), 574-583; Douglas J. Den Uyl, *Power, State*

classifying these three philosophers, however, does not do justice to the specific achievements of Spinoza nor to those of the other two; and it arises, by the way, rather from an incorrect judgment on the work of Hobbes and Rousseau.

There are certainly elements in Spinoza's work which make us think of Hobbes<sup>4</sup> and others which make us think of Rousseau.<sup>5</sup> Yet such elements only conceal the fundamentally different character of Spinoza's Political Philosophy. In brief, Spinoza is not a philosopher of Right<sup>6</sup>; certainly not as Hobbes in "De Cive" or, though less

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*and Freedom. An Interpretation of Spinoza's Political Philosophy* (Assen, 1983), esp. 146-68; Douglas J. Den Uyl, "Sociality and Social Contract: A Spinozistic Perspective," *Studia Spinozana*, 1 (1985), 19-51; Manfred Walther, "Die Transformation des Naturrechts in der Rechtsphilosophie Spinozas," *Studia Spinozana*, 1 (1985), 73-104; Emilia Giancotti, "La teoria dell' assolutismo in Hobbes e Spinoza," *Studia Spinozana*, 1 (1985), 231-58; Alexandre Matheron, *Anthropologie et politique au XVIIe siècle (Etudes sur Spinoza)* (Paris, 1986), 49-79; 81-101; Franck Tinland, "Hobbes, Spinoza, Rousseau et la formation de l'idée de démocratie comme mesure de la légitimité du pouvoir politique," *Revue philosophique de la France et de l'Etranger*, 110 (1985), 195-222; Alexandre Matheron, "La fonction théorique de la démocratie chez Spinoza et Hobbes," *Studia Spinozana*, 1 (1985), 259-273; Alexandre Matheron, "Le 'droit du plus fort': Hobbes contre Spinoza," *Revue philosophique de la France et de l'Etranger*, 110 (1985), 149-76; Simone Goyard-Fabre, "Hobbes et Spinoza ou la différence des concepts. L' ampleur d'une litôte," *Studia Spinozana*, 3 (1987), 229-259; Douglas J. Den Uyl / Stuart D. Warner, "Liberalism and Hobbes and Spinoza," *Studia Spinozana* 3 (1987), 261-318.

<sup>4</sup> Cf. e.g., TTP 205: "The sovereign power is not restrained by any laws ...;" TTP 208: "Wrong is conceivable only in an organized community: nor can it ever accrue to subjects from any act of the sovereign, who has the right to do what he likes;" further TTP 10; TTP 118; TTP 249 f.; TTP 258; TP III 4.

<sup>5</sup> Cf. e.g., TTP 74: "From these considerations it follows, firstly, that authority should be vested in the hands of the whole state in common, so that everyone should be bound to serve, and yet not be in subjection to his equals ...;" TP III 5: "since the body of the state must be guided as if by one mind, and, in consequence, the will of the commonwealth be taken for the will of all"; further TTP 207; TTP 259.

<sup>6</sup> I kindly ask the reader to keep in mind that, whenever I speak of "philosophy of Right" (instead of "philosophy of law") resp. "legal philosophy," I refer to the continental tradition according to which "jus, Recht, droit, diritto" resp. "philosophia juridica, Rechtsphilosophie, philosophie du droit, filosofia del diritto" refer, at the same time, to "right" (as a *subjective* title) and to "law" (as an *objective* corpus of rules). "Right" (with a capital R), therefore, means both "right" (in the subjective sense) and (legal) "law" (in the objective sense). See also Spinoza's usage of the term "jus," translated by Wernham as "law" (i.e. TP II 18; II 19; VII 1; TTP IV [Wernham-edition of the Political Works (see note 2), p. 66/7]; TTP XVI [p. 134/5; p. 138/9]; TTP XIX [p. 204/5] and of the terms "jus naturae" and "jus civile, civitatis, imperii, commune, publicum," translated by Wernham as "...law" (TP I 3; II 18; II 19; II 23; IV 5; VII 1; VII 25; TTP IV [p. 66/7]; TTP XVI [p.134/5; p. 138/9; p. 146/7]; TTP XVII [p. 158/9]; TTP XVIII [p.198/9]; TTP XIX [p. 204/5]) and as "...right" (TP II 4; II 8; III 1; III 5; IV 5; V 1; VII 2; VII 25; VII 30; TTP VII [p. 108/9]; TTP XVI [p. 138/9]). In some cases, I cannot agree with Wernham's translation;

evidently, in "Leviathan"<sup>7</sup> and as Rousseau in "Du Contrat Social". Spinoza does not even try to legitimize, on the basis of the law of reason, the domination of the State as does Hobbes, or certain rules of domination as does Rousseau.<sup>8</sup> Even more, Spinoza's entire way of political thinking precludes any attempts to establish the principles of legal philosophy. Spinoza has different questions to ask, different methods to employ and different answers to offer.

In contrast to Hobbes, who was able to formulate a theory of the citizen ("De Cive," 1642) without having to base it on a theory of man ("De Homine," 1658), let alone on a theory of the body ("De Corpore," 1655),<sup>9</sup> Spinoza systematically connects his "ethico-political" thinking to his metaphysics and the anthropology<sup>10</sup> resulting from it and cannot therefore be understood apart from them.

## II

For Spinoza, reality is, "with respect to our imagination,"<sup>11</sup> one single system which is made coherent by laws.<sup>12</sup> This "universe" is known to us in two ways - as extension and as thought.<sup>13</sup> Each part of this one reality is determined by laws,<sup>14</sup> in the field of extension by laws of the corporeal world and in the field of thought by laws of thinking.<sup>15</sup>

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for example, when he translates "ex jure civile" into "by civil right" (TP III 1) instead of into "by civil law" as he does elsewhere (TTP XVI [p. 138/9]); cf. further TP II 4; II 8; IV 5; VII 25; VII 30; TTP VII [p. 108/9]. See also for comparison Hobbes, *Leviathan*, XIV 3.

<sup>7</sup> See Georg Geismann/Karlfriedrich Herb, *Hobbes über die Freiheit* (Würzburg, 1988), scholium 156.

