Hobbes and Spinoza

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i  Hobbes

When the Parliament sat, that began in April 1640, and was dissolved in May following, and in which many points of the regal power, which were necessary for the peace of the kingdom, and the safety of his Majesty's person, were disputed and denied, Mr Hobbes wrote a little treatise in English, wherein he did set forth and demonstrate, that the said power and rights were inseparably annexed to the sovereignty; which sovereignty they did not then deny to be in the King; but it seems understood not, or would not understand that inseparability. Of this treatise, though not printed, many gentlemen had copies, which occasioned much talk of the author and had not his Majesty dissolved the Parliament, it had brought him into danger of his life.

(Hobbes 1839–45a, iv, p. 414)

Such was Hobbes' own account, written twenty-one years later, of the origins of his first work of political theory, The Elements of Law. Hobbes had himself been an unsuccessful candidate for election to the Short Parliament (Beazley 1978, pp. 74–6), so no doubt he followed its proceedings closely. The disputed 'points of the regal power' emerged most pointedly in John Pym's famous speech of 17 April, which asserted fundamental constitutional rights of parliament against the crown ('Parliament is as the soule of the common wealth', 'the intellectual parte which Governes all the rest') and attacked 'the Doctrine that what property the subject hath in any thinge may be lawfully taken away when the King requires it'. The latter point was taken up by Sir John Strangways on the following day: 'for if the Kinge be judge of the necessitie, we have nothing and are but Tennants at will' (Cope and Coates 1977, pp. 149, 155, 159).

The king dissolved this parliament on 5 May. Four days later Hobbes signed the dedicatory epistle of his treatise, which was addressed to his patron, the staunchly royalist earl of Newcastle; he explained that the
principles he was expounding were ‘those which I have heretofore acquainted your Lordship withal in private discourse, and which by your command I have here put into method’ (Hobbes 1928, p. xvii). The polemical purpose of the work is evident, and is reflected in its circulation in numerous manuscript copies, at least nine of which survive. (Three of them were written by scribes and signed by Hobbes: this suggests a form of clandestine publication by a production-line of copyists.)

Hobbes’ argument was designed to show first of all that government by a civil sovereign was necessary, and secondly that the reasons which made it necessary also made the sovereignty absolute. He attacked those who ‘have imagined that a commonwealth may be constituted in such a manner, as the sovereign power may be so limited, and moderated, as they should think fit themselves’; he sought to overturn the claim that the sovereign power can be ‘divided’ or shared between king and people, and (in a transparent reference to the recent proceedings in parliament) he denounced those who ‘when they are commanded to contribute their persons or money to the public service . . . think they have a propriety in the same distinct from the dominion of the sovereign power’ (II.1.13, II.viii.4, 1928, pp. 68, 135). It was Hobbes’ argument on this last point above all which made him fear for his life when the next parliament assembled in November and began its impeachment of Strafford (Aubrey 1898, i, p. 334; Zagorin 1978). Within a few days Hobbes fled to Paris, where he was to remain for eleven years; and it was there that he wrote his two other major works of political theory (De Cive, printed in 1642, and Leviathan, printed in 1651), each of which in turn developed and added to the arguments of The Elements of Law.

That Hobbes’ career as a political writer should have begun with a polemically royalist work in 1640 is, in biographical terms, not very surprising. His entire adult life, since his graduation from Oxford in 1608, had been spent in the service of aristocratic families as a tutor, secretary, and companion. Employed at first by the Cavendish family at Hardwick and Chatsworth, he had gained some experience of quasi-public affairs cooperating with the second earl of Devonshire as an active member of the Virginia Company (Malcolm 1981). In 1629 (prompted, it has been suggested, by the Petition of Right of the previous year: Reik 1977, p. 37) he had published a translation of Thucydides, who appealed to him for his

1. These three MSS are: BL Harl. MS 4235; Chatsworth, Hobbes MSS A2B and A2A (which now lacks the dedication, but cf. the description in Todd 1973).
dispassionate analysis of the ways in which democratic governments could be corrupted and manipulated. For most of the 1630s Hobbes was a tutor to the young third earl of Devonshire; wardship over the young earl was exercised by his cousin, the earl of Newcastle, who helped to awaken Hobbes’ philosophical interests and no doubt his royalist sympathies.

*The Elements of Law* is not, however, simply a piece of royalist propaganda. Its importance lies in the way that it derives its political conclusions from a set of philosophical assumptions. Hobbes’ philosophical awakening had taken place, it seems, during the 1630s when he had become preoccupied with an area of overlapping fundamental problems in physics, metaphysics, and epistemology. He had adopted enthusiastically the Galilean principle of the subjectivity of secondary qualities; this meant that a secondary quality such as heat did not inhere in a ‘hot’ object, but was a feature of the experience of someone perceiving that object, and could be causally explained in terms of the primary qualities which belonged to the object itself (such as the shape and motion of its particles). For Hobbes, this principle was a lever which could be used to overturn scholastic physics and metaphysics. He attacked the notion that the ultimate reality of physical things consisted in their intelligible ‘forms’ or ‘essences’; scholastic philosophy had used this explanation to account for the way in which our process of sense-perception begins with the action of physical causes (light acting on the eye, for example) but ends with an immaterial mental object in the intellect. Most medieval philosophers, drawing on a mixture of Aristotelian and Neoplatonist thought, had distinguished between physical existence and non-physical intelligibility (‘esse existentiae’ and ‘esse essentiae’), and had subordinated the former to the latter in the order of real being. A tree physically existed by virtue of being an expression of the essence of a tree, and so the mind could abstract this essence from its perceptions of a tree’s physical properties.

This view of the world as constituted by intelligible essences had usually also assumed that these essences were systematically related to each other in an economy of perfection: they all participated in absolute Being, which was unitary and was derived from (or was perhaps identical with) God. The rational order of the whole system could be described in terms of the laws of reason or laws of nature which governed all its parts. This way of describing things gave rise to a way of valuing them: a thing became better the more it fulfilled its essential nature, and thereby fulfilled its place in the whole system of essences. The more arboreal a tree was, the more it expressed its essential nature. Human beings also had an innate teleology to
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fulfil, but as rational beings they were conscious of their own ends and were able to direct their actions towards them. In Richard Hooker’s words, ‘A law therefore generally taken, is a directive rule unto goodness of operation . . . The rule of natural agents that work by simple necessity, is the determination of the wisdom of God . . . The rule of voluntary agents on earth is the sentence that Reason giveth concerning the goodness of those things which they are to do’ (Laws of Ecclesiastical Polity, i.viii.4, 1888, i, p. 228).

Hobbes rejected this notion of reason intuiting natural teleological values, because he rejected the metaphysics and theology from which those values were derived. His most thorough attack on the old metaphysics came in a monumental refutation of a work by a Catholic Aristotelian, Thomas White; this refutation, which remained unpublished till 1973, was written in 1642–3. The fundamental principle from which Hobbes argued in this work was that of God’s freedom to create the world if, how, and when he pleased (1973, chs. 30–4), a principle which severed any intrinsic connection between the natures of created things and the nature of God, and reduced ‘essences’ to mere descriptions of existing things (p. 381). These metaphysical assumptions can already be seen at work in an earlier manuscript, probably written between 1637 and 1640, in which Hobbes had asserted that ‘the original and summ of Knowledge stands thus: there is nothing that truly exists in the world but single and individual Bodyes producing single and individual acts or effects’ (Rossi 1942, p. 102). And in another early manuscript, probably also written in the 1630s, he had begun to apply these principles to the construction of a system of psychology in which all change was to be accounted for in terms of mechanical causation (the ‘Short Tract’, printed in Hobbes 1928, pp. 152–67).

