SPINOZA'S POLITICAL REALISM

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Abstract

In this dissertation, I argue that Benedict de Spinoza advocates a distinctive realist approach to political theory. Spinoza rejects the political theory of all previous philosophers as utopian fantasy that could never have practical application. (TP 1.1) However, it has been less clear what precisely he means by practicality, and correspondingly, what precisely his non-utopian alternative might be. I argue that Spinozist realism offers a normative vision of social life supported by an account of the conditions under which the desired sociable conduct can sustainably be brought about. It is thus a species of normative political philosophy, but one which imposes a restriction on permissible ideals: it admits only those ideals that are possible, in the sense that their enduring functioning is sociologically plausible, given what we know about the determinate causes of human behaviour. In practice, this means that political theory needs to be concerned with the concrete economic, political, and cultural incentives and pressures on citizenly sociability, rather than simply defining and calling for that sociability and condemning its absence. Indeed, Spinoza lives up to this requirement by offering detailed institutional proposals for free political orders. In this way, Spinoza's realism links up with an older republican tradition which identifies good political orders and laws as the cause of citizenly virtue, and explains citizens' corruption not as sin, but as the result of poor institutional design. Through detailed engagement with the arguments of Spinoza's texts and those of his contemporary Thomas Hobbes, I demonstrate that Spinozist realism excludes both certain authoritarian ideals of politics and certain radical liberatory ideals. What emerges is a realism which is not bound to
cynicism or to a pessimistic view of human nature; rather, it is keenly interested in the complex pathways by which a better or worse human nature is brought about.
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Prior Publication and Presentation

A slightly modified version of Chapter Four has appeared as Sandra Field, (2012) 'Democracy and the multitude: Spinoza against Negri', *Theoria: A Journal of Social and Political Theory*, 59 (131), 21-40. I also greatly benefited from presenting material from chapters of the dissertation in various fora:

Chapter One at the Social Ontology and Collective Intentionality Workshop, Macquarie University, 2012; at 'Perspectives on Power', University of Queensland, 2011; at the American Political Science Association 2011 Annual Meeting, Seattle; at the New York City Workshop in Early Modern Philosophy, Fordham University, 2011; and at the University Center for Human Values Graduate Prize Fellow Seminar, 2009.

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Chapter Three at the 2011 Quebec Seminar in Early Modern Philosophy, Sherbrooke, Quebec; and at the Northeastern Political Science Association 2010 Annual Meeting, Boston.

Chapter Four at the Association for Political Theory 2011 Annual Meeting, University of Notre Dame; at the Australasian Association of Philosophy 2011 Annual Conference, University of Otago; and at the Radical Democracy Conference, The New School and Columbia University, 2011.
Abbreviations and conventions

I make use of the following abbreviations:

B = Hobbes, *Behemoth*
DC = Hobbes, *De Cive*
E = Spinoza, *Ethics*
EL = Hobbes, *Elements of Law*
L = Hobbes, *Leviathan*
PL = Rawls, *Political Liberalism*
PR = Rawls, 'The idea of public reason revisited'
TJ = Rawls, *A theory of justice*
TP = Spinoza, *Political Treatise*
TTP = Spinoza, *Theological-Political Treatise*

Full references for these texts are listed in the Bibliography.

I tread a middle path with respect to gendered language. For the sake of exegetical clarity I make some concession to the original gendered early modern terminology (for instance, retaining Hobbes's 'science of man'). However, in my own analysis, I reformulate the arguments in gender neutral terms. Regarding Hobbes, the case for this reformulation is clear: his conceptual analysis is to a remarkable degree ungendered, particularly by comparison with other canonical figures from the history of political thought (for instance, consider his refusal to naturalise the authority of men over women, L xx.4-5). Spinoza's credentials on this point are more equivocal; nonetheless, I do not believe that the specific arguments on which I focus in this dissertation rely
essentially on the gendered language in which they are phrased. For a discussion of gender in Spinoza, see Moira Gatens, ed. (2009), *Feminist interpretations of Benedict Spinoza* (University Park, Pennsylvania: Pennsylvania State University Press).
Introduction

In this dissertation, I argue that Benedict de Spinoza advocates a distinctive realist approach to political theory. Spinoza rejects the political theory of all previous philosophers as utopian fantasy that could never have practical application. (TP 1.1) However, it has been less clear what precisely he means by practicality, and correspondingly, what precisely his non-utopian alternative might be. I argue that Spinozist realism offers a normative vision of social life supported by an account of the conditions under which the desired sociable conduct can sustainably be brought about. It is thus a species of normative political philosophy, but one which imposes a restriction on permissible ideals: it admits only those ideals that are possible, in the sense that their enduring\(^1\) functioning is sociologically plausible, given what we know about the determinate causes of human behaviour.\(^2\) In practice, this means that political theory needs to be concerned with the concrete economic, political, and cultural incentives and pressures on citizenly sociability, rather than simply defining and calling for that sociability and condemning its absence. Indeed, Spinoza lives up to this requirement by offering detailed institutional proposals for free political orders. In this way, Spinoza's realism links up with an older republican tradition which identifies good political orders.

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\(^{1}\) This requirement should not be misunderstood: nothing in politics is perfectly durable; what realism requires is moderate resilience to changes in circumstances.

\(^{2}\) I acknowledge the anachronism of applying the word 'sociological' to a concept drawn from an early modern context. However, it is not anachronistic to attribute to certain early modern philosophers a preoccupation with the determinate causes of human action; and this is all that my use of the term is intended to convey. I also do not mean narrowly to specify the discipline of sociology, nor to exclude forms of causation in nutrition, natural environment, etc. Rather, sociological plausibility appeals to the empirical human sciences in general and is contrasted with an understanding of human action as free and uncaused.
and laws as the cause of citizenly virtue, and explains citizens' corruption not as sin, but as the result of poor institutional design. Spinozist realism takes seriously the divisive and hostile passions that grip democratic polities, but the challenge is not to blame existing human vice nor to praise the sought-after virtue, but instead to grasp the determinate causes of each. Having achieved this understanding of causes, political theory can explore the real possibility of transformation of human behaviour in a more sociable direction.

The primary contribution of this dissertation is textual, offering an interpretation of Spinoza's political philosophy and of elements of the philosophy of his predecessor Thomas Hobbes. At the same time, the themes of realism and power central to this exegesis find obvious resonance with some concerns of contemporary political theory. In recent polemics, self-described realists such as Geuss and Williams have attacked the genre of political theory exemplified by the work of John Rawls, which they call political moralism or an 'ethics-first' approach to politics. They characterise their own political realisms as fundamentally methodologically different to political moralism. Whereas political moralism proceeds first and foremost by posing ideals of politics, each in their own way Geuss and Williams avoid advancing norms or ideals: preferring instead to

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foreground reflection on the historical circumstances and power relations which give rise
to the normative frames through which people actually understand their social existence.\(^5\)

Nonetheless, Spinozist realism is not a mere precursor of contemporary realism in
political theory, but a distinct conception; indeed, I suggest that Spinozist realism might
prove more acceptable to contemporary normative theorists than the realisms of Geuss
and Williams. For the Spinozist conception of realism that I advance is not concerned to
attack or reject political moralism; indeed, it might be considered a species of that
moralism, insofar as it unabashedly advances morally argued ideals. It is realist only in
the narrower sense that it advocates limiting the normative ambition of political ideals by
a conception of the politically possible. Normative theorists might still be suspicious,
wondering what justifies such a limitation. If the possibility requirement amounts to a
requirement to take human behaviour and passions as they are, then it unduly reifies the
status quo; but will not the determination of the boundaries for a more permissive concept
of possibility be deeply politically contested? Is it not better for normative theory to
eschew any restrictive conception of possibility and instead focus simply on establishing
compelling normative arguments for its ideals?\(^6\)

I claim Spinoza's political realism outlines a conception of political possibility to
which normative theorists might productively agree to limit themselves, even if the
precise extension of this conception remains to some degree contested. Human
behaviour and passions have their determinate causes, which are in principle knowable,
and Spinozist political possibility is defined by this knowledge. This knowledge is

\(^5\) Geuss, *Philosophy and real politics*, 9-18; Williams, *In the beginning was the deed*, 3-17.

\(^6\) Such an objection is raised by David Estlund; I consider it in detail in my Epilogue.
largely social scientific in character, and will include knowledge of the springs of human action in general, but also more specifically the determinate effects of certain institutions and laws. Such a conception of possibility neither settles for the status quo, but nor does it stretch indefinitely. On the one hand, better behaviour and more sociable passions than those we currently witness might come about under certain conditions. A political model is realist even if it poses an ambitious picture of human behaviour, so long as it can provide an account of the causal forces which would durably give rise to the behaviour it envisages. Furthermore, recognising that social scientific knowledge is to some degree contested and incomplete (particularly regarding forms of social organisation that have not yet been experienced), to that same degree there remains scope for a realist to advance an ideal which rests on a controversial account of sociological plausibility. But on the other hand, given that humans are part of the order of natural causes, they cannot simply choose to exempt themselves from the causal pressures to which they are subject. When the functioning and continuation of the modelled political order relies on behaviour which, even if it lies within human capacity in some abstract sense, is not sociologically plausible, given the proposed institutions and laws, it counts as perniciously utopian.\cite{footnote}

Taking both these points seriously, Spinozist realism thus offers a middle road for normative theory, neither reifying the present state of affairs nor allowing unfettered speculation on what humans might achieve.

\footnote{I grant that there may be other kinds of utopianism arising from false assumptions regarding aspects of the political model other than the causality behind human action; for instance, an assumption of non-scarcity of resources. However, this dissertation's primary concern is the utopianism arising from this particular manner of treating human action.}
In this dissertation, I establish the Spinozist conception of realism through detailed engagement with the arguments of Hobbes's and Spinoza's texts. I demonstrate that Spinozist realism excludes both certain authoritarian ideals of politics and certain radical liberatory ideals. What emerges is a realism which is not bound to cynicism or to a pessimistic view of human nature; rather, it is keenly interested in the complex pathways by which a better or worse human nature is brought about.

I should note a limitation on the scope of my argument. The concept of realism at stake in this dissertation is a view regarding the proper content and methodology of political philosophy. It has no necessary correlation with either metaethical realism (a philosophical view regarding the metaphysical status of moral facts) or realism in international relations (a social scientific view regarding the proper modelling of international actors' motives). As it happens, I would suggest that Spinozist realism in political philosophy rejects both metaethical realism (for the error of reading human purposes into nature) and realism in international relations (for adopting an unduly narrow conception of motives for action); however, the truth of this suggestion is inessential to the argument of this dissertation, and correspondingly I do not devote any space to defending it.

The political writings of Thomas Hobbes serve as a starting point for this dissertation's argument. Hobbes's political philosophy, much more familiar to Anglophone political theorists than that of Spinoza, is notoriously anti-utopian. Furthermore, Hobbes is one of the most important theoretical influences on Spinoza's political writings. In Chapter 1, I use Hobbes's political theory to provide an initial approximation of Spinozist realism; in particular, to demonstrate the kind of exploration
of the causes of human behaviour required to establish a political model's sociological plausibility. I argue that realism requires a careful distinction between political power as authority and political power as effective capacity; only if a model of politics can account for its effective capacity to function can it be considered possible in the sense realism requires.

I establish these points by periodising Hobbes's political texts. In both early and late texts, Hobbes supplements his absolutist ideal of political right and authority with an account of how sovereigns might have the effective power that the ideal requires: in this sense he is consistently realist in aspiration. However, I argue that his initial effort is vitiated by an untenably stylised understanding of the determinate causes of human behaviour. The early account of human behaviour is just as neat and clean as the ideal of right that it supports. But showing an ideal's sustainability requires not merely juridical demonstration, but a complex sociological argument. In later works, he offers a radical rethinking of the nature of power, both of human individuals and of political bodies, giving central place to the complexity and unruly dynamics of each: having a stable degree of power now figures as a difficult and valuable achievement rather than an easily presumed starting point, requiring nuanced and prudent rule by the sovereign.

The appeal to Hobbes as an exemplar of realism is double edged. For Hobbes has notoriously unsavoury political views: appearing to concede too readily an authoritarian solution to human unruliness, rather than holding open the hope of normative progress in human affairs. Taking Hobbes as an exemplar reinforces the suspicion that realism merely presents an unimaginative conception of political possibility which illicitly reifies the status quo and which should be resisted. By contrast, Spinoza exhibits more
appealing substantive political preferences. Indeed, his celebration of popular rule tempered by protection for free expression fits well with current values; the tenor of much recent commentary has been morally laudatory, variously finding in Spinoza a precursor of liberalism;\(^8\) the intellectual leader of a radical enlightenment;\(^9\) or the hero of the radical democratic power of the multitude against all forms of oppressive political alienation and mystification.\(^10\) If Spinoza himself can be demonstrated to be committed to what I have called Spinozist realism, then the progressive character of his political proposals shows that Spinozist realism does not necessarily lead to authoritarianism, and is compatible with normative ambition. However, it is not immediately clear that this condition is met. On the orthodox reading of Spinoza, although he may be a realist in some sense, he is certainly not a normative political theorist. Spinoza is taken to equate right with fact; his political philosophy affirms whatever actually occurs, and is unable to condemn tyranny to the extent it exists.

In Chapter 2, I argue to the contrary that Spinoza is indeed a normative political theorist. I show that it is not the case that right is coextensive with fact exclusively. I argue Spinoza offers a second conception of metaphysical right as the virtue of the commonwealth understood as its resilience (durability despite external changes). Spinoza argues that tyrannies tend to be unstable: correspondingly, he is able to apply his

concept of right as virtue to deny right to tyrannies, whether in fact they are short lived, or whether despite their internal weakness they manage to endure because they are propped up by external forces. Even so, this account still appears to leave an unacceptable loophole: in extreme circumstances, he concedes tyranny may be well enough arranged to achieved resilience; in this case, are they granted right? However, I show that Spinoza addresses this case also. I argue that the normative standard of political right that he advocates is a fictive standard: it is, to be sure, constructed from the metaphysical conception of virtue as resilience, but selectively so; it is not identical to that conception. In particular, the normative standard sanctions only those metaphysically virtuous commonwealths that also advance human flourishing; in this way Spinoza is able to deny right even to resilient tyrannies. Thus Spinoza's political philosophy stands firmly within the critical normative tradition, distinguishing between good and bad political forms. I argue that Spinoza's normative theory is also realist because the resilience which his norms require can be demonstrated only by providing an account of the determinate causes of human behaviour; a model may not rest on any stipulated or demanded good behaviour of subjects, but needs to account for how this might come about.

Having established (Chapter 1) that the determinate causes of human behaviour are complex, and that correspondingly so too is the kind of rule required for a political order to be stable; and having established (Chapter 2) that Spinoza offers a framework for approaching politics that is both normative and realist, requiring that political ideals provide an account of the determinate causes of their own functioning; I now turn
(Chapters 3 and 4) to determine what kind of restriction of concrete ideals of politics Spinozist realism turns out to impose.

In Chapter 3, against a common view that would contrast Hobbes's model of politics sharply with Spinoza's, I argue that the ideals advanced in Spinoza's *Theological-Political Treatise* (TTP) are very similar to those of Hobbes. Rather, I identify the striking contrast to lie between Spinoza's two political texts, TTP and the later *Political Treatise* (TP): I argue that whereas TTP advocates a largely Hobbesian absolutist institutional structure that refuses formal institutional mediation of sovereign's power, TP rejects absolutism in favour of what I will come to call an institutionally mediated model. The change between Spinoza's texts is striking because, within the theory of absolutism, the distinction between absolutist and non-absolutist models of politics is fundamental, and it is claimed that no non-absolutist model can resiliently secure peace; consequently, non-absolutist models are condemned as unrealistic.