<sup>8</sup> See Georg Geismann, "Kant als Vollender von Hobbes und Rousseau," *Der Staat*, 21 (1982), 161-89.

<sup>9</sup> See Georg Geismann/Karlfriedrich Herb, loc. cit., 16 ff. and the scholia passim.

<sup>10</sup> See Wolfgang Bartuschat, "Metaphysik als Ethik. Zu einem Buchtitel Spinozas," *Zeitschrift für philosophische Forschung*, 28 (1974), 132-45.

<sup>11</sup> Ep. 32.

<sup>12</sup> See E I, P (= propositio) 14; P 15; P 29; P 33.

<sup>13</sup> See E II, ax. 5; also Ep. 64.

<sup>14</sup> See TdIE 10; E I, P 29; E I, P 33; Ep. 75; TTP 44; TTP 83.

<sup>15</sup> See Ep. 32; E V, P. 40, schol.; McShea, loc. cit., 49: "What goes on in a man's head is doubly determined. The chain of sensations, passions, and images is determined by the chain of events in the world of extension and by the psychological laws of association, but when man enters into the world of the understanding, he is subject to the laws of thought ...;" further *Ibid.*, 37. Cf. also E I, P 10.

Man differs from all other natural objects known to us by his capacity to think;<sup>16</sup> and indeed this is what makes him human. But man, with his body as well as with his mind, is an integral part of nature<sup>17</sup> and thereby completely subject to its laws. Like the body, the intellect belongs to *natura naturata*;<sup>18</sup> and in all its appearances it is completely subject to natural laws. In short, in his entire thought, volition, and action man is necessarily and completely determined by the laws of his specific nature.

The modes of human thought always correspond to a respective mode of extension, since both, thought and extension, are an attribute of one and the same substance, of *natura naturans*: "[T]he Mind and the Body are one and the same thing, which is conceived now under the attribute of Thought, now under the attribute of Extension. The result is that the order, or connection, of things is one, whether nature is conceived under this attribute or that."<sup>19</sup> This, however, also means at the same time that the "Body cannot determine the Mind to thinking, and the Mind cannot determine the Body to motion, to rest..."<sup>20</sup> According to this theory, a phenomenal world ordered by laws of reason is impossible, "for nature is not bounded by the laws of human reason."<sup>21</sup> Consequently, Spinoza disputes the possibility of an "absolute dominion" (*imperium absolutum*) of reason over the affects.<sup>22</sup> For him man is not a being whose reason, "by the mere representing of the fitness of its maxims to be laid down as universal laws, is thereby rendered capable of determining the will [*Willkür*] unconditionally, so as to be 'practical' of itself." On the contrary, man always stands "in need of certain incentives, originating in objects of desire, to determine his choice [*Willkür*]. He might, indeed, bestow the most rational reflection on all that concerns not only the greatest sum of these incentives in him but also the means of attaining the end thereby determined"; there is, however, no "possibility of such a thing as the absolutely imperative moral law which proclaims that it is itself an incentive, and, indeed, the highest."<sup>23</sup>

Like everything in nature, man through his body and his mind strives to persevere in his being,<sup>24</sup> and the mind is conscious of this striving.<sup>25</sup> With regard to

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<sup>16</sup> See E II, ax. 2; also E II, P 13, cor.

<sup>17</sup> See Ep. 30, Ep. 32; E III (pref.); E IV, P 4; TP II 5; TP II 8.

<sup>18</sup> See Ep. 9.

<sup>19</sup> E III, P 2, schol.; cf. also E I, ax. 6; E I, P 32; E II, P 7 and schol.; E II, P 19; E II, P 21 and dem. and schol.; E II, P 35, schol.; E II, P 48 and dem.; Ep. 2; Ep. 58.

<sup>20</sup> E III, P 2.

<sup>21</sup> TTP 202.

<sup>22</sup> See E V, pref.; further E III, P 2, schol.

<sup>23</sup> Immanuel Kant, *Religion within the Limits of Reason Alone*, tr. by Theodore M. Greene and Hoyt H. Hudson (New York, Evanston, and London, 1960) (La Salle, Indiana, 1934), 21, note.

<sup>24</sup> See E III P 6; E III P 9; TP II 8; TP III 18.

the mind alone, Spinoza calls the striving for self-preservation "will" (*voluntas*), but with regard to the mind and the body at the same time "appetite" (*appetitus*) or, especially as a conscious appetite, "desire" (*cupiditas*).<sup>26</sup> The desire is, with joy and sadness, one of the primary affects of man.<sup>27</sup> Affects are the "affections of the Body by which the Body's power of acting is increased or diminished, aided or restrained, and *at the same time*, the ideas of these affections."<sup>28</sup> If we are ourselves the sufficient cause of these affections, the affect is called an "action" (*actio*); if, on the other hand, we are only the partial cause, the affect is called a "passion" (*passio*).<sup>29</sup> Man is necessarily always subject to passions,<sup>30</sup> which should not be thought of as vices but only as properties of human nature.<sup>31</sup>

According to Spinoza, an "affect cannot be restrained or taken away except by an affect opposite to, and stronger than, the affect to be restrained."<sup>32</sup> Insofar as the affect is an affection of the body, it can only be restrained or removed by a corporeal cause; and insofar as the affect is an idea of an affection, it can only be restrained or removed by another idea.<sup>33</sup> Therefore, it is not the truth in the "knowledge of good and evil" by which an affect is restrained or removed, but only the fact that this knowledge itself is an affect.<sup>34</sup>

Thus, for Spinoza there exists a causal nexus of affections of the body within the field of the attribute "extension," together with a corresponding causal nexus of affects as ideas of those affections within the field of the attribute "thought."

### III

Accordingly, the "ethical" problem with which Spinoza is confronted should not be thought of as concerning the possibility (and necessity) for man to have his volition and action determined by pure reason. Indeed, since such an "absolute dominion" is, as already mentioned, unthinkable under the given premises, affects have to be

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<sup>25</sup> See E III, P 9.

<sup>26</sup> See E III, P 9, schol.; E III, P 37, dem.; E III, P 57, dem.

<sup>27</sup> By joy and sadness the mind passes to a higher resp. lower degree of perfection, insofar as its power of acting is either increased or decreased. See E III, P 11, schol; E III, P 59, dem. and schol.