Scholastic psychology had explained the operation of desire, for example, in terms of the mind’s apprehension of the ‘form’ or essence of the desired thing; Hobbes explained it in terms of a strictly causal process leading from sense-perception to the setting in motion of the body’s ‘animal spirits’ (conceived of as a fine fluid in the nervous system), causing the body’s motion towards the desired thing. The ‘thought’ of the desired object was simply that part of the sequence of motion which took place in the brain, where it might also interact with memory’s store of residual motions from previous sense-impressions. Hobbes denied that the feeling of desire was a special kind of thought, and analysed it as a combination of having the mental image of the desired object and beginning to move towards it (1839–45b, v, p. 261). This idea of the ‘beginnings of motion’
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became a key feature of Hobbes’ psychology and physics; later described by him as ‘conatus’ or ‘endeavour’, it enabled him to reduce intentions to infinitesimal actions.

For Hobbes, reason neither participated in the nature of desire nor supplied any substantive knowledge of values. ‘For the Thoughts, are to the Desires, as Scouts, and Spies, to range abroad, and find the way to the things Desired’ (1651, p. 35). Reason could only calculate means to ends, applying the merely formal principles of ratiocination to the brute facts of sense-experience and desire. The ends themselves were supplied by the causal mechanism of desire and aversion. Such a view of human nature might suggest that even if one tried to move from ‘is’ to ‘ought’ by assigning value to the fulfilment of desire, one would still not be able to form any universal value system: values would be individual rather than general, refracted and fragmented into a number of conflicting egoisms. There is, as we shall see, a deep sense in which Hobbes’ values are individual rather than universal, but it is not simply a matter of having an ‘egoistic’ moral psychology. Motivation in Hobbes’ account is necessarily egoistic only in a nugatory, definitional sense: each person strives to fulfil his own desires. This does not mean that the contents of those desires cannot be concerned with the good of others. The definitions of the passions which Hobbes supplies in chapter 16 of Leviathan include ‘Desire of good to another, benevolence, good will, charity. If to men generally, good nature’ (p. 26; cf. Gert 1965 and 1967). It is true that Hobbes did tend to explain the passions in terms of self-interest, as when he wrote that ‘Griefe, for the Calamity of another, is pity; and ariseth from the imagination that the like calamity may befall himselfe’ (p. 27); but is is often unclear in such cases whether ‘ariseth from’ explains the feeling in the sense of analysing its true content or in the sense of pointing to its causal predecessor. The origin of many of these definitions is found in Hobbes’ early summary of Aristotle’s Rhetoric; Aristotle is often as ambiguous as Hobbes and almost as reductive. And when Hobbes translated Rhetoric 1369b18 as ‘In summe, every Voluntary Action tends either to Profit, or Pleasure’ (1986, p. 55), we can see that draining away Aristotle’s teleology from his psychology can leave us with a very Hobbesian residue.

Hobbes’ contemporary critics denounced him for arguing that men were naturally selfish and hostile towards one another. His reply was

2. References to Leviathan are given in the form of page numbers in the first edition; these can be located in the text of the 1968 Penguin edition (ed. C.B. Macpherson) and in the margin of the 1909 Clarendon Press edition (ed. W.G. Pogson Smith).
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comicsensical: first, that although men were sometimes benevolent, a
state could not be founded on benevolence alone, and secondly, that
'though the wicked were fewer than the righteous, yet because we cannot
distinguish them, there is a necessity of suspecting, heeding, anticipating' (1983, p. 33). A third reason, more important but less commonsensical and
less directly stated, also emerges: the primary state of conflict between
individuals posited by Hobbes is not a contingent, factual conflict which
might not exist if people ceased to be irascible or competitive, but rather a
necessary jural conflict between people whose rights overlap or conflict in
some sense with one another until they have been renounced.

In order to show that men can all agree on the need to pass from a state of
conflict to a state of peace, Hobbes argues that it is possible to abstract a set
of universal rules of human action from the contingent facts of conflicting
individual desires. Individual desires are various and are constantly in
motion, so they can be neither consummated in the achievement of a final,
systematic goal (Hobbes rejects the notion of a 'sumnum bonum' in this
life), nor dispensed with by means of Stoic withdrawal. (When Hobbes
characterises life as a 'restlesse desire of Power after power' (1651, p. 47), he
is not making the empirical observation that men are power-hungry, but
merely conjoining his view of life as motion with his definition of power as
the 'present means, to obtain some future apparent good' (p. 66).) Only one
desire can have any sort of priority over all other desires, namely the desire
to avoid death; being alive is a necessary condition, the present means to all
future apparent goods. Having established this one general truth over and
above the mass of individual desires, Hobbes proceeds to draw from it a
system of means towards the avoidance of death, providing a set of rules of
action which all men must find valid if they reason correctly. The most
important means towards self-preservation is peace, the establishment of
stable and trustable social relations. And the optimum means towards peace
can be formulated as 'Laws of Nature' or moral principles which will be
immutably and eternally true. In this way Hobbes has performed the
transition from the subjective and relative vocabulary of 'good' and 'evil'
('good' meaning 'object of desire') to an objective system of virtues and
vices which can apply universally.

And therefore so long a man is in the condition of meer Nature, (which is a
condition of War,) as private Appetite is the measure of Good, and Evill: And
consequently all men agree on this, that Peace is Good, and therefore also the way,
or means of Peace, which (as I have shewed before) are Justice, Gratitude, Modesty,
Equity, Mercy, & the rest of the Laws of Nature, are good; that is to say, Morall
Vertues.

(p. 80)
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Hobbes has thus cleverly passed from ‘is’ to ‘ought’ almost without appearing to take upon himself the responsibility for using normative language: given that men use such language in an unreliable way to express their own desires, Hobbes offers a reliable, systematic use of it in the form of ‘Laws of Nature’ with which they must all agree. The laws are ‘Conclusions, or Theoremes concerning what conduceth to the conservation and defence of themselves’ (pp. 122–3); although usually framed conveniently as imperatives, they would be more correctly spelt out as theorems of the form: ‘given that you desire to do x y and z, if you reason correctly you will also desire to do the following’. The laws of nature specify an optimum set of actions designed to bring about peace, the optimum condition for self-preservation. But there will also be occasions when obeying those laws will endanger an individual’s life rather than preserving it (e.g. when faced with a man of violence); in such circumstances the need for self-preservation will dictate breaking the laws of nature and responding with violence in self-defence. This entitlement to go against the laws of nature in order to fulfil the purpose which they serve is called the ‘right’ of nature. In chapter 14 of Leviathan Hobbes shows that both laws and right flow from the same source, which he calls the ‘rule’ of nature: ‘That every man, ought to endeavour peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre’ (p. 64). Whilst the laws put forward a determinate set of actions, the right covers an indeterminate range of possible actions contrary to natural law; hence Hobbes’ statement in the same chapter that ‘right, consisteth in liberty to do, or to forbear; Whereas law, determineth and bindeth to one of them’ (p. 64). But in any particular set of circumstances when the right needs to be used, using it will be no less necessary than obedience to the laws normally is when they can safely be obeyed. Calling the right a ‘liberty’ does not mean that at critical moments of self-defence it is a matter of indifference whether the right be used or not; it connotes rather the right’s nature as an ‘entitlement’ to act against the usual requirements of natural law.3

This account has so far been concerned with what might be called an internal valuation of men’s actions: each man has to consider his own need

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3. Hence it is not necessary to accept the argument (Warrender 1957) that the laws of nature cannot be based on self-preservation because self-preservation is a right, and rights involve ‘liberty to do, or to forbear’. It must also be stressed that Hobbes’ argument in Leviathan is not that men have a right to preserve themselves but that they have a right to attempt to preserve themselves. On this important distinction see Viola 1979, pp. 88–9.
for preservation, and this need generates a particular set of laws and a
general right. In the state of nature, when conditions are always potentially
hostile and the scope for acting in accordance with the laws of nature is
reduced almost to vanishing point, all sorts of actions may be justified by
the right of nature. But some actions will still not be justified by it, if they
do not meet the internal standard of conduciveness to self-preservation. In
an important note added to the second edition of *De Cive*, Hobbes
explained that wanton cruelty or drunkenness in the state of nature would
not be covered by the right of nature (1983, p. 73). Yet elsewhere Hobbes
clearly stated that in the state of nature ‘Every man by nature hath right to
all things, that is to say, to do whatsoever he listeth to whom he listeth, to
possess, use, and enjoy all things he will and can’ (1928, ii.xiv.10, p. 55; cf.
1651, p. 64, ‘this naturall Right of every man to every thing’). This suggests
a different use of the term ‘right’; we might call it Hobbes’ account of men’s
external rights, that is, their rights *vis-à-vis* other men, as opposed to his
internal account of rights overriding laws in the system of actions for self-
preservation.