I argue that the absolutists' judgement is mistaken: TP's institutionally mediated model of political order better satisfies the realist requirement and so must be taken to be superior. The changed assessment of the respective realist credentials of the two models follows on Spinoza identifying two errors of absolutism. First, realism requires that all parts of the political model be scrutinised to check that the sociological pressures upon them will lead them to behave as they ought; but sometimes attempts at realism inadvertently exempt one part of the order from this scrutiny. Absolutism takes great effort to show that the sovereign may have control of its subjects' powers, but it does not account for its disposition to deploy these powers in the appropriate way. Second, realism's conception of possibility in principle allows a variety of patterns of human
desire and motivation; for a sociological perspective notes that desire and motivation are largely a product of lived experience and may vary accordingly. Absolutism mistakes humans' inability to coordinate peacefully around rule of law for a fixed element of the human condition, when this inability is in fact a product of specific institutional pressures.

Only a brief indirect discussion of democracy is provided in my Chapter 3, because the relevant chapter of TP was incomplete at the time of Spinoza's death. I suggest nonetheless that a Spinozist democracy would feature the same institutional mediation as a Spinozist aristocracy or monarchy. However, this suggestion conflicts with one of the most dominant contemporary interpretations of Spinoza's democratic theory. Antonio Negri offers a substantively different view on the question of democracy, and also interprets the normative structure of Spinoza's philosophy in a fundamentally different way. Negri grants that institutional mediation may well be appropriate for aristocracies or monarchies, but only because they are inherently imperfect regimes; by contrast, democracy operates according to a different logic. He argues that Spinoza promotes a democracy of the multitude, which is a democracy which eschews not only the non-absolutist institutional mediation, but even holds itself at a distance from the institutions of absolutist democracy (direct democratic institutions). Furthermore, this argument rests upon a reading of Spinoza's normative theory that, far from emphasising (as I do) the pedestrian deliverances of social science, instead appeals to some combination of a historical teleology and an inspired eschatology.

In Chapter 4, I argue that Negri's view is viciously utopian and is grounded on a grave misreading of the texts. Negri proposes that any political institution constitutes an
external pressure on the multitude; only the preinstitutional multitude acts from its own nature, and it is this preinstitutional multitude to which Negri attributes right. Left to its own devices, this multitude spontaneously progresses towards sociability. But I argue on Spinozist grounds that it is possible for an individual to harbour tendencies contrary to its own nature within itself, and correspondingly that there is nothing necessarily democratic, equal or non-hierarchical about human relations considered apart from institutional constraint. It is necessary to determine the conditions of resilient sociable human coexistence; if the ideal is existence as a society of non-hierarchical equals, then the theorist needs to investigate how this can be brought about. The solution is institutional, and moreover, for Spinoza these institutions will not be the institutions of direct democracy alone.

Chapters 1 through 4 thus argue that Spinoza requires realistic ideals, and that this requirement favours institutionally mediated forms of politics rather than absolutism. In my final chapter, Chapter 5, I consider the challenge to my view posed by rhetorical readings of Spinoza's texts. Rhetorical readings draw attention to a consideration largely omitted from my exegesis to this point: words are part of the determinate causes of human behaviour. Incorporating this observation threatens my thesis in two respects. First, if rhetoric persuades subjects to do their duty and obey, then might this overcome the weaknesses that I identified in the absolutist model of politics? Second, might Spinoza endorse the rhetorical promulgation of ideals of politics which have false content but which nonetheless motivate good conduct? That is, might his realism not pose the restriction on the content of ideals after all? Against these suggestions, I argue that the focus on rhetoric in no way undermines my thesis. I show that for Spinoza rhetoric has
little independent causal power; it functions only in tandem with concrete aspects of the political order. Rhetoric can serve some marginal stabilising role, but it cannot compensate for grave problems of political structure. This point applies not only to absolutism, but also to contemporary conceptions of democracy which hope to remedy the problems in democratic life by appeal to the multitude's capacity for mutual persuasion towards reason. Furthermore, whilst Spinoza recognises the disruptive force of rhetoric denouncing injustice, even and especially when it does not articulate a realistic ideal, he argues that politics requires not merely disruption but consolidation of progressive gains; and here a realistic model will again be required.

The primary effort of the dissertation is devoted to providing a compelling interpretation of Spinoza's political philosophy as realist in the specific sense I have laid out, and to showing the ramifications of such a conception of realism. However, the interest of this demonstration lies not merely in achieving fidelity to Spinoza's historical texts: as foreshadowed, the issues on which I focus in Spinoza bear a relation to the concerns of contemporary political theory. In my Epilogue, I bolster my suggestion that contemporary normative theorists might productively recognise realist constraints on their theory by showing that John Rawls himself, exemplar of contemporary ideal theory, is consistently driven to restrain his theorising by considerations of sociological plausibility, or in his words, of stability.

Spinozist realism allows that political theory might productively advance normative ideals, but it understands any widespread failure to live up to these ideals not as sin but as an indicator of bad institutional design. Such an approach to political ideals runs contrary to the humanism prevalent in political theory. Political theory often tends
to be humanist in the sense that it addresses individuals as moral subjects, capable of choice, as if they are unconstrained by the order of natural causes to which they are subject. On the Spinozist view, certainly, it is important to respect individuals as equal moral subjects. But this equality of reasonable subjects can be jeopardised by a political order which inflames hateful passions and renders subjects disinclined to engage morally with one another. The challenge is to determine the conditions under which sociable and moral dispositions can be brought about.
Chapter 1

Hobbesian political realism: the complexity of power

Thomas Hobbes has been hailed as the author of the greatest political philosophy written in the English language\(^1\), and indeed as the philosopher of power *par excellence.*\(^2\)

His science of politics revolves around an analysis of the power of the political sovereign: in Hobbes's view, a peaceful political order can be sustained only if full power is vested in a sovereign to keep unruly subjects in awe. To think otherwise is to enter into a utopian fantasy whereby sociable behaviour can subsist on the basis of moral intentions and agreements alone. In offering his unsentimental picture of the human conditions leading to an equally unflinching model of politics, Hobbes is perhaps the best-known proponent of a realist approach to political philosophy in the early modern period. He is also a prime influence on Spinoza's political philosophy, who we know owned a copy of *De Cive* (DC) and most likely had access to early Latin translations of *Leviathan* (L).\(^3\)

His work provides a provisional exemplar of the Spinozist realism that I will argue finds its full development in Spinoza's political writings.

Despite the centrality of power to his philosophy, I argue that conceptualising political power is a problem for Hobbes. He understands the sovereign's power as the combined powers of its subjects, to which the sovereign is entitled by the authorisation of the founding covenant. Of course from a realist point of view, it is not enough to defend

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Hobbesian political realism: the complexity of power

a doctrine of the authorised power of the sovereign; such a doctrine must be complemented by an account of how this authority becomes effective. However, on Hobbes's initial view, this is trivial: the threat of sovereign punishment is presumed sufficient to bring subjects to hand over their power (to obey). But I argue that Hobbes comes to see that his early formalised sketch of effective power rests on an untenably stylised account of subjects' behaviour. Hobbes's later *Leviathan* (L) takes significant steps to correct his earlier texts' preoccupation with power as entitlement and neglect of effective power, developing a sophisticated theory of effective power in its own right. I show that on the later view, individual subjects' power is not something of which they have stable possession, but is rather a product of their social context; their actual behaviour, shaped by pursuit of this power, systematically gives rise to informal power blocs of allegiance; and in the face of such informal powers, the sovereign's punitive threat does not necessarily provide a sufficient incentive for subjects to obey. It follows that the sovereign's own effective power is also not a stable object of possession, neatly and durably secured by a punitive threat, but is something that requires constant cultivation, and that may be subject to severe fluctuations. For the sovereign to have effective power commensurate to its entitlement becomes a fragile and difficult achievement.

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4 In an influential paper, Hoekstra explores the sense in which the possession of *potentia* gives rise to *potestas/imperium*; he does not explore the reverse problem, of how *potentia* adequate to *potestas* might be achieved. Kinch Hoekstra (2004), 'The *de facto* turn in Hobbes's political philosophy', in Tom Sorell and Luc Foisneau (eds.), *Leviathan after 350 years* (Oxford: Clarendon), 33-5.

5 For the purposes of this chapter, I consider Hobbes's early political works to be EL (1640) and DC (1642), and his late political works to be L, both the English (1651) and Latin (1668) editions.
In narrow terms, the consequence of this analysis is to point to the inadequacy of the prevalent juridical\(^6\) accounts of Hobbes's political philosophy.\(^7\) However, there is also a larger lesson for this dissertation's reflection on realism. There is nothing in principle wrong with posing a juridical ideal of politics, but to demonstrate any such ideal's realist credentials will require serious and detailed attention to effective power, to show that it is possible for effective power commensurate to entitled power to be sustained. The demonstration cannot rest content with a cursory gesture towards punitive enforcement, but rather needs to take into consideration the determinate causes of human behaviour in the social domain. This requirement renders realist political theory necessarily more messy: it becomes a question of detailed sociological mechanisms, of differential incentives, of more and less rational passions. Hobbes does provide a provisional exemplar of realist political philosophy for this dissertation, but only insofar as in his later texts he takes on board this complex question of the actual determination of human conduct and power.

\(^6\) I use 'juridical' in a general sense to mean concerned with power as authority, not in a more specific sense to mean concerned with law, positive or otherwise.

I have seen fit to devote such space to Hobbes's early treatment of political power even as I argue it is inadequate and promptly superseded in Hobbes's later work, because I believe the naivete or blitheness that characterises his early view is also frequently displayed in less careful present-day discussions of politics. For instance, contemporary constitutionalism tends to grasp the power of a particular branch of government or of a church as that power which it is attributed to it legally, via explicit constitutional provision; to the neglect of the question of its effective power. The disparity between these terms is particularly stark when the USA and the UK are juxtaposed: the fact of the establishment of a church in the UK and the explicit anti-establishment principle in the US constitution do not go very far in illuminating the actual ascendancy of religion in politics in the two countries. A properly realist approach must move beyond an analysis of politics merely in terms of the effects and outcomes that are attributed, entitled, intended, or rationally modelled to occur; it needs to probe whether and to what extent the actual patterns power and causality diverge from these stipulations.

§1

In this first part of the chapter, I reconstruct not only Hobbes's doctrine of sovereign power, but also its grounding in a conception of the power of the individual, as it appears in his early political works *The Elements of Law* (EL) and *De Cive* (DC), establishing three points in particular. First, individual human power is conceived as faculties; second, the only politically salient way in which these powers are combined is via a formal covenant; and third, the power of the sovereign is the result of such a covenant. Hobbes's arguments in his later works will implicitly repudiate all three points,
and correspondingly construct a new account of power more adequate to understanding the actual functioning of the political order.

§1.1

In his early texts, Hobbes frequently uses the term power interchangeably with faculties. (EL I.1.4, I.14.1) A human individual's power is 'the faculties of body and mind, [...] that is to say, of the body, nutritive, generative, and motive; and of the mind, knowledge.' (EL I.8.4) This is not implausible: in common usage power means something like the capacity to do things, and faculties are nothing but the specific capacities belonging to me by which I can do things. However, Hobbes very promptly moves on to make a broader use of the term power, extending it to encompass what I call secondary powers:

such farther powers, as by them [the faculties of body and mind] are acquired (viz.) riches, place of authority, friendship or favour, and good fortune; which last is really nothing else but the favour of God Almighty. (EL I.8.4)

This extension also remains plausible: many things that I do are done not directly with my natural faculties, but through the mediation of these secondary powers. If I have friends or riches, then it will be easier for me to bring about whatever I want to achieve. But are secondary powers powers in the proper sense? I claim to the contrary, Hobbes's

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8 For this argument, I focus primarily on EL. DC offers only a compressed overview of a science of man, deferring full treatment to De Homine (Thomas Hobbes (1972), 'On Man', in Bernard Gert (ed.), Man and Citizen (Garden City, N.Y.: Anchor Books), 33-87; Latin text in Hobbes and Molesworth, Thomæ Hobbes Malmesburiensis Opera philosophica quæ latine scripta omnia, Vol. II). However, by my periodisation, De Homine is a later text (post-L), and consequently not relevant for establishing Hobbes's early view.

9 DC states that human nature consists in these faculties. (DC I.1)

10 Numerous commentators take the view that they are. M. M. Goldsmith (1966), Hobbes's science of politics (New York: Columbia University Press), 66-71; Barry
analysis of power always privileges natural faculties, conceiving power as the causal potentiality proper and internal to an individual. Even if Hobbes recognises secondary powers to be crucially important in human life, they are powers only in a derivative sense, as the conduits for or indicators of faculties.\textsuperscript{11} I demonstrate this claim by considering Hobbes's accounts of equality, honour and glory.

If secondary powers are powers in the proper sense, then they must factor into the assessment of an individual's power. However, to the contrary, when arguing that people are more or less equal in power, Hobbes does not see it necessary to demonstrate that people's secondary powers, such as the assistance and favour they receive, are equal. Rather, the equality of power is established merely by considering equality in faculties: strength, wit, and knowledge. Correspondingly, the true measure of any inequality of power that does exist is determined not through comparison of secondary powers, but through the clash of bodily strength. (EL I.14.1-5; DC i.3-4, i.6)

\textsuperscript{11} Whilst most of DC aligns with this analysis, the third theological part does not, aligning more closely with the analysis of the later texts. (Contrast for instance DC i.2-3 with DC xv.13)
Honour is the internal conception of the superiority of another person's power.\textsuperscript{12} The signs\textsuperscript{13} by which power or its excess above that of others can be recognised are called honourable. They include not only the direct effects of a power, but also effects at several causal steps away from that power, by which its existence is indirectly inferred. For instance, 'general reputation amongst those of the other sex' is honourable as a sign directly consequent of 'power generative'; boldness is honourable via a more indirect signification: it is 'a sign consequent of opinion of our own strength: and that opinion a sign of the strength itself'. (EL I.8.5) If secondary powers are powers in the proper sense, then their superiority should merit honour, even without reference to faculties. However, to the contrary whenever Hobbes proposes superiority of secondary powers to be honourable, he takes care to trace the chain of signification back to an individual's possession of a faculty. Riches are honourable, not because they themselves are power, but 'as signs of the power that acquired them'; authority is honourable, not because it itself is a power, but 'because a sign of strength, wisdom, favour or riches by which it is attained.' (EL I.8.5) Hobbes doesn't discuss friendship \textit{per se}, but he does analyse some attributes thereof, again reducing them back to faculties: persuasiveness is honourable, as a sign of knowledge; 'general reputation amongst those of the other sex' is honourable, as a sign of bodily vigour. (EL I.8.5)

\textsuperscript{12} This could be superiority compared to the power of the beholder, but it could equally be superiority compared to the average. For instance, a powerful individual can honour their subordinate by praising them. (EL I.8.6)

\textsuperscript{13} A sign is a thing which a person has experienced as regularly occurring antecedent or consequent to something else, which they conjecture will occur in this combination again in the future. (EL I.4.9-10)
If secondary powers are powers in the proper sense, then it is not vain to glory in them. Glory,
or internal gloriation or triumph of the mind, is that passion which proceedeth from the imagination or conception of our own power, above the power of him that contendeth with us. (EL I.9.1)

A person has reason to glory when their feeling of superiority of power is grounded in reality, whereas vainglory is the feeling without the real power. However, Hobbes directly denies that association with others gives rise to justifiable glory. ‘[N]or does association with others increase one's reason for glorying in oneself, since a man is worth as much as he can do without relying on anyone else.’ (DC i.2) Similarly, Hobbes insists that reliance on fame to achieve glory indicates a lack of power. (EL I.9.20) In both cases, the secondary power (association, or the deference and assistance of those who recognise one's fame) is not by itself reason for glory; in other words, it is not a power in the proper sense.