<sup>28</sup> E III, def. III (my italics).

<sup>29</sup> See E III, def. I - III.

<sup>30</sup> See E IV, P 4, cor.; TP I 5.

<sup>31</sup> See TP I 4.

<sup>32</sup> E IV, P 7.

<sup>33</sup> See E IV, P 7, dem.

<sup>34</sup> See E IV, P 14. E IV, P 8: "The knowledge of good and evil is nothing but an affect of Joy or Sadness, insofar as we are conscious of it."

considered. The point is rather to draw up "actively" an enlightened calculation of benefit with respect to self-preservation (which determines all thought, volition, and action) on the basis of nomological cognition of one's own human nature and also of the non-human nature contributing to it, instead of being "passively" determined by "blind"<sup>35</sup> desire.<sup>36</sup>

It is exactly here that Spinoza raises the question as to the possibility of a human "freedom", a question which determines his entire "ethical" thought. For him, a thing is free "which exists from the necessity of its nature alone, and is determined to act by itself alone."<sup>37</sup> Accordingly, man as a sensuous-rational being is "completely free insofar as he is guided by reason, for then he is determined to act by causes which can be understood adequately through his own nature alone. But he is necessarily determined to act by them; for freedom ... does not remove the necessity of acting, but imposes it."<sup>38</sup> The point is not determination by reason as opposed to determination by affects, but determination by affects under the direction of reason: not to be simply at the mercy of the affects, but to be determined by them "actively."<sup>39</sup> This now requires knowledge. The better we know an affect, the more it is under our control and the less the mind is acted on by it.<sup>40</sup> Hence, the "striving for understanding ... is the first and only foundation of virtue;"<sup>41</sup> virtue being in the case of man<sup>42</sup> to exist and to act according to the laws of man's own sensuous-rational nature<sup>43</sup>: in short, to live only "according to the guidance of reason."<sup>44</sup>

Intentionally and with systematically good reasons, Spinoza called his principal work "Ethics,"<sup>45</sup> although it is also cosmology and theology, epistemology and psychology, and even "politics." His entire thinking is characterized by a deeply practical interest.<sup>46</sup> It is an interest in moderating the affects by reason,<sup>47</sup> which means for him, an interest in freedom or, in effect, in what makes man human.

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<sup>35</sup> TP II 5.

<sup>36</sup> Cf. also Vaughan, loc. cit., 96.

<sup>37</sup> E I, def. 7.

<sup>38</sup> TP II 11.

<sup>39</sup> See also Duff, loc. cit., 67 ff.; 107 ff.

<sup>40</sup> See E V, P 3, cor.; further E V, P 3; E V, P 6.

<sup>41</sup> E IV, P 26, dem.

<sup>42</sup> Generally, virtue is nothing but the ability to preserve oneself according to the laws of one's own nature. See E IV, P 18, schol.

<sup>43</sup> See TP II 7.

<sup>44</sup> E IV, P 37, schol. 1.

<sup>45</sup> Cf. also Bartuschat, loc. cit.

<sup>46</sup> Cf. TdIE 11; further Duff, loc. cit., 234.

<sup>47</sup> See E IV, P 17, schol.

The formal definition that real virtue is to live according to the guidance of reason<sup>48</sup> places Spinoza at first sight completely into the line of tradition. Even the incorporation of the striving for self-preservation into Spinoza's "ethical" thinking does not alter this because, for him it is not only about the striving for self-preservation *through* reason, but even more about the striving for self-preservation *of* reason itself.<sup>49</sup> Yet, for Spinoza, acting according to the guidance of reason does not mean to be determined by reason as such, but to be determined by affects perceived to be reasonable, i.e., by affects which "agree with the rules of human reason."<sup>50</sup> Reason as seen by Spinoza is not reason as imposing laws (of freedom) but reason as recognizing laws (of nature). When Spinoza states that ethics, "as everyone knows, must be based upon Metaphysics and Physics,"<sup>51</sup> he undoubtedly meant a metaphysics of nature but not a metaphysics of morals as differing from it. For Spinoza, Kant's famous statement about "what ought to happen, even if it never does happen,"<sup>52</sup> would be a meaningless statement. In Spinoza's opinion, reason acts as a sort of stage director in the play of the affects by leading the play with the help of the knowledge of the parallelogram of the affects in the direction it has perceived to be "good." The more reason succeeds in this, the greater is the power of a man's intellect, or his freedom,<sup>53</sup> or his virtue, or his happiness.<sup>54</sup>

Spinoza's "moral philosophy," in spite of its metaphysical loading and its bend towards rationalism,<sup>55</sup> has a deeply naturalistic character. According to Spinoza man's actions out of volition can and must always be thought of as being completely conditioned by the striving for self-preservation which determines all natural objects. For a "virtuous" life, only a knowledge of nature in general and of human nature in particular, is necessary in order to assess human capacity and subsequently to make reasonable use of it.<sup>56</sup>

In a certain sense one can altogether agree with Duff when he states "that he [man] has his moral happiness and religious and social fate in his own hands,"<sup>57</sup> in that man's "fate," or at least his way on earth, depends on if and how he strives to gain the understanding possible for him, and if and how he uses the understanding gained

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<sup>48</sup> Cf. also E IV, P 24.

<sup>49</sup> See E III, P 9; E IV, P 26, dem.

<sup>50</sup> E IV, P 18, schol.

<sup>51</sup> Ep. 27; cf. TTP 46: "reason and experience."

<sup>52</sup> Kant, *Groundwork of the Metaphysics of Morals*, tr. by H. J. Paton (New York, 1964), 94.

<sup>53</sup> See the head of E V.

<sup>54</sup> See E II, P 49, schol.

<sup>55</sup> See Friederich Jodl, loc. cit., 477.

<sup>56</sup> See TdIE 15; TdIE 19; E IV, P 17, schol.