The old undifferentiated notion of a right or ‘ius’ as ‘that which is right’
was still in the process of being broken up during this period (see Tuck
1979); although Hobbes was one of its main attackers, his own arguments
are sometimes ambiguous because he uses the term in more than one way.
His internal account of the right of nature made a procedural and categorial
distinction between it and the laws of nature, but still conceived of it as an
‘objective’ right of the traditional kind, a way of justifying actions because
in their particular circumstances they were right to do. Externally, however
(in the field of inter-personal relations), Hobbes put forward a strong
version of the modern ‘subjective’ notion of a right, a freedom or liberty of
action which, far from being generated by any normative requirements,
consisted of an absence of obligations. Hobbes was presupposing a sort of
moral vacuum so far as inter-personal moral duties were concerned. This
was a condition of his argument that the only standard by which an action
could be judged to be wrong in the state of nature was the internal standard
of conduciveness to self-preservation: in the state of nature there is no
requirement to ‘respect’ the rights of others, no duty towards other people.
To illustrate: if in the state of nature A snatches B’s food, this action can
never be judged to be wrong on the grounds that A has some duties
towards B which he is thereby breaking. A has no duties towards him or
anyone else, and therefore his (external) rights of action are total and all-
encapsuring. So the only standard by which the action can be judged to
be wrong is the (internal) standard of conduciveness to self-preservation: by this standard A will have the right to snatch the food if his preservation requires it, but he will not have that right if he does not need the food and is merely increasing his chances of suffering retaliatory hostility.

Separating external and internal rights in this way helps us to see that although the natural laws and natural rights concerned with preservation are in some ways similar to a traditional corpus of 'objective' rights and duties, they are still fundamentally different from any normal set of universalisable moral rules. These laws and rights are universal only in the sense that they are duplicated in every individual. Their derivation is essentially egoistic: each person may assign a value to modesty, humility, generosity, etc., but his reason must ultimately be that each quality has an instrumental value to him. The altruism which flows from obedience to natural law is, for Hobbes, a form of enlightened self-interest, and it can only be expected of individuals once they have joined together in the common security of the state.

There is a danger, in following Hobbes' account of the state of nature and the formation of political society, that the reader begins to treat it as a literal, historical narrative. Hobbes presented it in this way for the sake of exposition, but willingly admitted of the state of nature that 'I believe it was never generally so, over all the world' (1651, p. 63). He concluded that families in the state of nature were to a limited extent miniature political societies, because children could be deemed to have consented to obey their parents (pp. 102–6). His own favourite example of a state of nature was that of the relations between sovereign states (p. 63); in a letter to a friend he also suggested, rather unsatisfactorily, that soldiers or travelling masons, who passed through various states but owed settled allegiance to none of them, might also be thought of in this way. But in essence the state of nature is the product of a thought-experiment in which Hobbes considers what rights of action and reasons for action men would have if there were no common authority to which they could turn to settle their disputes, or on which they could rely to give stability to their expectations of how other men would act towards them.

Conversely, when Hobbes describes the formation of political authority

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4. This letter does not survive, but the reply of its recipient does, objecting that these two instances are not proper examples of the state of nature: 'because this is only a war of each against each successively and at different times'. Peleau to Hobbes, Bordeaux, 4 January 1657. (Chatsworth, Hobbes papers, letters from foreign correspondents, letter 34. I am grateful to the trustees of the Chatsworth Settlement for permission to cite this letter.)
through a covenant he is not tying his argument to a putative historical event, but trying to characterise the kind of commitment which members of society must have towards the political arrangement which they accept. Contract theories of the state have often taken a quasi-historical form because of the element of contingency which is one possible reason for appealing to the notion of a contract. Instead of marshalling general principles to prove that the political arrangement in question is the only just and proper arrangement that could have been made, contract theorists can argue that it is one of a number of possible arrangements, and that men are bound to this one simply by the fact that they have agreed to it. In some cases, notably that of John Selden, the contract theory of the state did have a genuine, though complex, historical character; on the question of when resistance to the government becomes justified, his maxim was that 'we must look to the contract', and this required the services of legal and constitutional historians (such as himself). More frequently, however, contract theory became an excuse for ahistorical arguments about what people 'must have' rationally contracted to do; in other words, a way of presenting conditions which ought to be deemed to be incorporated in any grant of power from people to government. Hobbes followed this ahistorical tendency, but with a radical difference: he used the notion of necessary consent as a lever to overturn all claims about implicit conditions or limitations of the rights of government.

Hobbes was able to do this because of the unitary nature of his foundation for natural law: self-preservation. The main Ciceronian and Thomist traditions of natural law saw self-preservation as the ground floor, so to speak, of a whole structure of human needs and values, and it was out of those higher-order values that rational contractarians could construct the implicit conditions which they thought were involved in the grant of power from people to government. In Hobbes' argument, self-preservation is a sheer need which takes precedence over other needs; that a subject should be preserved by his government is the only essential condition of his allegiance to it. Since, in Hobbes' theory, self-preservation could in extremis justify doing anything, the subjects must have granted their government the power to do anything for the sake of their preservation. Their consent to this eliminated all scope for further 'conditions' or constraints.

It may still be wondered, however, whether Hobbes' account needed to use a concept of contract at all: in any argument which hinges on the phrase 'must have contracted', it is surely the reasons for saying 'must have' which
are doing the real work. Hobbes’ reasons are laid down in his laws of nature, which enjoin people to enter society, submit to arbitration, and so on. Indeed, the third law of nature is ‘that men performe their Covenants made’ (1651, p. 71). If the reasons for obeying covenants are to be found in a system of prudential rules, why has Hobbes not drawn up his whole theory of obedience in terms of long-term benefits and dispensed with the notion of contract altogether? The answer must be that contract was only a formal device in Hobbes’ theory, but a device which served some important subsidiary purposes. First, it enabled him to insulate the language of justice from the rest of the moral vocabulary: a sovereign government might be iniquitous, that is, it might break the laws of nature, but it could not be unjust, because injustice consisted of breach of contract. (In Hobbes’ theory, the sovereign is not a party to the contract: the contract is between the subjects, who agree to hand over their rights and power to the sovereign: p. 89). In a classic example of his reductive technique of argument, Hobbes dispensed with the traditional claims of distributive and commutative justice, reducing the former to equity and the latter to contractual justice (p. 75). The claim that rulers cannot be convicted of injustice had not been without polemical point in the England of 1640.

Secondly, Hobbes’ theory requires people to renounce not only rights of action but also rights of judgement. Only the sovereign can judge what will be necessary for the preservation of peace in the state: if subjects claimed the right to judge this, they would be undermining the sovereign’s role as final arbiter and frustrating the purpose for which a sovereign was instituted. (This too had had a topical relevance in the late 1630s, following the Ship Money case.) The notion of a covenant is a kind of shorthand for the type of commitment to obedience this requires, in advance of any knowledge of the contingencies of particular decisions by the sovereign.