Thus, despite the initial presentation of secondary powers as powers in their own right, they are only incorporated into the analysis insofar as they are reduced back to natural faculties: they are mere conduits for or indicators of the only things properly called powers, which are natural faculties.¹⁴ They are mere conduits for or indicators of the only things properly called powers, which are natural faculties.¹⁵

¹⁴ There are also other corroborations in the text. First, the definition of secondary powers - 'such farther powers, as by them are acquired' (EL I.8.4) - already indicates that for something to be a secondary power, it is necessary that it should have a connection to faculties. Second, Hobbes says that power is known by the actions that it produces; he does not countenance that it might be known directly, as would be the case if secondary powers such as riches and friends were themselves truly powers in their own right. (EL I.8.5)

¹⁵ Thus, Tuck is mistaken to claim that in EL and DC's view, '[p]ower is itself a matter of belief, as is shown by his [Hobbes's] discussion of the concepts of glory, false glory and vainglory'. (Tuck, 'Introduction' to DC, xxi)
In what I call the 'positionality claim', Hobbes asserts that power is intrinsically positional.

And because the power of one man resisteth and hindereth the effects of the power of another: power simply is no more, but the excess of the power of one above that of another. For equal powers oppose, destroy one another; and such their opposition is called contention. (EL I.8.4)

The analytical part of this positionality claim is reiterated and relied upon constantly throughout Hobbes's early texts. Capacities are only effective in their excess over one another; if you and I race to grab an apple, but I am faster, then I have the effective capacity to grab the apple. Your capacity, because comparatively inferior, is entirely ineffective. Hobbes elaborates this point in an extended reflection on the analogy between human life and a race. (EL I.9.21) Indeed, his definitions of glory, honour, and the honourable all involve comparison of power. However, even if the positionality claim is indisputably analytically central, there still remains a terminological question. The positionality claim proposes a new use of the word power. Power is no longer an individual's capacity (whether their faculties or also their secondary powers), but rather the excess of their capacity over the capacity of relevant others: for instance, it is the

16 Indeed, the analytical part of the positionality claim also reinforces my argument about secondary powers. Friendship is one of the key examples of secondary power. If friendship is properly a power, then it ought to be consistent with the analytical part of the positional claim, according to which if something is a power, its effectiveness lies in its excess over that of others. Indeed, it is true that if I have more friends than you, then I can achieve more of my ends. However, consider the relation not between two enemies who compare the size of their bands of friends, but rather between two friends. In friendship, two people's powers combine to generate more effective power rather than cancelling, contrary to the positional claim's requirements. Thus friendship cannot truly be a power. The same reasoning will apply for any informal association: even if such an association is included on the list of secondary powers, Hobbes's analysis shows them not to be powers in the proper sense of the word.
superiority of my strength that is a power, not the strength itself. The terminological question asks, in these early texts, is the term power used equivocally for both these meanings, or is it reserved for one or the other? In fact, the use of the term power to mean non-comparative capacity is clearly dominant in the text. To start, Hobbes frequently characterises human power as faculties, not as the comparative excess of faculties. (EL I.1.4, I.8.4, I.14.1) Furthermore, glory and honour are defined in terms of the comparative excess of power; if power already meant this comparative excess Hobbes would need instead to define glory and honour directly in terms of power. (EL I.8.5, I.9.1) Similarly, if power were already comparative, Hobbes should not speak of a situation of equal forces as a situation in which there is equal power, but rather no power at all. (EL I.14.3) Thus, throughout the text of EL, Hobbes maintains the term power for the faculties: relational comparison is crucial to understanding the outcomes of human power, but it is not built into the concept of power itself.

§1.2

A social ontology is an account of the kinds of entities that exist in the social domain. The first building block of Hobbes's early social ontology is the idea discussed in §1.1 that humans are equal in power; a fuller account can be reconstructed by considering how these equal powers can be combined. Hobbes distinguishes two possible modes of combination. On the one hand, if a number of individuals, each retaining their own distinct will, nonetheless coordinate to act towards a shared end, then this concourse of their wills is called concord, consent or consensio, forming an

association or *societas*. Their wills are temporarily aligned but remain distinct. (EL I.12.7, I.19.4; DC v.3-5) On the other hand, if a number of individuals combine their separate wills through a binding and punitively enforced covenant to form a single collective will, then this is called a union (*unio*). (EL I.12.8, I.19.6; DC v.6-7) The exemplar of a union is the political commonwealth.

In principle, human collectivities can be either mere associations or proper unions. However, I argue that mere associations have no political salience in the early texts. An association may be prompted by 'the fear of a present invader, or by the hope of a present conquest, or booty; and endureth as long as that action endureth'. (EL I.19.4) But it is impossible for such a federation to deliver lasting peace and cooperation, because any unity is rapidly eroded by 'differences of purpose and policy or by envy and rivalry'. (DC v.4) To be sure, associations of animals such as bees can be durable; but unlike animal associations, human associations are destabilised by passions of resentment and envy, by competition for scarce goods, and by disagreement on the most prudent way to pursue even ends that are shared. (EL I.19.5; DC v.5)

This dismissal of associations might seem implausible; surely we can think of many groups which are not commonwealths but which are politically significant. At the very least, there will be familial groupings which are relatively stable. At one level, Hobbes accepts this criticism: he admits that his state of nature poses the idea of humans popping up 'like mushrooms'; (DC viii.1) whereas it is more realistic to imagine a state of nature inhabited by families with children and masters with slaves. (DC ix) However,

18 Also EL I.19.6; DC v.4. Hobbes stresses the lack of community amongst humans in contrast to the social nature of animals. (EL I.19.5; DC v.5)
Hobbes shows that these allegedly overlooked collectivities themselves have the structure of a union. The canonical way in which a union comes about is by institution: there is an agreement amongst individuals to establish a sovereign over them who represents them as a single will and whom they obey. However, union can equally be formed by dominion, conquest or acquisition: an already mighty individual demands that others agree to submit. In both cases, agreement is motivated by individuals' desire for enduring security, and their fear of its disruption; but in the former they feel threatened by each other, whereas in the latter, they fear a conqueror's sword. (EL I.19.11; DC v.12) The overwhelming superiority of force of the parent over the child in a family grouping constitutes a union of this latter sort, even if the agreement is not made explicit. It amounts to an implicit covenant of submission from the child, and consequently families are in fact little commonwealths. (EL I.14.13, II.3.2, II.4.3, II.4.10; DC ix)

Thus Hobbes's social ontology envisages a thoroughly fragmented social sphere, capable of redemption only through a covenant establishing external unification in the person of a sovereign. But what is the social ontology of the political order beneath the sovereign? Hobbes grants there may well be subordinate unions, but he does not mention associations. (EL I.19.9; DC v.10) Associations appear again to be considered lacking in political salience; this view is particularly evident in Hobbes's treatment of sedition. A seditious group is any union or association that does not actively recognise the sovereign and its authority, or worse, that denies it. A discontented multitude can be seditious; (EL II.8.2) but they only constitute a real threat to the sovereign if they have 'hope of success'. Hobbes argues that this hope requires that they cease being a multitude and structure themselves as a union, consciously deciding to join together and act by a single will.
under a leader. (EL II.8.1, II.8.11; DC xii.11, xiii.13) For an informal association is not
durable enough; it will be subject to the same tendency to dissolution as in the state of
nature. The lack of concern with informal groupings is also reflected in Hobbes's
strategy for neutralising the threat to the commonwealth posed by seditious groups.
Hobbes offers rhetorical condemnation of would-be leaders of seditious unions, belittling
their claim to good judgement, (EL II.8.12-15; DC xii.10-13) and he recommends to the
sovereign that it should deploy harsh punitive measures specifically for the ambitious.
(EL II.9.7; DC xiii.12) Even though there are other factors of discontent which conduce
to unrest,\(^\text{19}\) to prevent sedition it is sufficient simply to undercut the formation of unions
by targetting their would-be leaders.

§1.3

I now turn to consider the power of the union that is the commonwealth, or what
is the same, the power of the sovereign. A natural person's power is her or his faculties; I
argue that we can understand the power of the sovereign in the same way. A
commonwealth is a union, which is characterised by its possession of a single will. This
unity of will allows Hobbes to conceive of the commonwealth as a fictional (artificial)
person. (EL I.19.6-8; DC v.6-12)\(^\text{20}\) Just as a natural person (a human individual) has
faculties, Hobbes is happy to attribute faculties to the sovereign. 'For the body politic, as
it is a fictitious body, so are the faculties and will thereof fictitious also.' (EL II.2.4)
These faculties are the faculties of the sovereign conceived in its fictional unity; and this

\(^\text{19}\) Hobbes recommends some effort to avoid discontent and bad doctrine. (EL II.9)
\(^\text{20}\) The analogy with the body of a natural person is constantly emphasised. Hobbes
speaks of the 'body politic' (EL I.19.8); the 'person civil' (EL II.1.1); the 'Order' of EL
divides the text into a study of men 'as persons natural' and men 'as a body politic'. (EL
xiv)
fictional unity is constituted by a covenant in which subjects fully transfer their powers (their faculties). Consequently, the power of the sovereign, which is its faculties, is the sum of the powers of all its subjects.

For the power [*potentia*] of the citizens is the power [*potentia*] of the commonwealth, that is, his power who holds the sovereignty [*summum ... habet imperium*] in the commonwealth. (DC xiii.2)

The natural faculties of individuals cannot literally be transferred, so instead the transfer of faculties consists in obedience to the will of the sovereign. But there are two options for understanding this unification of powers: does the power consist in the fact that subjects obey (in which case it is in principle variable), or does it consist in the obligation of the subjects to obey (in which case it is invariant)? Even though the sovereign's power comes from subjects, the sovereign's power is not variable.

Government [*imperium*] is a capacity [*potentia*], administration of government [*administratio gubernandi*] is an act [*actus*]. Power [*potentia*] is equal in every kind of commonwealth; what differs are the acts, i.e. the motions and actions of the commonwealth (DC x.16)

This invariability can be understood in light of the grounding of the conception of power in the sovereign's nature as an artificial person. The artificial person is not defined by the degree of cooperation actually achieved; such a reliance on actual convergence would characterise mere association. An artificial person has a stronger unity, bound to the juridical structure of covenant that defines it. Correspondingly, Hobbes consistently talks of the sovereign's power not as the combined faculties of individuals that it is in fact able to deploy, but as the right to those capacities: 'to transfer a man's power and strength, is no more than to lay by or relinquish his own right of resisting him to whom he so transferreth it.' (EL I.19.10) Obedience does not constitute the sovereign's power; but
rather it is an entitlement or something owed to the sovereign in virtue of that power. (EL II.1.7; DC v.11, vi.13)\(^21\)

However, Hobbes anticipates that this debt will generally be met: he stipulates the sovereign is actually able to secure the transfer of subjects' powers, because its use of fear is effective in bending their wills.

And though the will of man, being not voluntary, but the beginning of voluntary actions, is not subject to deliberation and covenant; yet when a man covenaneth to subject his will to the command of another, he obligeth himself to this, that he resign his strength and means to him, whom he covenaneth to obey; and hereby, he that is to command may by use of all their means and strength, be able by terror thereof, to frame the will of them all to unity and concord amongst themselves. (EL I.19.7, emphasis added)\(^22\)

Hobbes concedes that this bending of wills is not perfect: for he envisages that the sword of justice will be needed not only to frighten subjects away from disobedience but also to discipline them when they do disobey. (EL II.1.9-10, II.9.6) Nonetheless, for the most part actual disobedience is presumed not to be too disruptive; it will be a marginal foolhardy occurrence, not threatening the civil order.

Thus far I have discussed sovereign's power in the sense its potentia. Power as potentia is a concept shared across the natural and human domains of Hobbes's science, and has a meaning close to causal capacity. But this is not the only or primary question of political power. Traditionally, when in English one speaks of the power of a commonwealth, this corresponds to the Latin term potestas or imperium, which has the

\(^{21}\) It is incorrect to consider the potentia of sovereign in these texts as its actual effectiveness towards its ends, as do Johnston and Warrender. Johnston, The rhetoric of Leviathan, 45; Warrender, The political philosophy of Hobbes, 312-3.

\(^{22}\) See also EL II.1.6.
overtone of authorised power, or authority. Indeed, the terms sovereign, sovereignty, and sovereign power are all generally translated as *summa potestas*, or *summum imperium*, the highest *potestas* or *imperium*. Nonetheless, for Hobbes's early texts, this is a distinction which makes no practical difference. The sovereign's *potentia* is already understood as the juridical transfer of the *potentiae* of subjects, and this is simply equated with the authority power (*potestas/imperium*) of the sovereign.

This *Authority [Potestas]*, this *Right to give Commands*, consists in the fact that each of the citizens has transferred all his own force and power [*suam vim et potentiam*] to that *man* or *Assembly*. (DC v.11)

The sovereign's *summum imperium* (sovereign authority) is equivalent to its *potentia absoluta* (absolute power). (DC vi.17)

§2

Throughout his political texts, both early and late, Hobbes aspires to offer a science of politics; that is, to put the study of politics on a sure foundation. In these texts, scientific understanding is characterised in opposition to mere experience or prudence, which simply reports what has occurred or what tends to occur. (EL Epis.xv-xvi, I.1.1, I.4.1; DC Epis.4-9, Pref.4, Pref.9, Pref.18; L v.17, ix) Rather, the crucial aspect of science is good definitions. (EL I.5.4-14, I.6.4; L iv.12-13, vii.4) For instance, consider EL's opening discussion of human nature,

Man's nature is the sum of his natural faculties and powers, as the faculties of nutrition, motion, generation, sense, reason, etc. For these powers we do unanimously

24 *Idem*.
25 See also EL I.19.10; DC x.16.
call natural, and are contained in the definition of man, under these words, animal and rational. (EL I.1.4)

A good definition will contain all and only those properties and powers belonging to a given phenomenon considered in its nature, or in other words, not as an isolated particular but as an instance of a larger class. Correspondingly, scientific understanding of a given phenomenon subsumes it under a definition, legitimately abstracting away from any minor empirical aberrations. To understand a circle drawn on paper in front of me, it is important that I understand its principle (that it should be constructed by tracing out points equidistant from a given locus); it is irrelevant that it may have tiny imperfections in the way it is actually drawn. (DC Epis.5, Pref.9) Thus, a Hobbesian science of man investigates not an individual human's causal effectiveness per se, but the causality proper to her or him as laid out in a good definition of her or his nature.\(^{26}\)

Nonetheless, there are limits to this tolerance: science has to have some connection to the reality it purports to explain.\(^{27}\) As with the circle drawn on paper, it is permissible for

\(^{26}\) In this respect, Hobbes's science is similar to the scholastic method, viewing power as potentiality proper to an individual and belonging to it. Indeed, Brandt demonstrates that Hobbes's very early writings are deeply steeped in the Aristotelian system. (Frithiof Brandt (1928), *Thomas Hobbes's mechanical conception of nature* (Copenhagen: Levin & Munksgaard), 17.) As Spragens puts it, 'Hobbes's idea patterns paralleled those of Aristotle to an astonishing degree even as he drastically refashioned their contents.' (Spragens, *The politics of motion*, 8.)