<sup>57</sup> Duff, loc. cit., 174.

to control his affects. But the specific "talent" and the "motivation" to strive for understanding and to use it in practice have been bestowed upon him by nature without being due to him.<sup>58</sup>

Spinoza's "moral philosophy" is a theory of praxis but not a theory of duties. Since he has "the course of nature alone in view," the ought "has no meaning whatsoever"<sup>59</sup> for him, and rightly so. He is only interested in norms as motives which determine actions, that is, in norms as efficient and not as valid norms. Spinoza's teachings are both a theory of praxis, since they deal with man as an acting being, and a theory of nature, since man is also as an acting (rational) being an integral part of nature. If there is an authority which "demands" and "commands," it is not reason but nature. Reason only enlightens it. "What Spinoza really has in mind is the highest viewpoint of purely theoretical contemplation of the world,"<sup>60</sup> - but, one has to add, with a practical intention. Since for Spinoza each normative statement is pointless and, consequently, meaningless, he can and must avoid any value judgment in his theory. What he aims at is not justification and assessment, but analysis and causal explanation; he wants to observe and understand human nature as it necessarily is in reality, without deriding or deploring, reviling or denouncing.<sup>61</sup> Even with respect to human affects such as love, hate, anger, envy, ambition, compassion, "a true understanding of them gives the mind as much satisfaction as the apprehension of things pleasing to the senses."<sup>62</sup>

#### IV

The "naturalism" in moral philosophy that has come to light also completely pervades Spinoza's "political thought," and it is just this "naturalism" by which Spinoza fundamentally differs from Hobbes and Rousseau.

We know from experience that man usually cannot escape community with his own kind, and that, as a finite rational being, he even depends in many ways on this community in order to reach the goal of self-perfection.<sup>63</sup> At the same time, this community is not "by nature" necessarily beneficial to that goal. So the question arises

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<sup>58</sup> With respect to the relationship between "human freedom" and "necessity of fate" see particularly Ep. 23; Ep. 58; Ep. 75; Ep. 78; TTP 68; E II, P 36; Duff, loc. cit., ch. XIV.

<sup>59</sup> Immanuel Kant's *Critique of Pure Reason*, tr. by Norman Kemp Smith (London, 1978), 473; cf. also McShea, loc. cit., 163 ff.

<sup>60</sup> Friederich Jodl, loc. cit., 473; my translation.

<sup>61</sup> See TP I 1; TP I 4; Ep. 30; E I, P 33; E II, P 49, schol. (end); E III (pref.); E IV, P 50, schol.; E IV, P 57, schol.

<sup>62</sup> TP I 4.

<sup>63</sup> TTP 73: "The formation of society ... is also very useful, and, indeed, absolutely necessary."



(and rightly within what Spinoza comprehensively calls "Ethics"<sup>64</sup>) as to how the community of men must be organized so that the power of man's intellect over his affects, and thereby human freedom,<sup>65</sup> is advanced to the highest degree possible. In particular the State, as the political community of men, is an important means to reach that goal.<sup>66</sup>

If men lived according to the guidance of reason, they would always necessarily agree by nature.<sup>67</sup> In reality they are much more under the control of blind desire.<sup>68</sup> This is exactly why they do not by nature agree<sup>69</sup> but, rather, are "by nature enemies."<sup>70</sup> In order to "restrain and repress men's desires and immoderate impulses,"<sup>71</sup> the authority of State is necessary. The State must impose laws and enforce them by threats or, if necessary, by coercion.<sup>72</sup> This means that the State adds another factor to the play of the affects of its subjects in order to change the parallelogram of those affects. For Spinoza as well as for Kant, more than a century later, the problem of establishing peace "must be solvable. For it is not the moral improvement of men but only the *mechanism of nature* which the task requires to know, how one can use it in men."<sup>73</sup> According to Spinoza, "when the safety [*salus*] of the state depends on any men's good faith, and its affairs cannot be administered properly unless its rulers choose to act from good faith, it will be very unstable; if a state is to be capable of lasting, its administration must be so organized that it does not matter whether its rulers are led by reason or passion [*affectus*] - they cannot be induced to break faith or act badly."<sup>74</sup>

Within these considerations Spinoza also talks about right and law. It is this fact which has led to the misunderstanding that the Political Philosophy of Spinoza is something similar to Hobbes's "De Cive" and "Leviathan" and Rousseau's "Du Contrat Social."

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<sup>64</sup> Cf. E IV, P 37, schol. 1, schol. 2.

<sup>65</sup> See E V, title and pref.; Spinoza uses in this context the concepts of reason (*ratio*) and intellect (*intellectus*) synonymously.

<sup>66</sup> TdIE 11 Spinoza mentions as other means: moral philosophy, education, and medicine.

<sup>67</sup> See E IV, P 35.

<sup>68</sup> See TP II 5; further TTP 73.

<sup>69</sup> See E IV, P 32.

<sup>70</sup> TP II 14.

<sup>71</sup> TTP 74.

<sup>72</sup> See E IV, P 37, schol. 2.

<sup>73</sup> Immanuel Kant, *Principles of Lawful Politics. Immanuel Kant's Philosophical Draft Toward Eternal Peace*, tr. by Wolfgang Schwarz (Aalen, 1988), 100 (my italics).

<sup>74</sup> TP I 6; cf. also TP VI 3.

Spinoza does not think of right as something inherent in man, the violation of which by another man would accordingly be a wrong. Spinoza's notion of right has a purely factual meaning, namely, that of ability or power (*potentia*) or virtue (*virtus*).<sup>75</sup> In this meaning right is not restricted to man, but equally applies to all things of nature, even to God as the cause of all things of nature.<sup>76</sup> With respect to the use of ability as right, Spinoza does not raise again the question of *right*, that is, as to what use one may make of ability, but only the question of *benefit*, that is, as to the *consequences* of a possible use.<sup>77</sup> According to Spinoza, "the [R]ight of nature" is "the actual laws or rules of nature in accordance with which all things come to be; ... Hence everything a man does in accordance with the laws of his nature, he does by the sovereign [R]ight of nature."<sup>78</sup> Accordingly, "each thing in nature has as much right from nature as it has power to exist and act."<sup>79</sup> As such power only appears when it is used (and for Spinoza such use is always determined by natural laws), right is nothing else but what one (necessarily) does: consequently, the law of nature "forbids absolutely nothing that is within human power."<sup>80</sup> This last statement in particular shows the entire superfluousness of Spinoza's concept of Right (in both senses). What one cannot do, need not be forbidden. Again, when something could be forbidden because one can do it, Spinoza's "law of nature" really forbids absolutely nothing.