The state forces its subjects to keep their covenant by annexing punishments to its laws. ‘Covenants, without the Sword, are but Words, and of no strength to secure a man at all’ (p. 85). But Hobbes is not arguing here that the desire to avoid punishment is the only motivation for obeying the laws. The prospect of punishment is a short-term consideration, necessary to concentrate the minds of passionate men, and thereby to create secure surroundings for those who do wish to keep their covenant. And there is always an adequate long-term consideration prompting this wish, namely the conduciveness to self-preservation of peace and stable government. Hobbes is sometimes associated with modern ‘positivist’ or ‘realist’ theories of law which explain the obligation to obey laws in terms of the
motivation to avoid the punishments which those laws predict; but in Hobbes' theory there is thus always a further motive to obedience. This point comes out strongly in his criticism of the doctrine of ‘passive obedience’ in Behemoth, his history of the Civil War. ‘Every law is a command to do, or to forbear: neither of these is fulfilled by suffering’ (1651, p. 112). Laws do not propose value-free alternatives of action leading to punishment and action leading to non-punishment; there is always a value attached to obedience to laws, because there is always a duty towards the legislator, whose continuing authority ensures peace.

Hobbes does, however, raise an apparent exception to this principle when he writes about ‘the Obligation a man may sometimes have, upon the Command of the Soveraign to execute any dangerous or dishonourable Office’. Here he concludes: ‘When therefore our refusall to obey frustrates the End for which the Soveraignty was ordained, then there is no Liberty to refuse: otherwise there is’ (1651, p. 112). This seems to transgress Hobbes’ rule that only the sovereign can decide whether an action is necessary for the safety of the state. But, leaving aside the mention of dishonour (which is not fully supported by the rest of Hobbes’ theory), it is clear that Hobbes is concerned here with the uncertain, probabilistic borderline at which the need to obey gives way to the need for self-preservation; the ‘danger’ referred to here is danger to the subject’s life, and it was an immovable sticking point in Hobbes’ theory that no one could ever covenant to kill himself (p. 69). It cases of capital punishment, Hobbes argued, the convict had a right to resist his gaolers and executioners. But it was also an important feature of his argument that at the same time the sovereign (who could commit no injustice) had a right to execute the man. The sovereign acted with the rights of the people, on their behalf.

The most striking formulation of this point comes in De Cive, where Hobbes writes that ‘The People rules in all Governments, for even in Monarchies the People Commands’ (1651, p. 151). He contrasted the ‘people’, which was the corporate entity created by the political agreement of its members, with the ‘multitude’, which was any mere aggregate of individuals. His intention was to undermine those who claimed to speak on behalf of ‘the people’ against their ruler, by showing that individuals gained a corporate identity only by virtue of being united under a sovereign. But since the ‘people’ was also the term which Hobbes used for the sovereign itself in the case of a democratic constitution, this argument had the probably unintended consequence that the foundation of any type of state had required a primary phase of democracy. In the quasi-historical
accounts of *The Elements of Law* and *De Cive* this is what happened, and the
democracy then dissolved itself if it handed over sovereignty to a
monarchy or an aristocracy (1928, p. 94, 1983 pp. 109–11): even if the
hand-over occurred at the first gathering of the people, the fact that it did so
by majority vote would imply the momentary existence of a democratic
constitution. Hobbes was obviously troubled both by the quasi-populist
appearance of his argument in these works (as if democracy were somehow
more natural), and by the theoretical awkwardness of identifying the
corporate will of the state with an entity, the ‘people’, which apparently
continued to exist after it had disappeared, like the grin of the Cheshire Cat.
In *Leviathan* he streamlined his account by treating the original majority
principle as a necessary procedural assumption (rather than as a mini-
constitution), and worked out a new way of describing the continuing
corporate entity as the ‘person’ of the state. Together with this concept of a
‘person’, which was drawn from the legal fiction that corporations could
act as persons at law, he employed the related legal vocabulary of
‘authorising’ and ‘representing’: the sovereign (whether an individual or an
assembly) represents its subjects because it is authorised to act as the bearer
of their ‘person’, and they have a unitary ‘person’ only by virtue of being
represented by a unitary sovereign (1651, pp. 80–3; see also Polin 1953,
that the sovereign may be an aristocratic council or a democratic assembly;
although he gives reasons for preferring a monarchy (pp. 95–8), the nature
of the sovereignty is the same in each case.

The notion of authorising is taken up again when Hobbes considers the
sovereign’s legislative action and permissive inaction. ‘All Lawes, written,
and unwritten, have their Authority, and force, from the Will of the
Common-wealth; that is to say, from the Will of the Representative’
(p. 139). Customary law thus has its validity not from any intrinsic force of
its own but from being ‘authorised’ by the sovereign, who could cancel it if
he wished. (This was the starting point for Hobbes’ attack on the claims of
common law jurists in his *Dialogue . . . of the Common Laws of England*.) In a
wider sense, all activities within the state are authorised by the sovereign so
long as they are not forbidden. The state authorises geometry professors to
teach geometry just as it authorises people to walk through public parks;
this does not mean that everyone is acting on instructions from the state,
and it does not mean that the sovereign authority is making the professors’
geometry true, or obliging people to believe it. Of course the range of
things which *might* be forbidden by the state is almost unlimited; but
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Hobbes’ theory supplies no reason for the state to use this power except for the preservation of peace and prosperity. It is in the sovereign’s interest to allow individuals to pursue their own interests, because this produces a more contented and prosperous population: ‘where the publique and private interest are most closely united, there is the publique most advanced . . . The riches, power, and honour of a Monarch arise only from the riches, power, and honour of his Subjects’ (p. 96; cf. Gunn 1969, pp. 65–81). Hobbes summarised his argument at one point in the Elements of Law by saying that it was the sovereign’s duty by the law of nature ‘to leave man as much liberty as may be, without hurt of the public’ (1928, p. 141).

Hobbes’ apparently unobjectionable claims about the authorisation of geometry teachers shadowed forth his argument on a much more contentious subject: the status of the church within the state. He regarded the church as a society of men engaged in teaching the doctrine of the Bible. The sovereign might authorise this teaching in the strong sense of endorsing as laws the injunctions to action which the teaching contained; or the sovereign could authorise it in the looser sense of permitting the activity of teaching. The distinction between belief and action was an important one: ‘For internall Faith is in its own nature invisible, and consequently exempted from all humane [i.e. ‘human’] jurisdiction’ (1651, p. 285). If the church claimed an independent authority to direct the actions of men within the state, this was contrary to the unitary and absolute nature of civil sovereignty. The church’s own actions must be subject to the civil power, and those actions must include not only acts of worship but also writing and speaking. But Hobbes distinguished carefully between forbidding teaching and forbidding men to believe what they were taught: ‘such Forbidding is of no effect; because Belee, and Unbelee never follow mens Commands’ (p. 271). Provided that the church did not claim independent rights of action, and provided that the doctrine it taught was not subversive to the peace of the state, Hobbes’ theory allowed for a great degree of religious toleration. Ideally the sovereign should have no more reason to interfere with the church than with geometry lessons. Hobbes is only loosely to be described as an Erastian; he did not think that any strong connection between state and church was necessary, and his theory permitted Roman Catholicism in England, for example, provided that it were understood that the pope appointed teachers of doctrine in England only on sufferance from the English sovereign (p. 296). After the Restoration, Church of England bishops such as Edward Stillingfleet and Samuel Parker used Hobbesian arguments to justify government action
against the Dissenters, on the grounds that they were a threat to civil peace; but in some ways it was the Dissenters who were wielding the most centrally Hobbesian arguments when they said that religious beliefs should not be subject to civil compulsion.