\(^{27}\) In Oakeshott's view, '[Hobbes's] conception of philosophy as the establishment by reasoning of hypothetical causes saved him from the necessity of observing the caution appropriate to those who deal with facts and events.' (Oakeshott, 'Introduction' to L, xiv.) However, on my reading this is unjust.
there to be some small imperfection of the phenomenon compared to its scientific model; but this divergence must remain small if the science is to hold its own.²⁸ I argue that Hobbes's later political view in *Leviathan* finds the aberrations of social and political reality from the causality of faculties to be significant; understanding power as faculties misses the overwhelmingly social determination of the human capacity to achieve ends in the social sphere. This forces a recalibration of his science of man, his social ontology and his science of the commonwealth.²⁹ First, individual power is reconceived as a socially constituted capacity, potentially unrelated to natural faculties; second, human powers are now understood constantly to form combinations, even without covenant; and third, building on the prior two steps, the distinction emerges between the causal capacity

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²⁸ I concede that in the scholastic tradition to which Hobbes is indebted (see footnote 26), there is one circumstance under which a scientifically rigorous explanation is exempted from the requirement to accord with the actual phenomena whose nature is being explained. For Aquinas, most sciences are theoretical sciences that explain actual phenomena. By contrast, practical sciences do not even purport to do this; for human nature is fallen and so a science of human nature merely explains how humans ought to behave. (See Matheron for a concise characterisation of this distinction. Alexandre Matheron (1986), *Spinoza et la décomposition de la politique Thomiste: Machiavélisme et utopie*, *Anthropologie et Politique au XVIIe Siècle: Études sur Spinoza* (Paris: J. Vrin), 51-4.) However, this exemption does not apply to Hobbes's political works. For in these texts, first, the science of individual human power is not presented as a science of duty but as a science of real capabilities. (§1.1) And second, the divergence at issue in the case of the science of the commonwealth concerns not the divergence between the model and actually existing commonwealths, but between a commonwealth established in accord with Hobbes's model and Hobbes's claim that such a commonwealth will function peacefully. (§1.3)

²⁹ This has not been noted in existing comparisons of Hobbes's texts, such as Karl Schuhmann (2004), *Leviathan and De Cive*, in Sorell and Foisneau (eds.), *Leviathan after 350 years*, 31; Richard Tuck, 'Introduction' to CUP L, xxxviii.
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(\textit{potentia}) and the authority (\textit{potestas/imperium}) of the sovereign, where these had previously been conflated.\textsuperscript{30}

This has farreaching consequences for Hobbes's science of politics. Its juridical arguments may generate an account of right and authority, but a cursory appeal to punitive incentive is insufficient to establish the possibility that political order under such a juridical model could stably exist. The juridical model needs to be supplemented by a thoroughgoing consideration of how effective power commensurate with the juridically entitled power can be achieved, and this requires a serious engagement with the actual causes of human behaviour, in all their messiness.

\textbf{§2.1}

The phenomenon to be explained by the science of man is human behaviour; and in light of the science of commonwealth which builds upon it, we see in particular that the science of man is interested in human social and political behaviour. L observes that a person's causal effectiveness is primarily constituted by the aid or forbearance of the informal constellation of people around them. Correspondingly, rather than restrict the ground of individual power to the faculties internal to that individual, I argue that L offers a new analysis by which human power is a socially constituted and potentially shifting property.\textsuperscript{31} I make this argument primarily on the basis of L x, a recognisable descendent

\textsuperscript{30} Although in English this distinction is obscured under the single term 'power', nonetheless I am able to differentiate between the concepts even in the English texts by comparison of passages, most directly between the English and Latin L.

\textsuperscript{31} Most commentators do not discuss power/\textit{potentia} at all. The only commentators who detect a change in the analysis of power/\textit{potentia} across the texts are Rudolph, Carmichael and McNeilly. (D. J. C. Carmichael (1993), 'C. B. Macpherson's 'Hobbes': a critique', in King (ed.), \textit{Thomas Hobbes: Critical Assessments}, Vol. I, 361, 368-9; F. S. McNeilly (1968), \textit{The anatomy of Leviathan} (London:
of EL's analysis of human power. (EL I.8) The very close similarity of the two passages has concealed the deep conceptual change from most interpreters; but the closeness of the passages makes the small changes I identify more significant.\(^\text{32}\)

Where EL defined power as faculties (EL I.8.4), L opens with a definition of power that enshrines a privilege to effects:

\[
\text{The power} \ [\text{potentia}] \ \text{of a man} \ (\text{to take it universally}) \ \text{is his present means to obtain some future apparent good} \ (L \ x.1)
\]

Secondary powers also find a new definition, supplementing EL's backwards relation to faculties (EL I.8.4) with a forward relation to effects. They are now called


The following commentators do discuss power/potentia as a generalised effective capacity and observe its relational grounding. However, they err in not discerning any difference in the account across Hobbes's texts (or in some cases explicitly denying any such difference).


The two passages stand in the same place in the text, after the discussion of the passions and before the establishment of the commonwealth; the internal sequence of the analyses of power are very similar (starting with natural power, then instrumental powers, then honour); many of the same examples are used.
'instrumental' powers, and are defined as those 'which, acquired by these [natural powers] or by fortune, are means and instruments to acquire more' (L x.2, emphasis added) Because the criterion for being counted as a power points forwards to effects, not back to origins, any causal genesis for a power is acceptable: secondary powers are explicitly included in the general definition of power in equal standing with natural faculties. (L x.1)

Are secondary powers still only powers in derivative sense? To the contrary, I claim that secondary powers are now genuine powers in their own right, and this status is not dependent on any connection to natural faculties. The refusal to privilege faculties and the shift of focus to effects is systematically reflected in examples. Something is honourable if it is a sign of power. In early and late texts alike, nobility or good birth are certainly honourable: but in EL, it is by reflection as a sign of power of ancestors; (EL I.8.5) whereas in L it is a sign that one may easily obtain aid. (L x.45) Riches were previously honourable 'as signs of the power that acquired them.' (EL I.8.5); now 'riches joined with liberality is power, because it procureth friends and servants; without liberality, not so, because in this case they defend not, but expose men to envy, as a prey.' (L x.4)

The definition of power is thus conceptually different, but does it have the same extension? Might it still be the case that human faculties for the most part explain humans' causal efficacy in the social domain? Indeed, according to the account in the early texts, it so happens that secondary powers are usually only generated when there are natural faculties underlying them. If this is correct, then there is no substantive difference between the views, despite the change of definitions. Against this suggestion, I argue
that in L, Hobbes has come to see that some of the most important social and political powers rest on interpersonal effects and a near total disconnection from faculties.

Honour is the key mechanism by which an individual's secondary powers are produced from their faculties. In EL, honour is the internal conception of the superiority of another person's power, and it gives rise to certain characteristic external actions. (EL I.8.6) If I think someone else is more powerful than me, I will tend to defer to them, obey them, be polite to them. For this reason, deference, obedience, and politeness are all signs of honour. It is clear that the deference, obedience and politeness of others increase the honoured individual's capacity to achieve their ends, and indeed, this behaviour constitutes secondary power (favour and perhaps friendship) for the honoured individual. As I argued, in EL, an individual is truly worthy of honour only to the extent that they also possess power as a natural faculty. However, the honouring mechanism can malfunction, meaning that secondary powers can arise in the absence of natural faculties. If I defer to someone because I believe them to be superior in power, but I am mistaken in this assessment, my deference is no less real for its faulty grounds. In the early works, such secondary power grounded in error and not linked to faculties falls outside the scope of scientific analysis: they can be considered contingent accidents\(^{33}\) which have nothing to do with individual human power. They are secondary powers but only in a degenerate sense; and they are presumed only to be a marginal phenomenon.

\(^{33}\)This is a term from the later *De Corpore*, referring to those effects that are not related to the causality in question. (Thomas Hobbes (1656), *Elements of philosophy the first section, concerning body* (London: Printed by R. & W. Leybourn, for Andrew Crocke, at the Green Dragon in Pauls Church-yard, IX.10; Latin text in Hobbes and Molesworth, *Thomæ Hobbes Malmesburiensis Opera philosophica quæ latine scripsit omnia*, Vol. I).
The crucial question for L will be whether this kind of power not grounded in faculties is a central or a marginal phenomenon. It is certainly no longer definitionally marginal. Honour is redefined as the manifestation of the value that we set on one another's power, where value is 'not absolute, but a thing dependent on the need and judgment of another.' (L x.16-7) This redefinition removes the distinction between proper and degenerate honour, and between proper and degenerate secondary power. The internal conception motivating the honouring behaviour is no longer susceptible of truth or falsity according to some common standard; rather, it is a matter of individual judgement. Even if the honourer values something other than faculties, and even if she or he is mistaken to think that the thing he or she values is truly present, his or her behaviour is still honour and still constitutes power. Furthermore, I argue that this kind of power, where the connection to faculties is likely or certain to be lacking, is central, not merely definitionally but also substantively. It is given systematic privilege in Hobbes's examples of power; the connection to faculties is replaced by a connection to the dispositions of other humans. Reputation is only a tenuous sign of the presence of natural faculties, yet reputation is power 'because it draweth with it the adherence of those that

34 On this new definition, there is also the change that the characteristic behaviours of placating and propitiating are no longer signs of honour, but they are honour itself.

35 Strauss observes a change in the relation between honour and power, and specifically the greater role for power; but he interprets this as Hobbes's attempt to hide the humanistic moral basis of his thought. (Strauss, The political philosophy of Hobbes, 115n2, 169) On my reading, there is no such subterfuge, simply a change in the understanding of the human capacity to achieve ends, as I have argued.
need protection.' (L x.5)\textsuperscript{36} Indeed more strongly, reputation is a power even when the reputation is contrasted to fact:

what quality soever maketh a man beloved or feared of many, or the reputation of such a quality, is power (L x.7, emphasis added)\textsuperscript{37}

Even more strongly again, as is implicit in this quoted passage, the reputation needn't even be reputation of having superior faculties; it could merely be a reputation of superior secondary power. (L x.38) Thus, on the late view, power arises from a reverberation of appearances and reputations in a network of social relations: insofar as the power so generated has effects, it has full status as power.

An exemplar is provided by Hobbes's own canonical model of the commonwealth. In what sense does the sovereign by institution have the same power to enforce covenants as a conqueror? (L xvii.15) The sovereign by institution does not possess overwhelmingly superior force as a natural person. However, when soldiers, guards, judges, executioners, and subjects in general play their commanded roles in wielding the metaphorical sword of justice and do not thwart its operation, anyone seeking to disobey will be punished. But why do the soldiers, guards, judges and executioners do their part even though the sovereign does not personally have a sword to compel them? They do so because each of them believes that each other subject will uphold the command of the sovereign, including wielding its sword as commanded. This network of belief and compliance is a real power for the sovereign, no less than the direct

\textsuperscript{36} This is also foreshadowed in DC's theology, DC xv.13, although not in DC's political doctrine.

\textsuperscript{37} See also L x.5-6, 8, 10.
superior force of a conqueror. (L xvii.13) As Hobbes remarks in *Behemoth*, 'the power of the mighty hath no foundation but in the opinion and belief of the people.' (B 16)

It may be objected that only some powers are like this, but that many other powers are still non-relational faculties. However, I argue to the contrary that in L, all human power is understood interpersonally. Consider capacities which are apparently non-relational: the capacity to speak many languages, to run a four minute mile, or to understand the natural world. However, exercising any capacity in a world populated by other people relies on their conduct, perhaps their aid but at minimum their non-interference. In L, Hobbes considers science to be a small power, because even though taken by itself it enormously improves a person's capacity to manipulate the world around them to their ends, it is not *recognised* as a power. 'The sciences are small power, because not eminent, and therefore not acknowledged in any man'. (L x.14) It is little use to the scientist to have a capacity to manipulate nature if the people amongst whom the scientist lives and works thwart her activities. Superior natural faculties that might constitute great powers considered in isolated abstraction are useless in the real social world against well-developed secondary powers.

Indeed, Hobbes says it is not faculties themselves but their eminence which is power. (L x.2) Macpherson argues that the relationality inherent in this term 'eminence' is

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38 Such power, though great, can be fragile: if I suspect others are about to shift their allegiance or otherwise cease upholding the sovereign's power, then I may do so also, so as not to be aligned with a losing force. See my discussion of sedition in §2.3.

39 Is this a pointed criticism of Bacon's view of scientific knowledge as power? Knowledge may be power; but it is insignificant in the context of human existence in society.
reducible to EL's positionality claim. However, I argue that the analysis of relationality in EL is found to be inadequate and is superseded in L. According to the early texts, even if a person's power properly speaking is their natural faculties, their causal effectiveness lies in the superiority of their faculties compared to others. Two competitors race for an apple; if I am the slower runner then I don't get the apple. But speed alone will be the criterion of success only when the race is a well regulated competition in which the rules are respected. Outside of this special case, my slowness may not prevent me from gaining the apple, for perhaps I have a greater band of friends or supporters willing to help me and obstruct my competitor; or perhaps I have sufficient riches to buy the apple. When I am eminent in a natural power, that natural power is prominent or conspicuous: in other words, it is perceived by other people as being significant. I may have a great superiority in scientific knowledge, yet this superiority is not eminent and consequently not a power. Eminence thus points to the social constitution of power, a concern absent in EL. Being honoured by others assists an individual to achieve their ends, but being dishonoured can vitiate the possibility of any natural faculties from serving as a means to future apparent goods.

In L, Hobbes defines power in general terms: power is means to 'some future apparent good'. (L x.1) Hindess complains that goods are profoundly heterogeneous, and so accordingly are the means to achieve them; consequently Hobbes should not speak of

power as though it could be uniformly comparable and homogeneous. However, attending to the interpersonal context of human action reveals that neither the means nor ends of power are so heterogeneous as Hindess contends. When Hobbes asserts that there is a 'perpetual and restless desire of power after power', the ends for the sake of which the power is desired should not be understood to be miscellaneous. The desire of power arises because each 'cannot assure the power and means to live well, which he hath present, without the acquisition of more.' (L xi.2) In other words, although I may also desire linguistic capacity in case I should want to converse, grain in case I should want to farm, a lawyer in case I should want to go to court, above all I want the single thing which allows me to live well now and to be able to satisfy whatever desires may arise in the future.

But is there a single thing which supplies this general power, a single means to this general end? My preceding analysis has shown that there is: for humans living in a social world, socially constituted power constitutes a general means to future apparent goods. Allegiance, having people supporting and assisting me in my ends, is a general power because the point of allegiance is to serve the ends of the person to whom allegiance is given, whatever they may be, over an extended period of time, and thereby gain favour. 'Therefore to have servants is power; to have friends is power; for they are strengths united.' (L x.3) To be sure, allegiance is not perfectly general in its effects. A band of lawyer friends doesn't help in a street fight, nor do streetfighter friends help in court, as Hobbes readily acknowledges. (L x.16) However, this imperfection only becomes a major phenomenon when considering specific short term ends. Allegiance is

Hindess, *Discourses of power*, 24-32.
very close to a general power when it is considered with respect to the enduring fundamental human end of security and the capacity to pursue future desires unmolested. To return to L's account of riches, riches do not count as powers because they can be exchanged for specific goods: for Hobbes states that riches are only a power when combined with liberality. (L x.4) Liberality makes no difference to the capacity to carry out direct exchanges, but it does make a difference for allegiance. People desiring to advance or protect their own general power will give the possessor of riches their allegiance insofar as they hope to receive whatever unspecified assistance they may require from those riches in the future. Liberality gives rise to this hope; illiberality quashes it. (L x.4)

In sum, L jettisons the early conception of individual power as natural faculty in favour of individual power as effective capacity towards human ends. On this new account, power is neither natural faculties nor any other attribute which could be neatly accommodated as a possession of the individual: human power lies fundamentally in relations.\textsuperscript{42} In contrast to DC and EL, L finds an individual's human nature and power to lie outside of them, both physically and conceptually, in their potentially shifting and relational social context.\textsuperscript{43} Allegiance becomes the fundamental constituent of power: as such, an individual's may well fluctuate in ways beyond their control.

\textsuperscript{42} A similar argument is offered by Rudolph. Rudolph argues that from EL to L Hobbes moves from understanding appetite as a biological attribute to understanding it as socially constituted; correspondingly a move from understanding power as a drive to power as an acquired characteristic. Rudolph, 'Conflict, egoism and power in Hobbes', 73-88; Rudolph, 'The microfoundations of Hobbes's political theory', 34-52.)