It would be quite wrong, however, to consider Spinoza as an advocate of the so-called "right of the strongest", asserting that everything is permitted which one is able to do and to enforce. It would be wrong for the simple reason that Spinoza does not talk at all about right in its traditional meaning. He just does not intend (nor is he able) to justify anything. When considering right as a natural ability, including the ability of reasoning, Spinoza never leaves to any degree the "naturalistic" level. Whatever one does is "right" in his concept of right, because one can do it and one must do it. And yet, of course, nobody can (or need) excuse himself by invoking this concept of right, because Spinoza's identification of right with ability or power excludes the very possibility of guilt: "everyone, by the highest [R]ight of nature, does those things that follow from the necessity of his own nature,"<sup>81</sup> "whether man is led by reason or by desire alone."<sup>82</sup>

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<sup>75</sup> See E IV, P 37, schol. 1.

<sup>76</sup> See TTP 200 ff.; Ep. 64.

<sup>77</sup> See E IV, P 37, schol. 2. With regard to utility as principle of virtue see E IV, P 18, schol. (end).

<sup>78</sup> TP II 4.

<sup>79</sup> TP II 3.

<sup>80</sup> TP II 18; see also TTP 202.

<sup>81</sup> E IV, P 37, schol. 2.

<sup>82</sup> TP II 5.

Spinoza sees an elementary difference between the "wise" (*intelligens*) and the "fool" (*stultus*),<sup>83</sup> since the first follows reason and the latter does not. But this distinction, too, is factual and not juridical. The natural right of the "fool" is the right of desire as ability, whereas the natural right of the "wise" is the right of reason as ability. Now, whether the "fool" (necessarily) acts "falsely" due to his "foolishness," or the "wise" (just as necessarily) acts "correctly" due to his "wisdom" (*scientia*)<sup>84</sup>: both act "rightly," or to be more exact, by the "Right" of their specific nature.<sup>85</sup>

Since men do not agree by nature, because they naturally follow their passions rather than their reason,<sup>86</sup> reason itself derives the necessity to leave this natural state of disagreement and to join a civil state in order "to live together as securely and well as possible."<sup>87</sup> That is why "men must necessarily come to an agreement ... if they are to enjoy as a whole the rights which naturally belong to them as individuals, and their life should be no more conditioned by the force and desire of individuals, but by the power and will of the whole body."<sup>88</sup>

Spinoza's words must not be taken to mean (at least as a hypothetical construct) that men in the natural state would make a contract with each other *as legal subjects* by which they would abandon their natural right to everything in favor of the legal community. It is true that Spinoza says, "in order ... that men may be able to live harmoniously and be of assistance to one another, it is necessary for them to give up their natural right."<sup>89</sup> But what is renounced here is only a certain use of the respective natural ability. By the contract, men mutually declare their willingness to accept positive laws, imposed by the community and in conjunction with sanctions, to restrain their behaviour.<sup>90</sup>

The "wise" who obeys the orders of the State out of reason, as well as the "fool" who opposes them out of mere passion, and, finally, the State which punishes the "fool": all are "right" in their actions. That does not mean that the "wise" would also have a "right" to be disobedient, but only that he *cannot* be disobedient as he proves by his obedience. This once again shows that Spinoza's concept of Right has no power at all to differentiate and is therefore totally useless.<sup>91</sup>

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<sup>83</sup> See E IV, P 17, schol.

<sup>84</sup> Ibid.

<sup>85</sup> See TTP 201 ff.

<sup>86</sup> See E IV, P 32.

<sup>87</sup> TTP 202; cf. also TP V 2.

<sup>88</sup> TTP 202 f.

<sup>89</sup> E IV, P 37, schol. 2; cf. also TP III 3.

<sup>90</sup> See E IV, P 37, schol. 2.

<sup>91</sup> Cf. Rousseau, *The Social Contract*, I 3.

The universal contract, also, has a completely a-juridical character.<sup>92</sup> It consists of non-binding statements of intent with respect to the future use of one's own ability to act. The reason for all those concerned, the "fool" as well as the "wise", to make such a statement and possibly to be willing to observe it is the respective benefit resulting from it with regard to their self-preservation as they perceive it: "a contract is only made valid by its utility, without which it becomes null and void."<sup>93</sup> "Thus he is still his own judge by the [R]ight of nature; so if he judges that his pledge is causing him more loss than gain - and it makes no difference whether he judges truly or falsely, for to err is human - then, since it is the verdict of his own judgment that he should break it, he will break it by the [R]ight of nature."<sup>94</sup>

There has been the opinion that, in comparison to Hobbes, Spinoza has strongly modified and moderated the absolutism of State authority,<sup>95</sup> which he supports, by reserving to it a natural right. In a letter he himself wrote: "With regard to Politics, the difference between Hobbes and me, about which you inquire, consists in this that I ever preserve the natural right intact so that the Supreme Power in a State has no more right over a subject than is proportionate to the power by which it is superior to the subject."<sup>96</sup> At first sight Spinoza's writings seem to confirm this view: "as proper consideration of the point will show, the individual's right of nature does not cease in the political order. The fact is that man acts in accordance with the laws of his own nature and pursues his own advantage in both the natural and the political order."<sup>97</sup>

There is, however, no contradiction between "absolutism" and "reservation," because both terms are not conceived juridically, but empirically.<sup>98</sup> Being the united power of all, the State is usually superior to the individual and, with this very "superiority," it is in the "right." But wherever and whenever his superior power ends and another power (of one or many individuals) begins, this other power again is in the "right". In terms of "right" the relationship between the State and its subjects is identical to their balance of power and changes accordingly.<sup>99</sup> However, this power

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<sup>92</sup> See however Walther Eckstein, "Zur Lehre vom Staatsvertrag bei Spinoza," *Zeitschrift für öffentliches Recht*, 13 (1933), 356-68.

<sup>93</sup> TTP 204.

<sup>94</sup> TP II 12; see also TP III 14; TP III 17; TP IV 6. Cf. however Hobbes, *De Cive*, II 11; III 2; and Geismann/Herb, loc. cit., scholia 286 ff.; 303 ff.; 337.