The difficulty, of course, was that some versions of religious belief would not fit into Hobbes’ scheme, because they did involve belief in rights of action or jurisdiction independent of the sovereign. Most varieties of institutional Christianity taught beliefs of this sort, and Hobbes’ arguments on this point are thus fiercely anti-clerical and above all anti-Catholic. But even within the Roman Catholic church there were traditions of Marsilian and Gallican argument on which Hobbes could draw in his attack on papal power (Malcolm 1984, pp. 82–3). Within the Anglican church Hobbes was in some ways following in the tradition of rationalist religion, of writers such as William Chillingworth and Falkland at Great Tew. Hobbes agreed with them that the essential doctrinal truths contained in the Bible were few and easily knowable (1651, pp. 325–6). And in the third part of Leviathan he subjected the Bible to a more thorough course of rational textual criticism than had been attempted by any previous English writer. His aim was to show that scripture, far from demanding beliefs or actions contrary to those of his own theory, actually matched and confirmed his account of men’s duties at every point. It may be tempting to describe this as a rather cynical arrière-pensée on Hobbes’ part; but, equally, it can be described as a necessary consequence of his own theological position. His theology, as we have seen, severed all essential links between the nature of God and the nature of the world. Natural theology might arrive at the knowledge that God existed, but it could supply no further knowledge of his nature. Evidence of God’s will could exist in the form of something historically contingent, such as the text of scripture; but in order to interpret this evidence, principles of interpretation had to be applied, and they could not be derived from the evidence itself. It was inevitable, then, that in interpreting the Bible men would use their natural reason and interpret away any aspect of it which appeared to conflict with the dictates of natural reason – dictates already arrived at in the first two parts of Leviathan. Hobbes’ similarity to rational theologians such as Falkland was therefore only skin-deep. They read rational beliefs into the Bible because they felt they had substantive knowledge of the rational nature of God; Hobbes did the same because of his lack of knowledge of God’s nature, which forced him to interpret the Bible by the light of human nature and human reason. Denounced and dismissed as an ‘atheist’, Hobbes countered
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with a reply which it is hard to gainsay: ‘Do you think I can be an atheist and not know it? Or, knowing it, durst have offered my atheism to the press?’ (1839–45a, vii, p. 350).

ii Spinoza

Outside England, the Dutch republic was the country where Hobbes’ writings exerted their greatest influence. The conditions of intellectual life there were favourable to ‘free-thinking’, with a flourishing book trade on which regulation and censorship were comparatively lightly enforced. The second edition of De Cive was printed there in 1647; a Dutch translation of Leviathan appeared in 1667; and an important collection of Hobbes’ Latin writings, including his new Latin version of Leviathan, was published in Amsterdam in 1668.

Given its recent birth and the continuing uncertainty of some of its constitutional arrangements, the Dutch republic was a country in which basic questions of political theory were often of pressingly topical concern. Hobbes’ pupil, the second earl of Devonshire, had written about ‘such as professe to reade Theorie of Statisme; fellows that swarm in most places abroad, especially in Germany, or those places where the Dutch most usually frequent, that nation being easie and apt to be gulled by these Imposters’ (Cavendish 1620, p. 40). The word ‘Statisme’ has overtones of ‘étatisme’ and ‘raison d’État’. Where the internal workings of the state were concerned, this meant a value-free, comparative study of constitutions as power structures; where their external actions were concerned, it meant a study of all the tricks and devices of diplomacy and warfare – a study which could be amply justified by the dependence of Dutch foreign policy, throughout the seventeenth century, on kaleidoscopically shifting patterns of uncertain alliances. The leading academic exponent of this sort of power-analysis was M.Z. Boxhorn, who taught at Leiden University from 1633 to 1653; he published an edition of Tacitus in 1643, and in his own political writings he used examples from Tacitus to show that rulers would always be impelled by self-interest to encroach on the liberties of their subjects (e.g. Boxhorn 1663, pp. 18–22; Kosmann 1960, p. 20; Wansink 1981, pp. 93–100, 149–53).

The history of the Dutch republic had also fostered public interest in another area of political controversy: the relation between religion and the state. The main patterns of argument had been laid down in the second decade of the century, when the Remonstrants (liberal theologians who
followed Jacobus Arminius) had appealed to the civil powers to protect them against the hard-line Calvinist Counter-Remonstrants. Pro-Remonstrant writers, such as Grotius in his *De imperio summarum potestatum circa sacra* (written c. 1614 and printed posthumously in 1647), had developed a theory of jurisdiction in which all power over human actions—including teaching, preaching, and acts of worship—had to be vested ultimately in the civil authority. Churches, in this theory, were regarded as voluntary associations within the state. The Remonstrants defended a policy of religious toleration by arguing that the Calvinist church had no jurisdicational power to persecute, and by claiming that religion was essentially a matter of beliefs, not actions, thus implying that a variety of religious beliefs should pose no threat to the state's activities. There was a natural congruence between this attitude and the Tacitean view of religion, which regarded public religious observances as part of the trappings, the psychological theatre, of the state, and therefore as something which must be controlled by the civil power. In the abstract, of course, these arguments did not dictate whether the civil power should be monarchical or republican. The contingencies of political history ensured that the Remonstrants and tolerationists sided with republicanism, while the supporters of the princes of Orange upheld the powers of the Calvinist church. But these alignments were not quite accidental. For it was the republican theorists who, in their attempt to work out from first principles what the nature and powers of the state should be, came closest to developing a rationalist-utilitarian type of political theory from which the traditional categories of sacerdotal and ecclesiastical power were most likely to be absent.

By the mid-century, the influence of Descartes' philosophy in the Dutch academic world was giving a powerful impetus to the desire to replace traditional bodies of theory with new systems of deductive science. Cartesianism flourished at the Universities of Utrecht and Leiden, where its influence was strongest in the areas of medicine and physics. The antischolastic nature of Descartes' views on human psychology was taken further by Dutch Cartesian such as Henricus Regius and Gerard Wassenaar at Utrecht, who developed a more mechanistic, materialist philosophy of mind which denied the existence of innate ideas and described the mind as a 'mode' of the body. This was a version of Cartesianism which was ideally suited to the reception of Hobbesian theories too. And Hobbes' work, for Cartesians, could usefully remedy the lack of any political theory in Descartes' own writings. Lambert van Velthuysen for example, who had
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studied at Utrecht in the 1640s, published defences of Descartes, Copernicus, and Hobbes, and in the preface to his ‘apologia’ for De Cive he defended Hobbes’ work as if it were a straightforwardly Cartesian enterprise: all previous attempts at political philosophy were flawed, he wrote, because they had not used ‘this device of doubting everything’, and had failed to deduce their various principles from one single starting point (1651, sig. *5r).

All these strands of argument – reason of state, Tacitism, religious toleration, the defence of unitary civil power, republicanism, Cartesianism and Hobbesianism – came together in the work of the most influential Dutch political writers of the 1650s and 1660s, the brothers Johan and Pieter de la Court. After the death of William II in 1650, and during the childhood of William III (who was born a few days after his father’s death), most of the Dutch provinces found themselves operating a truly republican constitution for the first time, holding in abeyance the office of ‘stadtholder’ which had previously been filled by the princes of Orange. Under John de Witt, the quasi-presidential ‘grand pensionary’ of Holland, a vigorous campaign of republican propaganda was waged to persuade Holland and the other provinces to abolish the office of stadtholder altogether. The brothers de la Court and Spinoza were among the most prominent writers to support him.