\textsuperscript{43} Against Oakeshott, who claims that \textit{Leviathan's} science takes the human individual in isolation. (Oakeshott, \textit{Hobbes on civil association}, 32-4)
§2.2

Hobbes's new conception of power marks not merely a semantic or definitional change: to the contrary, I now argue that it gives rise to a substantively different social ontology. Where EL's discussion of power stressed the tendency of humans to isolation and fragmentation unless they are brought together in a formal union, now L's discussion of power brings to the fore an opposite phenomenon. Humans have a constant tendency to form associations, some of which are politically significant even though they are not bound into a union. I argue that in L's new social ontology, Hobbes envisages an active social domain from which groupings constantly emerge apart from any process of covenant, and in which inequalities are constantly generated.44

There is a curious difference in L's account of the state of nature compared to the earlier texts. Hobbes still asserts that there is a rough equality amongst humans.

Foisneau documents another respect in which L's social theory to a more relational analysis: a change from justice understood in Aristotelian terms as commutative or distributive, and injustice as tort, to justice understood as determined by a market, injustice as breach of covenant. (Luc Foisneau (2004), 'Leviathan's theory of justice', in Sorell and Foisneau (eds.), Leviathan after 350 years, 105.)

44 The new social ontology has only occasionally been noted. The work of Tarlton and Frost is truly an exception in this respect. Charles D. Tarlton (1978), 'The creation and maintenance of government: a neglected dimension of Hobbes's Leviathan', Political Studies, 26 (3), 307-27; Frost, Lessons from a materialist thinker, 131-72.

Even those who appreciate the interpersonal character of Hobbes's later conception of power tend to attribute to him a consistent social ontology of power as fragmented and isolated. (See notably Macpherson, 'Introduction' to L, 55-6; Warren Montag (1999), Bodies, masses, power : Spinoza and his contemporaries (London ; New York: Verso), 90-103.)

Macpherson complains that Hobbes doesn't anticipate the formation of cohesive classes, and that he focusses too much on centrifugal forces rather than centripetal ones. (Macpherson, 'Introduction' to Leviathan, 55-56; see also Macpherson, 'Leviathan restored', 383-5.) But in this section, although I concede Hobbes does not consider class formations, I argue that L x is very interested in centripetal forces. (In this vein, see D. J. C. Carmichael (1993), 'Reply: Macpherson versus the text of Leviathan', in King (ed.), Thomas Hobbes: Critical Assessments (Vol. I). 391.)
However, this equality is not (as previously) established simply by appeal to the rough similarity of natural faculties. To the contrary, some people are 'manifestly stronger' than others. Despite this difference of strength, Hobbes claims that equality of power may be achieved by the weak confederating to counter the strong. (L xiii.1)\(^4\) This suggests that associations are politically salient, and raises the question, might there also be associations which increase inequality rather than eliminating it?\(^5\) Is this an overreading of what is merely a slight variation of wording? The possibility that there is no real difference is suggested by Hobbes's reiteration of his view from EL and DC that informal associations are so fragile as to be politically inadequate. In L, Hobbes reasserts that humans lack community compared with animals, (L xvii.6-12) and that people in an informal association

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\text{can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another, and reduce their strength by mutual opposition to nothing; whereby they are easily, not only subdued by a very few that agree together, but also when there is no common enemy, they make war upon each other, for their particular interests. For if we could suppose a great multitude of men to consent in the observation of justice and other laws of nature without a common power to keep them all in awe, we might as well suppose all mankind to do the same; and then there neither would be, nor need to be,}
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\(\text{\textcopyright Tarlton, 'The creation and maintenance of government', 311. It is common in the literature to miss this distinction, and still to claim equality of power in the state of nature. See for instance Martinich, Hobbes, 26; Pettit, Made with words, 101-2; Read, 'Thomas Hobbes: power in the state of nature, power in civil society', 514.}\)

\(\text{\textcopyright Hobbes should perhaps have seen this problem for equality even in his earlier texts: for he acknowledges that there are families in state of nature, and different sized families will have different power. (EL II.4.2) However, Hobbes does not make any indication there of being aware of the problem, perhaps because of his methodological abstraction to individuals considered 'like mushrooms'. (DC viii.1)}\)
any civil government or commonwealth at all, because there would be peace without subjection. (L xvii.4)\(^{47}\)

I concede that for Hobbes, humans desire security to 'last all the time of their life', and this requires a formal commonwealth; any temporary association around specific momentary purposes does not serve this purpose. (L xvii.5) However, I claim that L explores a new option for association which lies between a momentary association motivated by specific goals and a formal union for the sake of permanent security. This association oriented towards mid-range goals comes about in a new fashion, which correspondingly endows it with the possibility of durability and political salience, even if not the supreme security of a permanent union.

*Leviathan*'s account of power gives systematically more emphasis to informal associations. In EL, the positionality claim pits individual against individual, and the only salient possibility of human coalition is a formal union via covenant, a topic deferred to later in the book. (EL I.8.4) By contrast, in the corresponding point in the text of L, Hobbes replaces the focus on fragmentation with aggregation.\(^{48}\) Hobbes asserts that the greatest human power is 'strengths united'; (L x.3) although one example of strengths united is a commonwealth united by sovereign covenant, he also explicitly countenances a compound of powers 'depending on the will of each particular', as for example

\(^{47}\) In a similar vein, Hobbes characterises life in the state of nature as 'solitary, poor, nasty, brutish, and short.' (L xiii.9, emphasis added.)

\(^{48}\) Both McNeilly and Carmichael observe the EL account envisages universal opposition of powers, whereas L envisages limited opposition, including the possibility of friendship groupings. (Carmichael, 'Macpherson's 'Hobbes'', 361, 368-9; McNeilly, *The anatomy of Leviathan*, 144-7.) Most other commentators consider L's social ontology to be fragmented and isolated. See for instance Hampton, *Hobbes and the social contract tradition*, 58-79; Oakeshott, 'Introduction' to L, xxxiv-xxxv; Read, 'Thomas Hobbes, Power in the state of nature, power in civil society', 514.
friendship. That is, the greatest of human powers is not only achieved by a formal union bound by a permanent covenant into a single will; rather, it can also be achieved in an informal association where wills remain separate.\footnote{In the Latin edition, the greatest (maxima) power is the formal union of wills; a federation where wills remain separate is said to be second in power (proxima). Nonetheless, the point of the English edition still holds: an informal union is a considerable power. Indeed, by contrast in the earlier texts, it was not even possible to attribute a single potentia to an association.}

In earlier texts, associations were formed by separate individuals' agreement on specific shared ends. Correspondingly, whether because those ends were superseded or because of other differences or passions, the associations tended to collapse. (§1.2) By contrast envisages an alternative and anthropologically more deeply rooted basis for association. As I argued in §2.1, individuals perpetually seek power by taking care to placate and propitiate (to honour) those whom they speculate could harm or assist their own ends. They seek to ally themselves in such a way as to advance and protect their ability to live securely and pursue their more specific ends. However, this very same behaviour has an effect which is not necessarily intended either by those honouring or those honoured: it constitutes patronage networks, security blocs, gangs of followers, and allegiance groups. In other words, the desire of power leads to the spontaneous formation of associations, superseding the rough equality of individuals with the inequality of more or less mighty groupings.\footnote{L x.5-9, x.20. x.38, x.45. Hobbes adds other more specific tendencies relevant to formation of allegiance in his chapter on manners. (L xi.4-5, x.7, x.16-18, x.27)} For instance, recall that riches are a power insofar as they garner allegiance. (§2.1) When multiple individuals offer their allegiance to the possessor of riches, an association is constituted.
Furthermore, these associations of allegiance have greater durability than associations for specific ends. The motivating desire of clients in these associations is not tied to transient specific goals, but to the perpetual goal of advancing and protecting their own general power. In consequence, the association so formed is potentially capable of motivating behaviour over an extended period of time. Consider now the factors that destabilise associations even amongst those with durably shared goals, notably envy and disagreement. These do not arise so acutely in spontaneous associations of allegiance and patronage. If I envy my partner in a cooperative enterprise and covet his or her goods, it may be impossible to continue cooperating; by contrast if I envy the wealth of my patron and covet his or her goods, I am likely nonetheless to continue to be his or her client in hope receiving some benefit. (L x.19, x.23) If I disagree with my patron's decisions but still hope to be favoured by him or her, then I have a strong reason to put my disagreement aside. (L x.28, x.30)

These kinds of association are not merely potentially stable, but they are also potentially very great powers. EL asserts the positionality claim: powers cancel out each others' effects. At the corresponding point in L, Hobbes notes the opposite phenomenon, of accumulation and increase. 'For the nature of power is in this point like to fame, increasing as it proceeds; or like the motion of heavy bodies, which, the further they go, make still the more haste.' (L x.2) The mechanism of this self-increase is social.

Allegiance is not only is a power in itself, but it is also a sign of power. As a sign of power, it attracts honour, very likely in the form of more allegiance. X has a lot of friends, so I want to be her friend; y has henchmen, so I don't want to annoy her; I heard that people plan to back z, so I back z too: in all cases the reputation of holding many
people's allegiance leads to ever more people placating and propitiating, or in other words, to a bigger and more solid social grouping. (L x.38)

To be sure, I am not claiming that these associations have a guaranteed stability. The very nature of their constitution carries a deep risk of instability: if my reason for offering my allegiance to a powerful individual or organisation is my perception of their power and the likelihood of my benefiting from it, then should that perception change, I will withdraw my allegiance. Worse, given that my estimation of that power may be largely based on the evidence I see of others' opinion of that power, if ever I suspect that others are shifting their allegiance, I will be quick to do the same. But the fact that these associations may be unstable does not prevent them from existing, and under many circumstances proving quite durable. One example that Hobbes considers at length is religious association. Religion can give rise to durable social compounds which do not rely on sovereignty or punitive covenant, although they may subsequently be captured politically. (L xii.12, 19, 20, 21, 24)

Further examples are seditious associations, and even the power of the sovereign itself, as I will show in §2.3. These associations break the former equality of power: on the new social ontology, we see a much more uneven texture of social life. Individuals are no longer largely equal in power: some have the allegiance and support of more people than others.

§2.3

In his early texts, Hobbes presumes that the sovereign's punitive incentive will be sufficient to render subjects obedient, and to bring its effective power to meet the power to which it is entitled. In this section, I argue this picture comes under pressure in his

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51 This anthropology of religious association was entirely lacking in the earlier texts.
later civil science. For the changed social ontology envisages a social sphere much less amenable to decisive unification, and consequently forces a potentially much greater gulf between the sovereign's entitled capacity and its effective capacity. I argue that in L Hobbes addreses this problem by developing a dual science of politics. Potentia now refers only to the sovereign's effective capacity and does not purport to illuminate entitled capacity; entitled capacity or authority is now considered separately under the heading of the sovereign's potestas or imperium. To be sure, the science of potestas is dominant in Hobbes's works, explaining commentators' neglect of his science of potentia.

52 I concede that Hobbes's explicit taxonomies of science do not list these separately. (Lix) However, in L the two concepts are given distinct systematic treatment, unlike the early texts where they were conflated. Malcolm argues that Hobbes equivocates between understanding cause as the consequences of names and as the consequences of facts; correspondingly he offers two sciences of man confused together. (Noel Malcolm (2002), 'Hobbes's science of politics and his theory of science', Aspects of Hobbes (Oxford: Clarendon), 155.) Against this view, I do not find confusion in Hobbes's texts; rather, I agree with Matheron in finding two complementary analyses. (Matheron, 'Spinoza et la décomposition de la politique Thomiste', 77.)

53 In this light, it is a mistake to characterise Hobbes as the exemplary opponent of constituent power, as do Montag and Kalyvas. Montag, Bodies, masses, power, 92-95; Andreas Kalyvas (2005), 'Popular sovereignty, democracy, and the constituent power', Constellations, 12 (2), 223-44. It is also an error to use analysis of DC's Latin as a guide for the terminology in L, as Silverthorne does. Silverthorne, 'Political terms in the Latin of Thomas Hobbes', 506-8.

54 Especially in DC which lacks the elements of the larger system of science of the powers of bodies.

55 Many commentators simply neglect Hobbes's account of the sovereign's capacity, attributing to Hobbes only a juridical science of potestas (only a science of what ought to occur). For instance, Martinich, Hobbes, 43-53; Pettit, Made with words, 115-140; Spragens, The politics of motion, 112-124, 151-8; Tuck, Hobbes, 64-76. However, there are several commentators who supplement their account of Hobbes's juridical science with a direct denial that he has a science of effective power. These include Goldsmith, Hobbes's science of politics, 93-214, especially 176; Hindess, Discourses of power, 35-9; Johnston, The rhetoric of Leviathan, 70, 122, 215; Montag, Bodies, masses, power, 90-103; Oakeshott, 'Introduction' to L, xxvii-xxix; Read, 'Thomas
However, the development of a distinct science of *potentia* corresponds to a new understanding of the problem of politics. The challenge for the political philosopher is not merely to establish a science of entitled power elaborated through a doctrine of right blithely assuming that effective power will readily follow; it is also necessary to understand the real determinants of effective power as systematically and precisely as possible, in order to bring that effective power to coincide with right.56

Hobbes's civil science seeks to explain the establishment and maintenance of peace and security. If the sovereign has power in accord with its entitlement (that is, if there is obedience), peace is achieved. If there is disobedience, the sovereign has less capacity than that to which it is entitled. Should there be a great deal of disobedience, the civil order degenerates into anarchy and war. Nonetheless, in the early texts civil science takes the form of a science of the sovereign's power (*potentia*) as a fictional person: an analysis of *potentia* as sovereign's faculties (its entitled capacities from subjects), and not its effective capacity. Hobbes does not offer any systematic account of the sovereign's effective capacity insofar as that may diverge from the capacities to which it is entitled.

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Rational choice readers of Hobbes also only offer an account of authority. Kavka reconstructs Hobbes's 'descriptive' theory of politics, as an account of what ideally rational agents would do. (Kavka, *Hobbesian moral and political theory*, xiii, 19-20) He then faults Hobbes for not giving an account of irrationality in his descriptive theory. (*Ibid.*, 438) But as I will argue, L's account of the sovereign's capacity power offers just such a descriptive theory; Kavka's theory lies closer to the entitled capacity theory, which is what subjects would do if they always had sufficient rationality to obey. (See also Hampton, *Hobbes and the social contract tradition*, 173-88.)

56 Frost's analysis (with which I am otherwise sympathetic) is hampered by presuming a single unified use of the English term power, and not observing its correspondence to the systematic Latin distinction between *potentia* and *potestas*. She gives an excellent account of power as capacity, but presumes this also directly accounts for the sovereign's authority or rightful power. Frost, *Lessons from a materialist thinker*, 131-72.
This is acceptable, because Hobbes claims that the sovereign will in fact have effective capacity commensurate to its right. First, he anticipates that in the face of the punitive incentive, subjects will generally hand over their power to the sovereign in accord with its right. (§1.3) Second, the threats to the sovereign's power easily identified and controlled. The social order is understood as one of flat fragmented equality of power amongst subjects, with no individual having sufficient power to challenge the sovereign. The only way in which the sovereign order is threatened is when subjects deliberately form a faction for the purpose of overthrowing the sovereign. Correspondingly, the commonwealth is secure so long as it can prevent the formation of such unions. (§1.2)

Thus although the science of the sovereign's power provides an account of sovereign's entitlement not its achievement of obedience, divergence between these two will not be too grave.