<sup>95</sup> See above note 3.

<sup>96</sup> Ep. 50.

<sup>97</sup> TP III 3; see also TTP 10; TTP 214.

<sup>98</sup> Cf. also J.W. Gough, *The Social Contract*, 2. ed., (Oxford, 1957), 115; McShea, loc. cit., 170; Vaughan, loc. cit., 67.

<sup>99</sup> TP III 9: "and since the right of the commonwealth is determined by the collective power of a people, the greater the number of the subjects who are given cause by a commonwealth to join in conspiracy against it, the more must its power and right be

relationship is as such not a possible object of practical reason. It is theoretical reason which empirically finds that a certain use of State power and, with it, of State "right" (restricting the freedom of the subjects or obstructing their striving for self-preservation) can lead in the long run<sup>100</sup> to a decrease or even a destruction of this power and this "right." When Spinoza says, a "commonwealth, then, does wrong when it does, or allows to be done, things that can be the cause of its own downfall,"<sup>101</sup> this "wrong-doing" is for him not an offence against a moral law, but the nonobservance of natural laws. "When it acts in this way, I say that it does wrong in the sense in which scientists or doctors say that nature does wrong; and in this sense we can say that a commonwealth does wrong when it does something contrary to the dictate of reason."<sup>102</sup> Thus, indeed, for Spinoza the State has the "right to rule in the most violent manner, and to put citizens to death for very trivial causes, but no one supposes it can do this with the approval of sound judgment";<sup>103</sup> namely, because all *experience* shows that the State in this way most likely creates the cause of its own downfall.

For Spinoza the best life is a life led completely according to the guidance of reason; and the best State also is a State directed according to the dictates of reason. These dictates, however, are not "precepts of reason, but ... deduced from the common nature or constitution of men."<sup>104</sup> And a State directed according to these dictates is the best State not in the sense of a moral value judgment, but in the sense of an empirical qualification for the self-preservation of man as a sensuous-rational being.

Now, for a reasonable State the universal free use of reason is an empirically necessary condition. Therefore, in a State constituted according to reason,<sup>105</sup> philosophy, the "operator" of an adequate use of reason, is necessarily free. On its part the reasonable State provides a necessary condition for the free development of philosophy. Since this is also a necessary condition for man to perfect his specific nature, "in fact, the true aim of government is liberty."<sup>106</sup>

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diminished ... the greater cause for fear it has, the less is it possessed of its own right"; see also TTP 214.

<sup>100</sup> See e.g., TTP 10.

<sup>101</sup> TP IV 4.

<sup>102</sup> TP IV 4.

<sup>103</sup> TTP 258.

<sup>104</sup> TP I 7.

<sup>105</sup> TTP 11 (title!): "... demonstrating that not only can such freedom be granted without prejudice to the public peace, but also, that without such freedom, piety cannot flourish nor the public peace be secure"; see also TTP 6; TTP 264 f.

<sup>106</sup> TTP 259.

V

The fundamental difference between Spinoza's and Hobbes's political thinking has been already mentioned: Spinoza is not a philosopher of Right; Hobbes, however, is one in an epochal way. I shall restrict myself to pointing out this difference by indicating the pioneer achievement of Hobbes in the field of philosophy of Right, in which he establishes the *a priori* reasons for the necessity of the State.

For Hobbes, too, man has a natural right to self-preservation,<sup>107</sup> and, following from that and apparently matching Spinoza's position, a natural right to everything.<sup>108</sup> For Hobbes, however, the latter is a merely logical consequence of the former as a *juridical* premise,<sup>109</sup> whereas Spinoza's "jus summum ... ad omnia, quae potest"<sup>110</sup> results *ontologically* from the necessity with which the entire "potentia" of man is directed towards self-preservation.

And for Hobbes, too, the natural state of men is a state of discord, to be more exact, a state of war of all against all. But it is so because in this state the natural right is in principle (and if this state is not abolished, forever<sup>111</sup>) insecure and therefore ineffective, and consequently identical to a right for nothing.<sup>112</sup> This state of discord is *juridically* (not empirically) contradictory throughout; it is a state of universal and continuous possible litigation. It is just with respect to the natural right that this state turns out to be a *rightless* state. That natural right can only be preserved by leaving the natural state altogether, and joining a civil state. Thus, it is the insecurity of the natural right in the natural state which makes the State necessary.

Hobbes arrives at the *juridical* necessity of the State through a *merely rational* analysis of the natural state as a *state of natural Right*, with the factor of self-preservation in his concept of natural right playing no role in this analysis, and *without any special anthropological premises*. The State is necessary by reason because its contradictory counterpart, the natural state, turns out to be against reason. If one conceives this state in purely juridical terms, it proves to be affected by an intrinsic contradiction. Thus, the natural right of man is first of all a natural right to a State. For Hobbes the State is necessary for *reasons of Right*. In this State the natural right to *everything* is abandoned in order to secure the natural right to *self-preservation*, which is actually the only purpose of the State.

Spinoza's reasons for the necessity of the State are entirely different, they are empirical throughout.<sup>113</sup> Experience shows that men are more under the control of

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<sup>107</sup> See De Cive, I 7.

<sup>108</sup> See De Cive, I 10.

<sup>109</sup> See Geismann/Herb, loc. cit., scholia 190-215.

<sup>110</sup> TTP 200.

<sup>111</sup> See De Cive, I 13.

<sup>112</sup> See De Cive, I 11.

<sup>113</sup> See TP II 14; TP II 15; TTP 73; E IV, P 32; E IV, app., § 10, § 12.

blind desire than under the guidance of reason. Experience further shows that this makes men mutual enemies and that without any further precautions the striving for self-preservation, especially the striving guided by reason, can be satisfied only inadequately. And experience, finally, shows that such a satisfaction can be achieved more easily, more certainly and better within a State. Thus, theoretical reason tells man that in view of such experience it is more reasonable, because more useful, to abandon the natural state and to join a civil state together with one's own kind.

Spinoza could have arrived at this result without any use of his concept of Right. In his political thinking there is not only (and here he is possibly similar to Hobbes<sup>114</sup>) no dimension of unconditional obligation, but also (now fundamentally different from Hobbes) no genuinely juridical dimension. What Spinoza strives for are maxims for actions based on empirical knowledge.