Both brothers had studied at Leiden in the early 1640s, where they had become Tacitists and Cartesians, and Pieter had gone on in 1645 to study medicine under Regius at Utrecht (Van Thijn 1956, pp. 309–15). Johan may have been responsible for the unauthorised printing of some lectures by Boxhorn, the Commentariolus, in 1649: the work bears a suspicious resemblance to Johan’s own notes on the lectures, which he heard in 1643 (Wansink 1981, pp. 150–1). And a more spectacular example of literary piracy was Pieter’s publication, over his own initials (‘V.D.H.’: ‘van den Hove’, the Dutch equivalent of ‘de la Court’) of a book, Naeuwkeurige consideratie van staet (A Close Examination of the State), which was in fact written by that other pupil of Regius, Wassenaar (Haitsma Mulier 1984). Wassenaar’s book seems to have given the de la Courts the idea of combining Tacitus and Machiavelli with a Cartesian theory of the passions, so that the task of political philosophy was seen as that of constructing the state as a mechanism to regulate the passions of individuals and force both rulers and ruled to identify their individual interests with the common good. And it was with this task in mind that the brothers de la Court turned eagerly to the writings of Hobbes.
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The writings of the de la Courts form a homogeneous group of works, in which the same arguments keep reappearing.5 ‘Self-love is the origin of all human actions’, begins the Consideratien (1660, p. 1). ‘Self-preservation is the supreme law of all individuals’ (Discoursen, 1662a, p. 91). Men are governed by their passions, and most men are therefore evil by nature; without a political power to keep them in check they will lead a diffident and violent existence in a ‘state of nature’, each judging partially in his own cause (Consideratien, 1660, pp. 1–8). People are equal by nature, and only the state, an artificial human construct, has introduced inequalities (p. 346, mispaginated ‘246’). Once the state is established, the subjects owe it a debt of gratitude for their protection; and they are justified in rebelling only when their individual lives are threatened (p. 347, mispaginated ‘247’, Discoursen, 1662a, p. 27).

Thus far, the Hobbesian overtones are obvious. The 1660 Consideratien shows a close familiarity with De Cive, and the later editions suggest a reading of Leviathan as well. But this is a version of Hobbes from which all the jural categories – rights, covenants, authorisation – have been stripped away. For Hobbes, the essential conflict in the state of nature is a conflict of rights. For the de la Courts, it is a conflict of passions; there is thus no qualitative distinction between men’s relations in the state of nature and their relations in civil society. ‘All obedience is caused by compulsion’ (Discoursen, 1662a, p. 29). Each individual wishes to live according to his own will (’t Welvaren, 1911, p. 10): this principle means that force is required to get any individual to live according to the will of another, and it also means that rulers will constantly be trying to extend their wills more fully over their subjects.

5. The corpus of their works, however, poses many problems of individual attribution. Most of the major works appeared over the initials ‘V.H.’, ‘V.D.H.’, or ‘D.C.’, but other works which have been attributed to them appeared anonymously. Johan died in 1660; he is thought to have been largely responsible for the Consideratien of that year, which was expanded in subsequent editions by Pieter, and Pieter may well have quarried material from Johan’s papers in putting together the other works of the 1660s. The major works are:
’t Welvaren der stad Leiden (The Prosperity of the City of Leiden), MS dated 1659, ed. F. Driessen (Leiden: Nijhoff, 1911).
Consideratien en exempelen van staat (Observations and Lessons on the State) (Amsterdam, 1660); 2nd (expanded) edn published 1661 under the title Consideratien van Staat ofte Polityke Wegg-Schaal (Observations on the State; or, the Political Balance); 3rd edn (also expanded) and 4th and 5th edns published under this title, 1662.
Politeike Discoursen (Political Discourses) (Amsterdam, 1662)
Interest van Holland (The Interest of Holland) (Amsterdam, 1662); 2nd edn, expanded with two additional chapters possibly by de Witt, published 1669 as Aanwerving der heilsame politike Gronden en Maximen van de Republike van Holland en West-Vriesland (An Indication of the Salutary Political Principles and Maxims of the Republic of Holland and West Friesland).
On other works by the de la Courts see Geyl 1947.
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As a result of this line of argument, the problems of constitution-building assumed a central place in the work of the de la Courts. For Hobbes, the nature of an individual’s covenantal commitment to obey the sovereign power would be the same, regardless of the constitutional form which that sovereign power assumed. The arguments in favour of monarchy in De Cive and Leviathan thus have a purely secondary status in Hobbes’ overall theory. But for the de la Courts the primary problem was to design a constitution which could keep the encroaching wills of both rulers and ruled in check. Monarchy was the least attractive solution, because any individual entrusted with power was likely to use it for his private benefit (Consideration, 1660, pp. 13–74). Government by a large assembly was better, because in such a gathering the divergent private passions would tend to cancel each other out (p. 203, mispaginated ‘103’); and since the basic urge of each individual was to live according to his own will, any more or less democratic system would enable individuals to obey the will of the government and at the same time obey their own will, which was a component of the government’s will (p. 353, mispaginated ‘253’). If this sounds like a version of consent theory, then it is a version quite unlike Hobbes’: this version does not explain the nature of sovereignty, but is confined to one type of constitution. It merely gives a democratic government a psychological advantage which may, in effect, increase the amount of power which the government can wield.

These considerations may prompt the conclusion that the de la Courts owed little to Hobbes beyond their starting point in mechanistic psychology. But there was one important area of their argument which did draw directly on Hobbes’ political theories: their views on the unitary nature of sovereign power and the relation which this implied between church and state. The state, they argued, must have power over all external acts, and therefore over all acts of religious worship. To further the interests of both rulers and ruled, it must exercise this power for purely secular ends, namely peace and prosperity. Hence the need to tolerate all religions which are not themselves subversive of the state (Discoursen, 1662a, pp. 19–24). And for the subject, mere outward conformity is sufficient (pp. 69–74). The peculiarly Hobbesian twist to this argument is the insistence that ‘the public determination of what is good and what is evil belongs only to the sovereign: otherwise the political state will change, through the conflict of many private judgements, into a state of nature’ (p. 24). This argument struck at the moral jurisdiction of the Calvinist church, and was accompanied by some thoroughly Hobbesian jibes against the deleterious effects of clerical power on intellectual life (pp. 36–41).
The end of Aristotelianism

The late 1650s and early 1660s saw numerous attempts by the Calvinists to reassert their moral and intellectual jurisdiction. Pressure was brought to bear on the university authorities at Leiden to curb the teaching of Cartesianism and ‘the application of philosophy to the prejudice of theology’ (Molhuysen, 1913–24, III, pp. 109–12); the anti-clericalism of the de la Courts’ writings provoked a storm of sermons and pamphlets (Van Gelder 1972, p. 253); and in Utrecht, where the Hobbesian philosopher van Velthuysen had penned similar attacks on clerical power in 1660 (Ondersoeck and Het predick-ampt), the leading anti-Cartesian, Gisbertus Voetius, wrote a major defence of the jurisdictional powers of the Calvinist church (Politica ecclesiastica, 1663). In 1665 a brief but important treatise attacking the Calvinist arguments, De jure ecclesiasticorum (The Right of the Clergy) was published under the pseudonym ‘Lucius Antistius Constans’. This work, which was once attributed to Spinoza himself, draws so heavily on the arguments of the de la Courts that it can quite plausibly be attributed to Pieter de la Court (e.g. by Van der Linde 1961, p. 16); but it goes beyond the de la Courts’ other published works in its attempt to assimilate the jural concepts of contract and ‘jus’ (‘right’). It distinguishes between right and power, but observes that the former without the latter is worthless (pp. 54–5). Differences of right within the state are created by the power of the state; and the state’s power arises either through the conquest of the weak by the strong, or through a social contract, whereby people transfer their ‘right and power’ to the ruler (pp. 9–12). Just as the notion of ‘right’ is weakened, in the course of this argument, by its constant association with ‘power’, so too the notion of contractual obligation is absorbed into the pattern of factual power relations: the ‘conventio’ (‘agreement’) can be entirely implicit, something to be identified ‘not in words but in deeds’ (p. 35).