In the later view in L, there is a different and much graver threat to the commonwealth. It is posed by groupings that are mere associations, not unions, and that are not formed with seditious intent, but that simply emerge according to the spontaneous dynamics of the pursuit of power outlined in §2.2. Hobbes shows a new and persistent concern with eminent individuals, the immoderate greatness of towns, and the accumulation of treasure by monopolies or farms. (L xxii.31-2, xxvii, xxix.19, xxix.21) The presence and perpetual emergence of informal associations is newly recognised in L as a political fact to be dealt with, even though such associations fail in Hobbes's view to provide a tenable alternative to sovereign rule. This concern is further developed in

57 Johnston also finds a change in the sovereign's vulnerability: he argues the sovereign finds itself more sensitive to opinion. (Johnston, The rhetoric of Leviathan, 78-80.)
Behemoth, in which the wealth, influence, and popular support of religious groupings and great towns are identified as the matrix of England's descent into civil war. (B 3-4)

There are two reasons why these groups pose a problem, even though they are not formed for the sake of sedition. First, they provide means for sedition, if the intent does arise. In the early texts, the means of sedition are only secured after an active decision to form a faction for the purpose of sedition. In L, the means (power blocs not dependent on the sovereign's pleasure) are always being generated, even without any seditious intent. Thus, should an ambitious individual develop seditious plans, they may already have at their disposal the means to put these plans into action; it will be that much more difficult for the sovereign to arrest these plans.

[Popularity of a potent subject (unless the commonwealth has very good caution of his fidelity) is a dangerous disease, because the people (which should receive their motion from the authority of the sovereign), by the flattery and by the reputation of an ambitious man, are drawn away from their obedience to the laws, to follow a man of whose virtues and designs they have no knowledge. (L xxix.20)

The second reason why these groups are dangerous to the sovereign is even more serious. The existence of other powers within the social order in itself means the sovereign has less effective capacity. Powerful subjects tend to engage in the commonplace pursuit of advantage; they do not in general have the intent to seize power or to destroy the civil order, but they do want to have things their way. In particular, they think they ought not be punished, and hope to escape punishment.

And that such as have multitude of potent kindred, and popular men, that have gained reputation amongst the multitude, take courage to violate the laws from a hope of oppressing the power to whom it belongeth to put them in execution. (L xxvii.15)
The sovereign knows that when it wants to issue or enforce some command which is inconvenient to the powerful subject, it cannot presume it will secure obedience from that subject, and perhaps not from the subject's supporters either. For the powerful subject and her or his followers have the power simply not to comply. They may comply in some cases, they may limit their reaction to non-compliance, or they may be provoked into hostile retaliation to teach the sovereign not to trespass on their concerns. This is vividly illustrated by King Charles I's abortive attempts to impose the Book of Common Prayer on Scotland and to demand Ship Money. (B 28-30, 36-7) In all cases, the sovereign's power is weakened. It cannot simply ignore the fact of powerful subjects in society and make no concessions to them, because any successful display of disobedience publicises the subject's power and gains her or him even more allegiance. For this reason, crime from presumption of strength giving impunity is much more politically pernicious than the everyday crime from hope of not being discovered. (L xxvii.30)

Unfortunately, no alternative response from the sovereign is clearly better. For if the sovereign acknowledges the limits on its own effective power, it is drawn into a game of appeasement, which can only end badly. The sovereign may bestow benefits on a subject (whether exempting from punishment or making policy to please) 'for fear of some power and ability he hath to do hurt to the commonwealth'. Such benefits are 'extorted by fear' and are in this sense sacrifices which the sovereign 'makes for the appeasing of the discontent of him he thinks more potent than himself'. (L xxviii.25) However, this strategy does not encourage obedience; quite the opposite, it encourages increased extortion, as Charles I found after his attempts to appease the Scots and
parliament backfired.\textsuperscript{58} (B 75-6, 97ff, 115) For achieving the deference of the sovereign makes visible the subject's power, garnering more allegiance. Seeing the sovereign's weakness emboldens others to press for concessions too. This may defer civil war, 'yet the danger grows still the greater, and the public ruin is more assured.' (L xxx.24)

The lesson from this analysis is a dispiriting one. Power groups, once established, cannot necessarily be eviscerated without negative consequences. Instead, powerful subjects need to be cut down before their influence grows. (L xxx.24) The problem is that this will be very difficult to achieve. First, Hobbes says subjects should be prevented from honouring fellow subjects, for this would constitute unequal powers not subject to the control of the sovereign. (L xxx.8) But almost all social conduct has a valence as honour or dishonour, and so it will be impossible to eliminate honour entirely. (L x.19-36) Second, functionally, not all power differences can be suppressed. The commander of the army needs to be popular to do his job, even though this is a danger to the sovereign. (L xxx.28) Hobbes suggests that the sovereign can minimise the danger from the popularity of a subject by itself being popular. (L xxx.29) But it is not clear how to become popular if that status is not already secured; for as already discussed, granting benefits extorted by fear is a highly dangerous political strategy, and pandering to the people does just this. (L xxviii.25)

Thus, the new social ontology shows that the sovereign will face a constant need to maintain its power in the face of spontaneously emergent powers in the populace; such

\textsuperscript{58} To be sure, Hobbes says the parliament also actively desired to usurp sovereignty.
powers are a threat even when they have no seditious intent.\textsuperscript{59} Whilst a sovereign can take measures to try to deflate and level out such powers, this will be an ongoing task for which success is uncertain. The result is that it is a challenge for the sovereign to achieve actual effective capacity commensurate to its entitlement; peace is not so easily or definitively achieved as it was in the earlier texts.

The sovereign's entitled power and effective power may diverge; this would be a problem for Hobbes's science of the sovereign's power as capacity \textit{(potentia)} if it still attempted, as in the early texts, to illuminate the sovereign's effective capacity to secure peace by laying out the sovereign's fictional faculties (its entitled capacity). Now in L, there is an obvious alternative strategy. For the new concept of individual human power \textit{(potentia)} as effective capacity can immediately be extended to the sovereign. On the new account of individual human power, obedience is itself a prime constituent of power, rather than simply a recognition of a power (faculties) that exists independently. (§2.1) Whenever one individual obeys another's command, they give power to the one they obey. (L x.20) To extend this analysis to the sovereign, all that is required is to consider the sovereign commander as just another person being obeyed, rather than in its fictional juridical nature. In this case, the \textit{potentia} of the sovereign is a variable property: the capacity which it exercises through whatever actual obedience of subjects it is able to garner.

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\textsuperscript{59} I concede that DC already displays an incipient worry with emergent powers even when they are not deliberately for the purpose of sedition. (DC x.7) However, DC awkwardly analyses this still in the language of formal unions, which is unconvincing for examples such as popularity and wealth. (DC xiii.13)
To be sure, there is a difference between the sovereign and any other figure that finds itself obeyed. For the sovereign is entitled to the obedience of subjects. (L xvii.13-4) Even if in fact its potestia is limited by a disobedient populace, it is entitled to have the greater potestia that would correspond to their obedience. Indeed, Hobbes understands the sovereign's behaviour in appeasing powerful subjects as its behaviour qua natural individual; this is contrasted with its power as the person of the commonwealth, by which it is entitled to obedience. (L xxviii.25) The sovereign is so entitled not only because obedience has been promised to it through covenant, but also more importantly because natural law stipulates that such a covenant is needed for peace. (L xiv.4-5) Indeed, the early science of the sovereign's power as a science of entitlement is retained, but now under heading of potestas/imperium. It is still very important to get this correct: Hobbes places first in his list of causes of the dissolution of the commonwealth the sovereign resting 'content with less power [potestas] than to the peace and defence of the commonwealth is necessarily required.' (L xxix.3)

Where DC asserts that all commonwealths alike possess a stable potentia which is equated with their imperium, now the corresponding passage in L raises the concern that despite its stable potestas, a commonwealth might suffer a diminished potentia. (DC x.16, L xix.4) In the later texts, establishing the correct doctrine of juridical potestas/imperium now needs to be distinguished from and supplemented by a difficult

\[\text{\footnote{60} I stress, contra Frost (see footnote 56) that authority or entitled power (potestas) does not collapse into effective power (potentia). It is true, as Hoekstra shows, that sufficient effective power grants sovereign authority (imperium/summa potestas) and insufficient effective power removes it. (Hoekstra, 'The de facto turn', 33-5) However, so long as effective power does not fluctuate below a certain threshold, the authority or entitled power of the sovereign remains stable.} \]
and quite separate analysis of how the concretely causal *potentia* to which the sovereign is entitled is to be achieved and sustained. Effective power is no longer conceived as a stable possession but as a variable and relationally constituted effective capacity. This transformed conception of power illuminates the domain of lived politics below the neat categories of the juridical sphere, promising to offer a better understanding of actual dynamics of political stability, and what threatens it.

§3

I return now to the initial suggestion that Hobbes serves as a useful example of realism in political theory. Hobbes early and late wishes to offer a political theory that can be put into use: a model of politics which, if implemented, will yield a durable and resilient political order which lifts the populace out of conflict and war. Hobbes consistently offers an unsentimental analysis of the problems for political order posed by human nature, and correspondingly, an unsentimental analysis of the kind of arrangements required to achieve that goal of peace. Thus, he is consistently realist in aspiration. However, the key to Hobbes's ideal for politics substantively being realist is that it account for its own sociological plausibility: that is, that it account for the possibility (given what we know of the determinate causes of human behaviour) of the effective power on which the stable and enduring functioning of the model rests. And I have shown that this turns out to be a much more complicated and difficult requirement than Hobbes initially saw. In particular, Hobbes initially envisaged that a punitive mechanism to secure subjects' compliance might be sufficient to bring the sovereign's effective power to coincide with its juridically attributed power; no detailed independent analysis of the sovereign's effective power would be required. However, after closer
reflection on the nature of individual human power and the social formations which
subjects' pursuit of this power generate, Hobbes comes to see that the achievement of
effective power will required engaging with messy forms of causality which bear little
resemblance to the neat lines of the juridical covenant that defines the sovereign's
entitlement.

The result is still a realism, but a chastened one. Hobbes stands by his claim that
absolutism is required by right, for natural law dictates that it is the only path to peace.61
But he recognises that absolutism is fragile. For his ideal of an absolutist political order
to be realistic, for it to be possible as a model of politics given what we know about the
determinate causes of human behaviour, it will be necessary for the sovereign to engage
in the complexities of shaping and channelling human behaviours, and to recognise that
blunt punitive methods, whilst necessary, are entirely insufficient to this end.

61 Even this dictate of natural right is indirectly grounded in the realist considerations of
the conditions under which peace might be achieved. (L xiv.3-5, xvii.1-14) I return to this
argument in Chapter 3.
Chapter 2

Spinoza's normative criterion for politics

In my first chapter, I argued that Hobbes's later text *Leviathan* can serve as a provisional exemplar of Spinozist realism. Its juridical argument in favour of absolutism is complemented by a careful account the model's possibility: Hobbes explains the genesis of the sovereign's required degree of effective power out of the actual dispositions of its subjects. Nonetheless, to those unconvinced of the merits of this Spinozist realism, having Hobbes as its exemplar confirms the suspicion that it rules out too readily the hope of substantive normative progress in human affairs, conceding too readily to an authoritarian response to human unruliness and irrationality. For Hobbes's political ideal of absolutism is notoriously unappealing from the contemporary normative point of view.

As I observed in the introduction, Spinoza's substantive political preferences are more acceptable than Hobbes's. In the chapters to follow, I argue that not only does Spinozist realism allow normatively ambitious ideals, but moreover it ultimately rules out Hobbesian absolutism as sociologically implausible. However, for Spinoza's politics to play this role in defending the merits of this conception of realist political theory, it is first necessary that I establish that Spinoza is indeed realist in this sense. That is the task of this chapter.

It is not controversial that Spinoza is a political realist of some sort. Spinoza opens his *Political Treatise* (TP) with a rousing condemnation of all other philosophers' utopianism: 'they have never worked out a political theory that can have practical application, only one that borders on fantasy or could be put into effect in Utopia or in
that golden age of the poets where there would naturally be no need of such.' (TP 1.1)

The problem is that, on the standard understanding of Spinoza's political philosophy, exemplified by the interpretations of Curley and Matheron, Spinoza espouses a realism of a rather more radical character than I am proposing: a realism so thorough that it refuses to offer any normative assessment of politics.¹ In both his *Theological-Political Treatise* (TTP) and his *Political Treatise* (TP), Spinoza explicitly and uncompromisingly asserts that right (*jus*) is coextensive with power (*potentia*). On the standard interpretation, this means 'the absolute identification of right with fact.'² Thus, Spinoza is taken to eschew one of the key normative aspirations of political philosophy, namely, to judge power against critical standards.³ Spinoza's view appears to be a *reductio ad absurdum* of my proposed realism. For in a deterministic universe, nothing is merely possible; it either occurs or it does not. If realism requires that normative ideals not be impossible, then this amounts to the requirement that the ideal trivially identifies what actually occurs. In

other words, if you press hard enough on the question of possibility, then you are left with no normative theory at all.

How is it that Spinoza nonetheless appears to advocate various desirable ideals of politics? Curley and Matheron draw attention to Spinoza's analysis of the nature of political power, according to which political power always arises from the multitude, and in a concrete sense always remains with the multitude. Tyrannical and unreasonable political forms may sometimes exist, but because of their oppression of the multitude, they will be prone to collapse; by contrast, a liberal or constitutional form of popular rule will tend to endure.4 But Curley and Matheron stress that this interpretation ultimately does not change the dark character of Spinoza's political philosophy. For it is still the case that Spinoza's political philosophy grants right to tyrannies whenever they do exist; and furthermore, Spinoza himself recognises that tyrannies have sometimes been very durable, whereas conversely popular regimes have often been highly unstable. Far from serving as an exemplar of a fruitful approach to political theory, it seems necessary to concur with Curley's regretful conclusion that Spinoza's political philosophy is not normatively adequate.5

5 Curley, 'Kissinger, Spinoza, and Genghis Khan', 318-9, 322, 333-5. See also Lewis Samuel Feuer (1958), Spinoza and the rise of liberalism (Boston: Beacon Press), 107-8, 111-4.

In this chapter, I argue to the contrary that Spinoza does indeed offer non-trivially normative ideals for politics under the rubric of right, and that these ideals are realist in broadly the sense I have outlined in my introduction. I carry out the argument in abstract philosophical terms, leaving the following chapters to determine specifically what kind of political ideals are ruled in or out by this framework. I proceed in two stages. First, I argue that Spinoza's texts do not unequivocally equate right with fact. Spinoza speaks of power (*potentia*) in two senses, one of which is equivalent to virtue; I establish that there exists a concept of right corresponding to an individual's virtue. I argue that an individual's virtue cannot be reduced to its temporal endurance, and that consequently Spinoza is able to distinguish between corrupt and virtuous commonwealths even when both endure. Second, I show how virtue can come to serve as a normative standard even within Spinoza's necessitarian metaphysics; and I show how the Spinozist ideal of the virtuous commonwealth is realistic. In sum, I show that Spinoza's political philosophy, whilst distinctive, is not so profoundly estranged from the project of normative critique as it initially seemed.

§1.1

Curley and Matheron provide clear statements of the dominant interpretation of Spinoza's claim that right (*jus*) is coextensive with power (*potentia*). Power is understood to be the power of God, and correspondingly right is found to coincide exactly with fact. The two key pieces of evidence for this interpretation are the explicit

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introduction of the concept of right, and then the application of the concept of right to the process of covenant. If this interpretation is correct, then Spinoza's philosophy stands at a distance from the normative ambition characteristic of most other political philosophies.