For Hobbes the deficiency of the natural state results from the fact that men can act according to their own will; for Spinoza this is due to the fact that men in this state are primarily determined by passions.<sup>115</sup>

In Spinoza's opinion the natural state is conceivable as a state of peace: if all men lived only according to the guidance of reason, they would always necessarily agree by nature.<sup>116</sup> In a certain way this puts Spinoza into the tradition of Christian thought from Paul through Augustine to Luther. According to this thought, the necessity of the State results from the sinfulness of human nature.<sup>117</sup> The State is necessary because of the sinners (in Spinoza the "fool") and not because of the good and the just (the "wise"). This may be the reason why Spinoza's arguments are ethical and political, rather than juridical. The state of men as they really are,<sup>118</sup> which is not by nature in pre-established harmony, can be made adequate for man as a *rational being* in two ways: either men behave more and more as rational beings,<sup>119</sup> or their community is organized in such a way that they, either voluntarily or by compulsion, act as if they were rational beings;<sup>120</sup> that is, men become, if not virtuous, at least good citizens.

For Hobbes, however (and this obviously shows his epochal importance in completely breaking with tradition), men in natural community with each other are *unconditionally* in a state of war. This state of war is literally natural to them, regardless of whether they are "foolish" or "wise," sinners or just, determined by their

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<sup>114</sup> Cf. Geismann/Herb, loc. cit., scholium 441.

<sup>115</sup> See E IV, P 4, cor.; E IV, P 37, schol. 2; TTP 73; TP II 5.

<sup>116</sup> See E IV, P 35.

<sup>117</sup> In the case of Spinoza, one must of course not think of moral badness and "Fall," but only, in a totally value neutral sense, of the being naturally determined of man by affects not guided by reason.

<sup>118</sup> Cf. TP I 1.

<sup>119</sup> See E V.

<sup>120</sup> Cf. TP I 6; VI 3.

affects in bondage or in freedom.<sup>121</sup> The reason for this is that even strict observance of the dictates of reason in the determination of one's *own* respective volitions and actions cannot establish any harmony *among* the individuals. An individual as such can only establish for himself a reasonable harmony in his volition and in his action, but never for a community. *Ethical* principles, which as such serve the regulation of personal *purpose conflicts*, are completely unsuited to serve also as *legal* principles for the regulation of *action conflicts* among different individuals. Thus, contrary to Spinoza's opinion,<sup>122</sup> the possibility of an individual's (private) peace is neither a necessary nor a sufficient condition for the realization of mankind's (public) peace. For this very reason the natural state of mankind is, by aprioric necessity, a peaceless state, and the State is not, as the Greeks imagined the *polis*, the place of virtue but "only" the place of (subjective and objective) Right. That means even a community of men guided by reason is, by nature, in a state of pre-established discord and must first of all establish a (non-natural) harmony: the State as the (artificial) unity of the volition of all. For Hobbes, therefore, the State is not gradually, but principally, different from the natural state; it is not better, more suitable, more useful but uniquely good, suitable, useful and, above all, not safer and more peaceful, but the first and only creator and guarant of safety and peace.

It would, however, be completely inappropriate to play off Hobbes against Spinoza by means of the comparison drawn above. It is just this comparison that has shown the incommensurability of both positions. Spinoza's thought and Hobbes's thought move on entirely different levels; it is, therefore, not possible to use one to criticize the other.

## VI

A comparison between Spinoza and Rousseau also shows the obvious abstinence from legal philosophy of the first and the evident epochal importance for legal philosophy of the latter. This difference can be pointed out again by indicating the pioneer achievement of Rousseau in the field of philosophy of Right, in which he establishes the foundation of the Right of the State.

Hobbes had great difficulties in determining *a priori*, on the basis of his *empirically* conditioned natural right (to self-preservation), the legal limits for the execution of the power of the State. He did not overcome these difficulties; indeed, they are insurmountable.

Having shown the *empirical* necessity of the State as related to the merely empirically determined "right" of nature, for Spinoza the task is easier. He can now raise the further *empirical* question, which one of those possible types of State according to experience is the more or even most suitable ("best") one, again with respect to the "right" of nature.

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<sup>121</sup> See E IV, title; E V, title.

<sup>122</sup> See E IV, P 35; TTP 73.



Because his answer reminds us of Rousseau in many respects, Spinoza may (at least to the reader not interested in principal questions of legal philosophy) seem to be the "connecting link" between Hobbes and Rousseau. But here, too, Spinoza is interested in the empirical and not, as Rousseau, in the legal limits of State authority.

Rousseau founds the Right of the State *a priori* on the idea of an original contract (*contrat social*) encompassing the entire spatio-temporal humanity. In this contract a volition is expressed that is necessarily universal (*volonté générale*) because it is the reasonable volition of all: necessarily not to be, in exercising one's own freedom (Rousseau's natural right), subject to coercion by any other will; that is to say to be free according to laws, regardless of whether one is or is not guided by reason with respect to the use of that freedom. As the original one, that contract is the only one legally possible. Each exercise of State power is legally based on this contract and draws all its legitimacy and binding force from agreement with this contract.<sup>123</sup>

On the basis of his concept of natural right, Spinoza, in contrast, could not, nor did he want to present such a contract. Firstly, a *natural* right to self-preservation or to everything one can do is not imaginable as a natural or universal right without contradiction. Thus no contract is possible in which an agreed, reasonable volition of all materializes with regard to just this intrinsically contradictory right. Secondly, Rousseau's question about the conditions regarding the possibility of legal (legitimate and binding) authority of the State, which is answered by the idea of the "contrat social," would be a question without any sense on the basis of the specific preconditions of Spinoza.<sup>124</sup>

Just as Spinoza conceives the natural state empirically and not, as Hobbes, juridically, so the contract establishing the State for Spinoza is not a juridical idea, as it is for Rousseau, but a fact to be comprehended empirically. Through this contract, which actually plays only a very minor role in Spinoza's political thought, all men oblige themselves "tacitly or expressly" to obey the highest authority "in all things."<sup>125</sup> "Since men ... are led more by passion [*affectus*] than by reason, their natural motive for uniting and being guided as if by one mind is not reason but some common passion [*affectus*]."<sup>126</sup> Depending on the "agreement," the highest authority will be monarchic, aristocratic, or democratic. Spinoza prefers the democratic government, "for I believe it to be of all forms of government the most natural [!], and the most consonant with individual liberty ... This is the only form of government which I have treated of at length, for it is the one most akin to my purpose of showing the benefits of freedom in a state."<sup>127</sup>

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<sup>123</sup> See Rousseau, *The Social Contract*, I 6-9; II 1-4.