This is the background against which we must situate Spinoza’s own writings on the nature of the state. It was in 1665 that Spinoza started work on what was to become his major political treatise, the Tractatus theologico-politicus (henceforth cited TTP), aiming, as he explained to one correspondent, to defend ‘the freedom of philosophizing . . . for here it is always suppressed through the excessive authority and impudence of the preachers’ (Spinoza 1928, p. 206, letter 30). And when the work was published in 1670, he explained that he had been prompted by the ‘fierce controversies of the philosophers in church and state’ (TTP, preface, 1924, III, p. 9). His library contained copies of the de la Courts’ Polityke Weeg-Schaal (the enlarged second edition of the Consideratien) and Discoursen
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(Freudenthal 1899, pp.161–2), and he described the former work as ‘extremely shrewd’ (Tractatus politicus (henceforth cited TP), vii.31). If Pieter de la Court was not the author of De jure ecclesiasticorum, then the most likely candidate is Lodowijk Meyer, a Cartesian doctor and theologian who was a close friend of Spinoza (Spinoza 1928, p. 50; Meinsma, 1896, pp. 146–50).

The anti-clerical, tolerationist, republican writings of the 1660s form the main background to Spinoza’s political works; but of course his own personal history had also given him cause to consider the relation between religion, state power, and individual freedom. Baruch (Benedictus in Latin) de Spinoza was the son of a Portuguese Jew; born in Amsterdam in 1632, he was educated at a Jewish school up to the age of thirteen, and probably attended a Yeshivah (a society for the study of the Bible, the Talmud, and the Torah) for several years thereafter (Meinsma 1896, pp. 58–65; Vaz Dias and van der Tak 1932, pp. 56–61). But in 1656 he was excommunicated from the synagogue for ‘the horrible heresies which he taught and practised’; the exact nature of his offence is not known, but all the evidence suggests that he had propounded a rationalist, deist theology which demoted the status of the Bible as divine revelation, questioned its historical accuracy, and probably cast doubt on the immortality of the soul (Revah 1959). According to some early sources, he wrote a thoroughly unapologetic ‘Apology’ after his excommunication, which contained an historical critique of the Bible and a wide-ranging attack on the Jewish religion (Préposiet 1973, pp. 345, 417). If this is so, then it is reasonable to assume that some of this material was put to use in the Tractatus theologico-politicus. However, the main outlines of the political theory in that book are drawn not from debates within Judaism but from the Dutch Hobbesian–republican tradition. Even the lengthy discussions of the Old Testament in that treatise may also owe something directly to Hobbes: although Spinoza did not read English, he was a friend of the man who was translating Leviathan into Dutch in the period 1665–7, and he may also have had time to benefit from the Latin translation of Leviathan (1668) before finishing the Tractatus theologico-politicus in 1670 (Schoneveld 1983, pp. 8, 40).

The main arguments of the treatise are succinctly summarised by Spinoza himself. He argues first that philosophy and theology are radically different in nature, ‘and that the latter allows each person to philosophise freely’ (TP, ch. 16, 1924, iii, p. 189); then ‘that rights over religion belong entirely to the sovereign, and that external acts of worship must be adapted
to serve the peace of the state’ (ch. 19, 1924, III, p. 228); and finally that freedom of speech ‘is not only compatible with civil peace, piety and the right of the sovereign, but in fact ought to be permitted in order to preserve all those things’ (ch. 20, 1924, III, p. 247). The separation of philosophy and theology is carefully managed, in a way which preserves an apparent respect for the special nature of revelation while at the same time suggesting that it is ultimately unnecessary. Philosophy can teach both virtue and the knowledge of God (these two things being inseparable in Spinoza’s theory); theology, on the other hand, which is based on revelation, aims only at teaching obedience to God (chs. 7, 14, 15). For this purpose the teachings of the Old Testament were ‘adapted’ to the understandings of ordinary people of the time: the validity of a theological doctrine lies not in its truth but in its power to instil obedience (ch. 14, 1924, III, pp. 176–7). Only gradually does Spinoza make it plain that obedience is an inferior substitute for understanding, that the principal contents of revelation — prophecy and miracles — are fictions adapted for weak minds which cannot understand that God works in nature by means of immutable laws, and that the peculiar injunctions given to the Jews in the Old Testament were essentially political devices, designed to further political obedience and social cohesion. Some of these arguments may have derived from Moses Maimonides’ theory of divine law, which stressed that divine commands were adapted to historical conditions in the Old Testament, and suggested that the dietary and ceremonial laws were simply devices for instilling moral virtues — virtues which could in principle be arrived at philosophically, without the use of revelation (Maimonides 1975, pp. 71–2, 1904, pp. 312–80). But Spinoza’s comments on the use of religion as an instrument of political power also reflect his careful reading of Tacitus and Machiavelli.

This is particularly apparent in his account of the Jewish state in chapter 17 of the treatise, where he implies that when the Jews made God their sovereign they were in fact being cleverly manipulated by Moses, who became their effective ruler as God’s representatives on earth. Since religion is such a powerful force in human psychology (combining love, fear, and admiration — the last two of which are the products of defective understanding), this pseudo-theocracy was a very successful form of covert monarchy; but Moses’ system of government was flawed, Spinoza argues, because it allowed the Levite priests to retain a form of religious jurisdiction, and in later generations they were able to assume political power and reduce the Jewish nation to civil war (ch. 18).
Spinoza’s theory of the nature and purpose of political power is set out in the *Tractatus theologico-politicus* (esp. ch. 16) and in the first six chapters of his later, unfinished work, the *Tractatus politicus*. Like the de la Courts, he starts with the assumption that men are passionate creatures, guided by short-term self-interest; as they become more rational, they will be guided by longer term self-interest, but self-interest remains the key to all human actions (*TP*, ch. 17, 1924, III, pp. 215–16). Social cooperation is necessary for leading a secure and pleasant life. The more rational a man is, the more he will desire cooperation because he understands this; but political power, wielding coercive force, is needed to keep irrational men from pursuing their own short-term interest against the interests of society at large. And since rulers as well as ruled will be subject to passions, constitutions must be designed to ensure that subjects and rulers will subordinate or assimilate their own interests to the interests of the whole state (ch. 17, 1924, III, p. 203). In the *Tractatus politicus* Spinoza intended to show how this could be achieved in each form of constitution (monarchy, aristocracy and democracy); unfortunately he died before completing his section on democracy, which he held to be the most natural and most rational of the three forms. Like the de la Courts, he argued in the *Tractatus theologico-politicus* that the subjects of a democracy would enjoy a greater sense of freedom, because in obeying the sovereign they were obeying themselves (ch. 16, 1924, III, p. 195); and he also followed the de la Courts in claiming that the process of decision-making in a large assembly would cancel out individual passions and ensure the prevalence of reason (ch. 16, 1924, III, p. 194; on his debt to the de la Courts in *TP* see Haitsma Mulier 1980, pp. 187–208).

Thus far, Spinoza’s theory seems confined to the bare analysis of motivation and power structures. Much of the interest of his theory, however, lies in the way in which he assimilates the concepts of ‘right’ and ‘contract’ into his argument. He makes use of the concept of ‘right’, but identifies it completely with ‘power’. This is not a piece of casual cynicism on his part: it flows from the heart of his philosophical theology, which attributes both infinite right and infinite power to God, and identifies the physical universe as an expression of God’s nature. It follows from this that every event in the physical world is an expression both of God’s power and of His right. ‘Whatever man does, whether he is led to do it by reason or only by desire, he does it according to the laws and rules of nature, that is, by natural right’ (*TP*, II.5, 1924, III, p. 277). Where Hobbes argued both that natural rights were all-encompassing and that there were some actions
(contrary to self-preservation) which people did not have the right to perform, Spinoza can argue both that men have the right to do whatever they can do, and that an order of preference can be established when considering alternative courses of action: actions which help ensure the agent’s self-preservation will increase his right because they increase his power, so that in some sense he will have less right to perform those actions which diminish his power.