Spinoza provides the canonical presentation of his doctrine of natural right at the start of Chapter 16 of TTP. (TTP 16/173-5; GIII/189-91) He analyses the natural right of the individual (jus naturale uniuscujusque) from two angles. First, he considers permission or entitlement. It is uncontroversial that God has a right (summum jus, the highest right) to do all that He can do, that is, to do whatever is within His power (potentia). But God is the same as nature, and the power of God is the power of nature as


7 Matheron, Individu et communauté, 23, 290-3; Matheron, 'Spinoza et la problématique juridique de Grotius', 88-91, 95-100; Matheron, 'Spinoza et le pouvoir', 103-4; Curley, 'Kissing, Spinoza, and Genghis Khan', 320-26.

8 Spinoza provides a very similar presentation at TP 2.2-8, especially TP 2.4.

9 Like Grotius and unlike Hobbes, Spinoza does not reserve the term jus exclusively for the concept of subjective permission; he also uses it for the concept of an objective rule. (Matheron, 'Spinoza et la problématique juridique de Grotius', 87.) This can be seen clearly in the contrast between jus naturale uniuscujusque on the one hand, and jus et institutum naturae (the right and established order of Nature) on the other. (TTP 16/173; GIII/189)
a whole. Thus, nature has a right to all that it can do. And individuals, including human individuals, are nothing but parts of nature, so they are entitled or have the right to do whatever they have the power to do, and this right is their natural right (jus naturale).

Thus, an individual's right is coextensive with its power. Second, he considers obligation or duty. The right of the individual is determined by the highest law of nature (lex summa naturae). According to this law, the individual is obliged to care for its own preservation to the extent that it can. But this highest law also constitutes the law of each thing's own nature (leges suae naturae). Thus, an individual's right is determined by the laws of its own nature.

On a common use of the word 'power', I might have power to do more than I in fact do; on a common use of the phrase 'law of one's nature', I might sometimes act against my own nature. However, in Matheron and Curley's interpretation, Spinoza's doctrine asserts that the individual has the power and right to do exactly what it in fact does, no more and no less; and there is no true non-trivial obligation or duty imposed by the laws of an individual's nature, because these laws in fact always fully determine the individual's behaviour. Indeed, in the passages in TTP Chapter 16, Spinoza emphasises this coincidence of right and fact.10 ‘Whatever an individual thing does by the laws of its own nature [ex legibus suae naturae], it does with sovereign right, inasmuch as it acts as determined by Nature, and can do no other [nec aliud potest].’ (TTP 16/174; GIII/189-90, emphasis added) His examples reinforce this point: the mad and fools have just the same right as the sane and the wise; their right is not linked to some power to be more

10 See also TP 2.5-6, 2.8.
reasonable or some other better nature which they currently fail to put into practice. (TTP 16/174)

The second key piece of evidence for Curley and Matheron's reading is Spinoza's application of the concept of right to the question of covenant. In Spinoza's period, other philosophers argue that right can be modified by the words of promises; and in particular, that covenants founding a commonwealth establish an order of civil right distinct from and superseding natural right. Against this view, Spinoza insists that right remains coextensive with power. This means that a promise without a change of power does not make any change to right and consequently is not binding: 'for everyone has the natural right to act deceitfully and is not bound to keep his engagements except through hope of greater good or fear of greater evil.' (TTP 16/176-7) But equally, suppose that in the process of promising, power is also transferred establishing an enforcer who compels the promissors to keep their word: then in this case right is transferred too, and the promissors must keep their word. Furthermore, it is clear that the power in question coincides with fact. For the obligation to keep one's word only exists when in fact one keeps one's word; whenever someone in fact breaks their covenant, Spinoza says they have the right to do so, regardless whether their breach of faith was reasonable or not. (TTP 16/176-7)

Despite this doctrine of right, Spinoza appears to express normative preferences for liberal and republican forms of government. Curley and Matheron argue that these

11 See for instance DC ii, iii, v.
12 See also TP 2.12.
13 In subsequent chapters I will examine Spinoza's exact preference in more detail.
preferences are grounded in the fact of the popular structure of political power.\textsuperscript{14} For Spinoza, even if people hand over and covenant the use of their power to a monarch or to an oligarchic assembly, that power always remains concretely located in their bodies, so at any time they could renege on their promise and withdraw their compliance. Because the power of the sovereign is constituted by the actual obedience of the people, political power always remains popular. (TTP 17/185-7; TP 3.7-9) This has two implications for tyranny: an impossibility claim and a brevity claim.

First, impossibility: a political order which totally fails to respect the flourishing of the people cannot exist. Regardless of the degree of threat and coercion, there are commands which subjects will not be able to be brought to obey; and a political order does not exist without obedience. Specifically, humans cannot decide at will to feel or think a given way. They cannot love one whom they hate just by deciding, nor can they simply decide to judge something true that they think false. Thus, an extreme tyranny that would implement such commands is impossible; it cannot exist, and so it has no right. (TTP 17/185; TP 3.8) Second, brevity: to the extent a political order disregards the people's flourishing, it will be short lived. Spinoza twice cites Seneca's dictum that tyrannies never last long. (TTP 5/63, 16/178) For apart from those forms of rule which are strictly impossible, there are other forms of rule which, though possible, place great strain on the people. And Spinoza anticipates that these will soon enough collapse. (TP 3.9) He identifies two mechanisms. First, fear engenders superstition, and fear and superstition create an inconstant populace that is always discontented and hoping for a

\textsuperscript{14} Curley, 'Kissinger, Spinoza and Genghis Khan', 317-8, 327, 330-2; Matheron, \textit{Individu et communauté}, 465-514; Matheron, 'Spinoza et le pouvoir', 119.
new saviour. Thus, a government relying on these passions to rule will have to deal with
a populace that is always ready to shift its allegiance to usurpers. (TTP Preface/1-3)
Second, even if restricting non-seditious speech is successful in a narrow sense, such a
policy stirs up both mob violence in favour of the regime and its ideology, and sedition
and resentment against it. (TTP 20/226) By contrast, forms of rule which support the
flourishing of the people will endure; (TP 3.7) and in TTP Spinoza claims that democracy
is such a form, because a democratic assembly will never consent to absurd proposals.
(TTP 16/178)

Unfortunately, as Matheron and Curley recognise, insofar as Spinoza's substantive
political commitments are grounded in his doctrine of right, his apparently strong
normative advocacy is in fact nothing of the sort. To be sure, Spinoza's view of right as
coeextensive with fact differs from the traditional doctrine that 'might makes right',15 for it
affirms the right of the weak to attempt resistance and their right to the fruits of their
resistance so long as they manage to hold onto them. However, it does also grant right
even to the worst tyrannies, wars and conquests, and Spinoza in no way denies that such
political phenomena might be a consistently prevalent part of human social existence.
Specifically, Spinoza himself provides explicit reasons to consider both the impossibility
and brevity claims to be weak. Regarding the impossibility claim: although many vicious
commands are simply impossible to carry out, there are equally others which are

15 Representative expressions of the traditional view are provided by Thrasymachus's
defence of the self-serving conduct of the mighty, and the Athenians' justification to the
Melians their plan to destroy them. Plato (1987), The Republic, trans. Desmond Lee
(Harmondsworth: Penguin), Part 1, 336b-367e.; Thucydides (1974), History of the
Peloponnesian War, trans. Rex Warner (Harmondsworth: Penguin), Book 5 Chapter 7,
§§84-116.
possible; for instance, consider the command to one subject to torture another. Even regarding his own examples of passions and beliefs that could not be produced merely on demand, Spinoza argues that there are many more insidious means by which the required compliance can be secured. The sovereign 'has many means of inducing the great majority to believe, love, hate etc. whatever he wills.' (TTP 17/186) And regarding the brevity claim: this is untenably optimistic, in light not only of twentieth century cases of surprisingly durable authoritarianisms, but also in light of the analysis of the structure of durable tyranny in texts as early as de la Boetie's *Discourse of Voluntary Servitude*. Indeed, the optimistic note of the TTP appears to be abandoned by the time of TP, where Seneca's quip is no longer cited; instead, the figure of the Turkish state as a lasting despotism looms. (TP 6.4, 7.23) Even to the extent that it is true that tyranny is often unstable within itself, prone to usurpations and wars, nonetheless throughout this instability and weakness the form of tyranny is likely to be maintained. There is no necessary tendency for tyranny to be overcome in a more popular or free direction. (TTP Preface/2) If those forms of political rule which actually exist are not necessarily the ones best serving individual human flourishing, then to equate right with power coinciding with fact remains the dark doctrine that it initially appeared.

Thus, despite Spinoza's enthusiasm for liberal or republican orders, in Curley and Matheron's view, Spinoza's political philosophy simply does not have the resources to

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16 In Matheron's view, 'if a people agree to obey a tyrant, from whatever motives, so much the worse for them [*tant pis pour lui*]. (Matheron, 'Le 'droit du plus fort", 176; my translation)
18 See also TTP Preface/2-3.
condemn tyranny.\textsuperscript{19} This shows the distance between Spinoza and the normative critical tradition. Matheron doesn't find this to be a flaw in Spinoza's view, agreeing with Spinoza that the truly philosophical understanding needs to recognise nature's indifference to human purposes:\textsuperscript{20}

\begin{quote}
for Nature's bounds are set not by the laws of human reason whose aim is only man's true interest and preservation, but by infinite other laws which have regard to the eternal order of the whole of Nature, of which man is but a tiny part. (TP 2.8)\textsuperscript{21}
\end{quote}

Even if the truly free individual takes steps to bring about a political order more suited to human flourishing, she or he will accept with a calm spirit the right of whatever political order in fact exists. Indeed, Spinoza claims that reflecting on nature's necessity calms the passions. It assists us to observe human misdemeanours without anger, hatred or scorn; for like foul weather, human frailty is the result of determinate natural causes. (TP 1.4; E IIP49S)\textsuperscript{22} Curley, by contrast to Matheron, regretfully concludes that Spinoza's political philosophy is ultimately inadequate.

Perhaps tyrannical governments do inevitably destroy themselves. [...] The question I have is whether such a dispassionate view of tyranny is acceptable. [...] That the notion of natural right (not coextensive with power) disappears in Spinoza seems to me still to be a defect in his political philosophy, sympathetic though I may be to the arguments which lead to that result.\textsuperscript{23}

\textsuperscript{19} Curley, 'Kissinger, Spinoza, and Genghis Khan', 322, 334; Matheron, 'Le 'droit du plus fort'', 176.
\textsuperscript{20} Matheron, \textit{Individu et communauté}, 420, 464; Matheron, 'Spinoza et le problématique juridique de Grotius', 99-101; Matheron, 'Spinoza et le pouvoir', 119. See also Della Rocca, \textit{Spinoza}, 222.
\textsuperscript{21} See also E IApp; TTP 16/175.
\textsuperscript{22} Matheron, \textit{Individu et communauté}, 517-613.
\textsuperscript{23} Curley, 'Kissinger, Spinoza, and Genghis Khan', 334-5.
If it is indeed Spinoza's view that right is coextensive with fact, it stands as a *reductio ad absurdum* of political realism in the sense I laid out. I proposed that a fruitful realism in political philosophy will still advance normative ideals of politics, but will restrict the permissible ideals to those which are possible. I suggested that the interest in the Spinozist position lies in its distinctive conception of the criterion of possibility, grounded in an understanding of human behaviour as part of a natural order of causes. But according to Spinoza's determinism, nothing is merely possible; things actually occur or they do not. (E IP29) If an individual has the power to do something, they actually do it; if they do not do it, then in that instance nature has denied them that power. Thus if, as I propose, ideals should be restricted by the requirement that the required conduct can come about, then the only permissible ideal of right is the trivial one: what in fact at every moment occurs. Spinoza indeed lacks the theoretical resources to hold power to critical standards, and whether we agree with Matheron that this is acceptable or with Curley that it is not, in either case there is no support for my thesis that Spinoza is a realist normative theorist.

§1.2

Curley and Matheron's interpretation finds strong support from many passages in Spinoza's texts; however, if we consider the texts in their entirety, it becomes clear that they offer a highly selective reading. For Spinoza's political texts are strewn with references to a right which is not coincident with fact. For instance, Spinoza's

\[\text{24 Indeed, there is a minority interpretive view which attributes to Spinoza only one concept of right, but which does not understand this right to be coextensive with fact. This view is near absent amongst studies of Spinoza's political philosophy (Negri being the exception; see footnote 35) but prevalent amongst general introductory texts. These}\]
resounding conclusion to TTP is that the sovereign lacks the right to deny freedom of expression; yet clearly Spinoza considers it nonetheless to be possible for the sovereign to act contrary to right in this respect. Even if the sovereign is unable to secure compliance with its command, it is still able to issue and attempt to enforce it; yet this attempt lacks right. (TTP 20/223; TP 3.9) Matheron accommodates this very prominent example by making a distinction between a right to attempt something and a right actually to secure the desired outcome; he argues that Spinoza merely is pointing out that the sovereign lacks the right to achieve restriction of speech. However, the sovereign still has a full right to whatever it in fact does, including attempting to enforce this restriction. That is, for Matheron, Spinoza only denies that the sovereign has full right in what it actually does in order to criticise a false understanding: when a sovereign does not have the power that it believes it has to bring a certain commanded outcome about, but still imagines its right to encompass that outcome. The right not coextensive with fact is an

interpreters not appear aware of their difference from the dominant interpretation of Curley and Matheron, and do not make any effort to reconcile their interpretation with the textual evidence I laid out in §1.1.


25 Similarly, subjects lack the right to disobey the sovereign, except in matters of non-seditious free expression. (TTP 20/224; TP 3.2, 3.5) Is this because it is impossible for a subject to disobey? Not at all: although it may be impossible to obey direct commands to think or feel a particular thing, there are many commands that it is eminently possible to obey that a subject may nonetheless disobey. For instance, a subject might privilege their own avarice over obeying the law, if that avarice outweighs their other motives (such as the fear of sovereign punishment). (TTP 17/187)
imagined right; in metaphysical truth, the only right is the one coextensive with fact.\textsuperscript{26} Indeed, Matheron's view appears to be corroborated by Spinoza's explicit insistence that right in the civil order is the same as natural right;\textsuperscript{27} and by some passages in which Spinoza qualifies his assertion of a civil right distinct from fact with a reassertion of natural right. (TTP 16/177-9 versus 17/185-6; TP 3.3, 4.6) Thus, to the extent the texts appear to say that the sovereign has a civil right which does not perfectly coincide with its actual practice of ruling, then this is a fiction with no metaphysical ground.

Nonetheless, Matheron's dismissal is too quick, for two reasons. First, for an idea to be fictional within Spinoza's philosophy does not in any way entail that it is nugatory or normatively insignificant; I make this argument in §2.1, and claim that Spinoza makes a systematic fictional use of the term right. But second, it is not even clear that all of Spinoza's uses of right not coextensive with fact can be dismissed as fictive and lacking in metaphysical ground. In this section, I show that Spinoza's \textit{Ethics} (henceforth E) lays out a metaphysics structured around a double conception of \textit{potentia} (power): not only the power of God or nature, which coincides with whatever in fact occurs, but also the power of a finite individual, which is less extensive than what in fact occurs, and which Spinoza often simply calls virtue. Correspondingly, I argue that when Spinoza asserts that right is coextensive with power, he offers a double conception of right: a right coextensive with fact, but also a right coextensive with this second notion of power as virtue.