<sup>124</sup> Cf. above par. III.

<sup>125</sup> TTP 205.

<sup>126</sup> TP VI 1.

<sup>127</sup> TTP 207.

So, the will of the empirical multitude which comes together here to form a State unity of volition is at the most a "volonté de tous" (if it be all men), but probably it is only the will of a majority or even of a minority. Now, as everybody knows, the "volonté de tous" can deviate more or less from the "volonté générale" and, in any case, as such it has no legitimizing power. But this is just not Spinoza's concern.

For him, there are the various empirically possible State constitutions and subsequently corresponding governments which can be comprehended as "justified" by the implicit or explicit agreement of all.<sup>128</sup> The different constitutions and the corresponding exercise of power also result in different consequences (effects) for those subdued. The assessment of a political system as the cause of such consequences depends on the assessment of the consequences. It is important for Spinoza that men develop as much as possible in accordance with their specific nature, that is, as sensuous-*rational* beings. External conditions must correspond to this nature. So, he is looking for that State which is of most utility to freedom as being guided by reason. For him, this is democracy as "libera respublica," in which the laws are most likely "founded on sound reason."<sup>129</sup>

Only in a sense that is far from Rousseau's apologetic thinking could one say that Spinoza has given a "justification" of democracy, or more adequately, a theoretical pleading in its favour. Incidentally, this pleading is put forward not only with regard to the subjects (insofar as in a free State "every member of it may, if he will, be free; that is, live with full consent under the entire guidance of reason"),<sup>130</sup> but also with respect to the State itself and the holders of the State authority (insofar as the free State is least subject to the danger of destruction from inside). That State will have most power and, therefore, be "right," which is "based on and directed by reason. ... For the right of a commonwealth is determined by the power of a people guided as if by one mind; but this union of minds is quite inconceivable unless the commonwealth does its best to achieve those conditions which sound reason declares to be for the good of all men."<sup>131</sup> Spinoza's "ideal" State contains in its constitution the means for its self-preservation as well as the means for the preservation of its citizens as sensuous-rational beings. Here too, in this reasonableness of the State, the basic cosmic law is effective, according to which "each thing, as far as it can by its own power, strives to persevere in its being."<sup>132</sup> Thus, one could say about Spinoza's "freest State"<sup>133</sup> that it is the most natural and, at the same time, the most reasonable thing of the political world.

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<sup>128</sup> TP III 5: "and, in consequence, the will of the commonwealth [must] be taken for the will of all; what the commonwealth decides to be just and good must be regarded as having been so decided by every citizen." For Rousseau, it would read totally different: Only if, what the commonwealth decides, can necessarily be taken, as if every citizen has so decided, it is just and good.

<sup>129</sup> TTP 206.

<sup>130</sup> TTP 206.

<sup>131</sup> TP III 7.

<sup>132</sup> E III, P 6.

## VII

Whilst Spinoza's political thought can only be taken as fitting minimally into the philosophical line of Hobbes, Rousseau, and Kant, it can however be seen to be eminently suited to another, just as valuable, line of empirical analysts and theorists of politics, namely that of Aristoteles,<sup>134</sup> Machiavelli,<sup>135</sup> Montesquieu, Tocqueville, and Max Weber.

Spinoza's "Tractatus Theologo-Politicus" and "Tractatus Politicus" are really "political" and not "juridical" treatises, political science, not legal philosophy of the State. To put it in modern terms, in his political thinking Spinoza is a social scientist, interested in causal analyses. His "social theory" is part of his general theory of nature. He is interested in certain social technologies. Large parts of the two political treatises read like a programme of what has been achieved, almost 300 years later, in the fields of "Government," "Comparative Politics," "Civic Culture," "Political Psychology," and "Critique of Ideology." In particular, Spinoza anticipates, as Machiavelli did before him, the idea of what Harold Lasswell paraphrased with the famous book title "Politics: Who Gets What, When, How" (1936).

Much more important, however, and more valuable than the contents of what Spinoza has put forward for discussion, are the high standards of method he has achieved. One has to read two other "free thinkers," Tocqueville and Max Weber, in order to find other such examples of unerringness of view, of abstinence of value judgment, of power of causal analysis and logical conclusion, and, if not of richness of the empirical basis, then of a clear awareness of its necessity.

Spinoza's pleading for a State of freedom, especially in the "Tractatus Theologico-Politicus,"<sup>136</sup> shows great brilliance and keen perception. It can easily stand comparison with what was written more than 100 years later, first by Wilhelm von Humboldt and then by John Stuart Mill, the literary fathers of political liberalism.<sup>137</sup> Humboldt and Mill, at their best, are descendants of the Enlightenment. Spinoza, at his best, is not only a forerunner of the Enlightenment, but himself an excellent representative of it. As such, he has indicated to every man with the ability (*potentia*) to let himself be guided by reason in the development and the use of all his talents, the way he must take to achieve the goal which this very reason, and only it, has pointed out to him to be within his power. And he has shown that the State and only the State,

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<sup>133</sup> See TTP 206.

<sup>134</sup> A special similarity to Aristotle lies in the attempt to develop an empirical theory of politics (as generally of "ethics") on the basis of a "metaphysics of nature." Cf. Ep. 27; also Vaughan, loc. cit., 62.

<sup>135</sup> Cf. TP V 7; X 1.

<sup>136</sup> See e.g., TTP 6; TTP 264 f.

<sup>137</sup> With regard to taking this position as a *normative* programme of political philosophy see my criticism in: Georg Geismann, *Ethik und Herrschaftsordnung* (Tübingen, 1974), 39 ff.

if it is adequately organized, can create the safety for man's freedom, that is intended by a reason which itself is conditioned by the striving for self-preservation.