Just as Spinoza uses the term ‘right’ but reduces it to ‘power’, so too he uses the term ‘contract’ but reduces it to a relationship of power. In chapter 16 of the Tractatus theologico-politicus he describes, in terms reminiscent of De Cive, how people must have transferred their natural right to the sovereign through a ‘contract’ (‘pactum’ or ‘contractus’). In the later Tractatus politicus this account of a contract is notably absent: the notion of ‘agreement’ (‘consensus’) is used instead, and men are said to ‘come together’ to form a state not because they are led by reason but because they are driven by common passions (vi.1, 1924, III, p. 295). This has led some commentators to suggest that Spinoza believed, in the earlier work, in an historical contract which the founders of society had entered into out of ‘rational foresight’, and that he later abandoned this belief (Wernham 1958, pp. 25–6). Yet the real differences between the two accounts are not so great. A transfer of right, as the earlier work has already made clear, can only amount to a transfer of power, and this is something which can come about without ‘rational foresight’ playing any special role. Spinoza emphasises in the Tractatus theologico-politicus that ‘a contract is binding only by reason of its utility’ (ch. 16, 1924, III, p. 192); as soon as it becomes advantageous for someone to break his contract, he will have the right to do so. This means that men keep their contract of obedience only because the sovereign wields real power. Such a view is entirely compatible with the idea that the origins of the state go back not to a set of formal articles of agreement but to a gradual coalescence of human power relations. When Spinoza introduces the idea of a contract in chapter 16 of the Tractatus theologico-politicus he says, in a revealing construction, that men ‘must have’ contracted (1924, III, p. 191); the notion of a contract is nothing more than a device for describing a power-relationship which is informed by an understanding of mutual benefit, and to describe such an arrangement as rational does not imply that it can only have been introduced through a conscious act of reason.

Spinoza seems to have adopted, at this point in the earlier treatise, a Hobbesian terminology of ‘transferring’ natural rights, because he wanted
to make the Hobbesian anti-clerical point that all rights belonged to the sovereign. (This was the first stage of his tolerationist argument, aimed at removing the jurisdictional powers of the clergy which would otherwise be deployed against freedom of opinion.) At one point he says that the subject must have ‘completely yielded’ his natural right (ch. 16, 1924, iii, p. 195). But this is a misleading form of words for Spinoza to use, and it can only amount to saying that the subject is sufficiently motivated to act always in complete accordance with the will of the sovereign. For each person, in Spinoza’s theory, retains natural right so long as he retains natural power: when asked by a friend to explain the difference between his theory and Hobbes’, he replied that it ‘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’ (Spinoza 1928, p. 269).

This is the essential argument which enables Spinoza to conclude that the toleration of religious and philosophical opinions is both compatible with the sovereign’s power and beneficial to it. In Spinoza’s state the power of the sovereign can rise or fall, according to how the subjects become more or less fully motivated to obey it. More power, and therefore more right, inheres in a policy which is popular: it is in the interests of the sovereign to avoid alienating his subjects. Laws forbidding beliefs are, as Hobbes pointed out, fatuous; but Spinoza adds that laws forbidding people to express their beliefs will render those people sullen and hostile, and thereby weaken the power of the state (TTP, ch. 20). Only the preaching of seditious doctrines must be proscribed; all opinions which do not disturb the peace of the state are to be allowed.

Despite, or perhaps because of, his reductive style of power analysis, Spinoza seems possibly to have arrived at a liberal, pluralistic theory of the state which matches the liberal elements of Hobbes’ theory. It is possible to argue that the role of the Spinozian state is simply to provide an external framework of peace and security within which individuals can continue to pursue their own interests (den Uyl 1983, esp. pp. 111–28). Such an interpretation, however, ignores the implications of Spinoza’s metaphysics and psychology. His major exposition of these subjects, the Ethics, was completed concurrently with the writing of the Tractatus theologico-politicus in the second half of the 1660s, and he referred to the Ethics, implying that it was part of the same systematic body of theory, in chapter 2 of the Tractatus politicus (1924, iii, p. 276). Only from the Ethics do we learn just how radically different Spinoza’s metaphysics were from Hobbes’, and therefore
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how completely his theory of reason and his theory of human liberty differed from Hobbes’ too.

In Spinoza’s metaphysics, all reality is comprehended in God, who is the only substance, that is, the only absolutely self-subsistent being. God is knowable through an infinite number of ‘attributes’, of which only two are actually known to us: extension and thought. A human body is a ‘mode’ (i.e. a modification, a particular entity) of extension, and a human mind is a mode of thought. There is a strict parallelism between these modes of different attributes: neither can act causally on the other, but each is an expression (in a completely different dimension, so to speak) of the same component of the divine substance. Thus a human mind is the ‘idea of’ a human body; the development of the mind and the development of the body will consist of the same development being manifested in different forms.

Physical bodies exist in an order of causes; thought exists in an order of reasons or implications. The human mind, being the idea of the human body, contains the ideas of the experiences which the body undergoes. If the mind fails to understand these ideas ‘adequately’ (that is, if it fails to recognise the way in which each is implicitly part of the whole system of the divine substance) then it experiences an impairment of power, a passive emotion, or ‘passion’ (e.g. fear). But if the cause or reason is understood adequately by the mind, then the mind is exercising and enlarging its power of action, and the passion is transformed into an active emotion (e.g. love). All active emotions are ultimately forms of the love of God, because they derive from acts of understanding which involve relating particular things to the totality of things, which is God. The more active the mind is – the more, in other words, it ‘contains’ the causes of its action within itself – the more free it is. Spinoza is a classic exponent of the rationalist theory of freedom (cf. TP II.7), and therefore lies at the opposite pole from Hobbes’ view of freedom as the absence of impediment.

In Part IV of the Ethics Spinoza explains that while passions are individual and particularising, reason is universal and harmonising. ‘Men can be opposed to each other insofar as they are afflicted with emotions which are passions’ (prop. 34, 1924, II, p. 231); ‘men necessarily agree with one another insofar as they live according to the dictates of reason’ (prop. 35, dem., 1924, II, p. 233). This ‘agreement’ is a real harmonising and converging of minds, not just an attitude of liberal non-interference: as Spinoza wrote in his early Short Treatise, if I teach knowledge and the love of God to my neighbours, ‘it brings forth the same desire in them that there
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is in me, so that their will and mine become one and the same, constituting one and the same nature, always agreeing about everything' (xxvi.4, 1924, i, p. 112).

Although in his metaphysics he rejected teleology in the strict sense, Spinoza's account of reason as the defining feature of the 'human essence' gives rise to a quasi-teleological scale of values for mankind: man fulfils his nature more fully when he acts rationally. Such a theory could not be further removed from Hobbes' view, in which reason is simply the servant of the desires. Even the apparent agreement between the two writers on the primacy of self-preservation is removed by Spinoza's argument that a man's true self, his 'power of acting', is his reason (Ethics, part 4, prop. 52, dem., 1924, ii, p. 248).

The aim of Spinoza's state is to make men rational and free. 'When I say that the best state is one in which men live harmoniously together, I mean a form of life . . . which is defined above all by reason, the true virtue and life of the mind' (TP, v.5, 1924, iii, p. 296). Spinoza recognises that the state must be constructed to contain those who are not predominantly rational and virtuous; but the state can aim gradually to mould its citizens into a more rational kind of existence by imposing rational laws on them. In very general terms, we might say that the history of republicanism in political philosophy presents two fundamentally different defences of republican government. There is a mechanistic type of theory, which sees the construction of a republic as the solution to the problem of organising and balancing a mass of conflicting individual forces; and there is the rationalist-idealist type of theory, which believes that in a republic men are freed from the corrupting ties of dependence on or subjection to personal authority, and are enabled to participate most fully as rational beings in the rationality of the state and its laws. Spinoza manages to combine both types of theory in a single system: that is the distinction, and the ambiguity, of his achievement.