\textsuperscript{26} Matheron, \textit{Individu et communauté}, 296-7.
The conception of power coinciding with fact that Matheron and Curley find in Spinoza's political writings is firmly grounded in the *Ethics*. 'Whatever is, is in God' (E IP15): God is the same as nature, and everything that exists, including all finite individuals, is in God. God's *potentia* (power) is expressed through the laws of nature, and is precisely coextensive with what actually occurs. For on the one hand, everything is in God so there is nothing that occurs that does not come from God's power; nothing could be exempted from determination by the laws of (His) nature. (E IP17, IP18) On the other hand, God has no power that he holds in reserve unexercised. 'Things could have been produced by God in no other way, and in no other order, than they have been produced.' (E IP33) Spinoza argues that any such unactualised possibility would be inconsistent with God's freedom and perfection. As a corollary, all finite individuals and whatever they actually do are expressions of God's power, and there is no power for them to do anything apart from what they in fact do. (E IP29, IP33, IP34)

Against this background metaphysics, it makes sense for the political texts to use the phrase 'power of the individual' simply to mean the power of God with respect to the individual's behaviour, or in other words, whatever they do; it also makes sense that they use the phrase 'laws of an individual's nature' to mean the laws of nature as a whole with respect to that individual, or in other words, the laws exactly determining their actual behaviour (§1.1). However, I argue that this is not the route that is taken in the *Ethics*:28 in point of fact, the *Ethics* speaks of the *potentia* of the individual in quite a different sense. For even though all an individual does ultimately comes from God, it is possible

28 With the exception of a few isolated remarks. (E IP34D, IP36D, IIIPref)
to make a distinction within an individual's behaviour between what it does actively and what it does as a passive conduit of the action of other things.

In Spinoza's language, an individual is an adequate cause of an effect if that effect can be distinctly perceived through the individual's nature (if the effect can be explained through the individual's 'actual essence' (actualem essentiam) (E IVP4D)); otherwise the individual is a partial or inadequate cause of the effect. When an individual is an adequate cause of an effect, it is said to act (agere) and to be determined by its own power; when it is an inadequate cause, it is acted upon (pati) by the power of other finite individuals.29 (E IIDD1-3) Its actual behaviour is the result of the combination of its own proper power and the power of other finite things, although it must be emphasised that both these powers are part of God's power. (E IP28, IVP2) Thus, in the Ethics, to speak of an individual's potentia does not mean God's potentia to the full extent it is involved in causing the individual's actual behaviour: rather, it means only the subset of that potentia which can be understood as belonging to the individual. I will call this latter its active power, or, following Spinoza, its virtue (virtus) or freedom. (E IVD8, IVP2D, IVP66S) Correspondingly, in the Ethics, the laws of an individual's nature does not mean the laws of nature as a whole as they determine the actual conduct of an individual, instead it means the laws of the thing's specific nature, which characterise the individual's

29 'I say that we act [agere] when something happens, in us or outside us, of which we are the adequate cause, that is (by D1), when something in us or outside us follows from our nature [nostro natura], which can be clearly and distinctly understood through it alone. On the other hand, I say that we are acted on [pati] when something happens in us, or something follows from our nature, of which we are only a partial cause [non, nisi partialis, sumus causa].' (E IIDD2)
behaviour only insofar as it is active, free and virtuous, and which consequently may only incompletely govern the individual's actual behaviour.\(^{30}\)

This distinction between action and passivity can be made for any individual whatever; however, it is discussed in particular detail in the case of the human individual. A human individual acts from their own power insofar as they act from reason or adequate understanding.\(^{31}\) Such a person is virtuous in Spinoza's technical sense of the term, and also in the everyday sense: seeing as 'if man [...] there is nothing more useful than man', (E IVP18S) reason recommends behaving in accord with traditional virtues such as justice and charity. (E IVP18S, IVP20, IVP23-4, IVP34, IVP66-73) However, a person's conduct is often externally determined, whether through brute physical force, or in more subtle ways by the passions or by inadequate understandings; to the extent this occurs, they can be said to be passive, lacking power and virtue.

Both Matheron and Curley acknowledge the distinction between an individual's \textit{potentia} as part of God and an individual's \textit{potentia} in the sense its virtue and activity;\(^{32}\) nonetheless, they argue that it is exclusively the former at play in Spinoza's equation of

\(^{30}\) Indeed, this difference between the \textit{Ethics} and the passages cited in §1.1 is reflected in a terminological distinction between \textit{agere/pati} and \textit{operari}. \textit{Agere} means not just any doing, but doing actively, from one's own individual \textit{potentia}. In the \textit{Ethics}, Spinoza speaks of \textit{potentia agendi}. (E IIIP7-8, IIIP11-13) By contrast, in the introductory sections of the political works, the term \textit{operari} is used. Spinoza explains that the 'power [\textit{potentia}] of natural things by which they exist and act [\textit{qua existunt et operantur}] is the very power [\textit{potentia}] of God'. (TP 2.3; see also TTP 16/174; GIII/189) The Latin word is \textit{operari} allows speaking of whatever an individual does including both its active and passive components.

\(^{31}\) Spinoza provides an argument for equating human virtue with reason at E IVP23-4.

right and power. As outlined above, Matheron considers any conception of right not coextensive with power in Spinoza's work to be merely fictive, a product of human misunderstanding. However, this claim is not supported by the texts. Spinoza explicitly tells us, in an entirely metaphysical and non-political context, that right is correlated with an individual's active power: 'the right of each one is defined by his virtue, or power'. As such, this secondary concept of right is fully metaphysically respectable. The metaphysical use persists in the political texts. At a crucial point in his political argument of TTP, Spinoza introduces a contrast between two conceptions of right, and the concept of right not coextensive with fact is explicitly linked to the sovereign's power (potentia):

It is true that sovereigns can by their right treat as enemies all who do not absolutely agree with them on all matters, but the point at issue is not what is their right, but what is to their interest. I grant that by this right they can govern in the most oppressive way and execute citizens on the most trivial pretexts, but no one can imagine that by so doing they are acting in accordance with the judgment of sound reason. Indeed, since they cannot do so without endangering the whole fabric of the state, we can even argue that they do not have the absolute power [absolutam potentiam] to do these and other such things, and consequently that they do not have the absolute right to do so

33 Matheron, 'Le 'droit du plus fort'', 170-2.
34 'uniuscujusque jus virtute, seu potentia uniuscujusque definitur' (E IVP37S1)
35 Negri, despite affirming that right is coextensive with the power of God (Antonio Negri (1991), The savage anomaly : the power of Spinoza's metaphysics and politics (Minneapolis: University of Minnesota Press), 108-112), frequently elsewhere affirms power (potentia) as 'constitutive process' (for instance, ibid., 194-8), which appears to be equivalent to the commonwealth's power as its virtue.
[absolutum jus]. For we have demonstrated that the right [jus] of sovereigns is determined by their power. [earum potentia] (TTP 20/223; GIII/240)\textsuperscript{36}

Furthermore, this equivocation between a right coincident with fact and right as virtue is already internal to the concept of natural right: Spinoza argues it is possible to identify such a right correlated with virtue precisely because a commonwealth is 'a natural thing' and not 'a chimera'. (TP 4.4) Consequently, contra Matheron, right as virtue is entirely consistent with Spinoza's assertion that right in the civil order is natural right.

In TP Spinoza develops a new terminology, being 'in control of [one's] own right' (\textit{sui juris}), contrasted with being subject to another's right (\textit{alterius juris}). (TP 2.9-11 and \textit{passim}) This serves as a bridge between the two metaphysical senses of right. From the point of view of universal nature, everything that occurs, occurs by full right. However, if an individual is virtuous, a high degree of their divinely rightful behaviour comes from the individual's own particular activity; or in other words, they are in control of that divinely rightful behaviour. Thus, in TP, that individual 'determined to action by causes that can be adequately understood solely through his own nature', who in the previous terminology was called perfectly virtuous, is now called 'most fully in control of [his] right' (\textit{maxime sui juris}). (TP 2.11) This new terminology has the further advantage that it allows identifying, when an individual is not determined by its own nature, whose nature it is that does determine it: for instance, a political subject is not in control of its own right, but rather is subject to the right of the commonwealth (\textit{civitatis juris}). (TP 3.5) Nonetheless, Spinoza uses the new terminology not to replace the old, but rather to

\textsuperscript{36} Indeed, in juxtaposing these two concepts, Spinoza often displaces right coextensive with fact by right as virtue, showing that right as virtue is not a concept of lesser importance. (TP 4.4, 3.8) Further discussions of right as virtue are found at TP 3.7-9, 4.1-2.
supplement it. For it is a property of virtue that it is not inherently dichotomous. Any finite individual will not be perfectly active (for this could only happen if they were not susceptible to external causes, which could only occur if they were infinite) nor perfectly passive (for in this case their behaviour would have no relation to their own nature, or in other words, they would cease to exist). (E IVP3-4) Spinoza designates a commonwealth as having right in the sense of being virtuous to the extent it is situated above a certain point on this continuum from passivity to activity. But he also explicitly contrasts his old and new terminologies in order to distinguish a commonwealth acting merely by right (\textit{jure}) from the case of a commonwealth that has a particularly high degree of virtue or right: such a commonwealth is said to be most in control of its right (\textit{maxime sui juris}). (TP 5.1)\textsuperscript{37}

In this discussion, I follow Spinoza in not distinguishing between the right of the sovereign (\textit{jus summae potestatis}) and right of the commonwealth (\textit{jus civitatis}). In TTP, Spinoza does not make use of the term \textit{civitas}, and speaks only of the right of the sovereign.\textsuperscript{38} However, once he introduces \textit{civitas} in TP, he makes interchangeable use of

\textsuperscript{37} The non-dichotomous character of virtue also illuminates a paradox that Steinberg usefully lays out: a human individual is \textit{sui juris} insofar as they are virtuous and rational; insofar as they are rational, they live in a commonwealth and obey its laws; but insofar as they live in a commonwealth they are not \textit{sui juris} but \textit{civitatis juris}. (Justin D. Steinberg (2008), 'Spinoza on being \textit{sui juris} and the republican conception of liberty', \textit{History of European Ideas}, 34, 239-49.)

From the point of view of my analysis, no absolute \textit{sui juris} status is possible. Consequently, even the most rational human imaginable (who is \textit{maxime sui juris}) is subject to external pressures to some extent; the question is whether those pressures arise primarily from the commonwealth or from some other entity. See my discussion of the relation between human virtue and the commonwealth in §2.1 below.

\textsuperscript{38} For instance, TTP 16/177; GIII/194; TTP 17/185; GIII/201.
Spinoza's normative criterion for politics

*jus summae potestatis* and *jus civitatis*. (TP 3.1) For Spinoza argues that the commonwealth (*civitas*) is the body of the state in its entirety (*imperii integrum corpus*) (TP 3.1); and *imperium* is constituted by the power of the people (*potentia multitudinis*). (TP 2.17) But the sovereign is nothing other than the ruler considered insofar as it exercises this same collective power. Thus, the sovereign's right and the commonwealth's right coincide. (TP 2.17, 3.1, 4.1)

§1.3

What are the contours of this right correlated with virtue? An individual's virtue is its action according to its nature, thus the question reduces to the question of the commonwealth's nature. A commonwealth acts contrary to its own nature 'when it does, or suffers to be done, things that can cause its own downfall'. (TP 4.4) This passage and others like it (TTP 20/223) appear to suggest the commonwealth's nature is its temporal endurance, and this view is commonly taken within the secondary literature. But this gloss is inadequate, for a commonwealth might durably exist under the stable oppression or patronage of another state, in which case it is determined by external causes, and not by its own nature:

A commonwealth, then, is in control of its own right to the extent that it can take steps to safeguard itself from being subjugated by another commonwealth [...] it is subject to external causes.

In fact, even in TTP the use of the term is less frequent than the Shirley translation would suggest: 'sovereign right' is Shirley's translation of *summa jus* - literally 'highest right' - and not of *jus summae potestatis*. (TTP 16/177; GIII/193) In light of my argument in Chapter 3 §4 below, we will see the exclusive use of the term 'right of the sovereign' in TTP reflects a weakness of that text's political theory compared to the later TP.

to another's right to the extent that it fears the power of another commonwealth, or is prevented from carrying out its own wishes, or, finally, it needs the other's help for its own preservation or prosperity. (TP 3.12)

To gloss virtue as endurance is to eliminate any distinction between a client state whose tyrannical ruling clique is propped up by an imperial power and a state that is well ordered even as other states shift and change around it. In this section, I delve into Spinoza's doctrines of individuation and essence in order to argue that the commonwealth's virtue is its resilience in the face of changing circumstances.

Spinoza denies that humans, or indeed any finite individuals, are individuated as substances. (E IIP10) Rather, the only substance is God or nature as a whole. (E I)14) Within nature, there are merely bodies that are distinguished from one another by their motion and rest, speed and slowness, and which combine in various ways to form more and more complex bodies, up to the infinite compound of all bodies which is God. (E IIP13L1, IIP13L7S)40 Spinoza's criterion for a certain set of bodies together to count as a single thing is simple: '[i]f a number of individuals so concur in one action that together they are all the cause of one effect, I consider them all, to that extent, as one singular thing.' (E IID7) On this definition, a person together with their prosthetic limb constitutes a singular thing insofar as they are the joint cause of moving from one place to another; children playing together are a singular thing in virtue of being the joint cause of their shared activity. However, at this point it is unclear under what conditions a convergence

40 More precisely, the world is made up of bodies insofar as we consider it as an extended thing, (E IID1) whereas it would be made up of ideas if we considered it from the point of view of the attribute of thought. However, the problem of individuation is the same in either case because for Spinoza the order and connection of ideas is the same as the order and connection of bodies. (E IIP7)
of parts counts as the same singular thing from one moment or one causal event to the next; what is lacking is an account of the nature of an individual so constituted.

Spinoza proposes that a set of parts constitute the same individual over time to the extent they 'communicate their motions to each other in a certain fixed manner' (E IIP13Def); or equivalently, if they 'keep the same ratio of motion and rest to each other'. (E IIP13L5; see also IIP24D) Indeed, he identifies the individual's nature as this ratio of parts. (E IIP13Def, IIP13L4-IIP13L7) This characterisation allows that an individual might remain the same even as its parts vary in many ways, with more variation being possible the more complex the individual is. (E IIP13L7S) Thus, the person-plus-prosthesis remains the same individual even if they walk one day and run the next, and even if they replace their prosthesis with a new one; children who play together remain the same individual even as they play different games. From this understanding of a thing's nature we generate an initial account of virtue: an individual is active and virtuous to the extent that it maintains its characteristic ratio of movement and rest amongst its component parts. By contrast, it is passive to the extent that this ratio is disturbed, as for instance when sweaty weather prevents the prosthesis from sitting snugly, such that it comes off on unstable ground; or when playing children encounter a bully who points out one child's gaucheness and teases the other for playing with them.\(^{41}\)

This view would appear to have the consequence that amongst things which maintain a certain ratio of movement and rest, there is no difference of virtue or activity

between those which do so only because of the presence of very specific supporting conditions and those which do so more resiliently. For instance, consider the difference between a prosthesis which only works stably because its owner happens to live in a cold climate and a prosthesis which functions well in all weather; or consider the difference between two children who play together only because their association meets no hostile scrutiny, and children who play together regardless of what others might think. However, I argue that Spinoza's account of virtue rejects such lack of discrimination, once his definition of individuals in terms of ratios of movement and rest is combined with his conatus (striving) doctrine.

Spinoza returns again to the question of individual essences and natures in Ethics III. In Spinoza's view, a necessary restriction on a thing's nature is that it not be self-contradictory: he considers it absurd to say that something is the cause of its own destruction. He insists that an adequate explanation of what prevents a thing from persevering cannot be found within the nature of the thing itself. Any diminution of a thing's own power must be the product of the power of other things impinging upon it. (E IIIP4-5) For instance, human suicide must be understood not as a human acting on their nature, but as being overwhelmed by external forces. (E IVP20S) These considerations lead Spinoza to the notorious conatus doctrine:

Each thing, as far as it can by its own power \( [quantum \ in \ se \ est] \), strives \( [conatur] \) to persevere in its being. (E IIIP6)
The doctrine's deduction, interpretation, and defensibility are subject to much scholarly debate. For present purposes, however, it is important only to see its implication that a thing's nature or active power (*potentia*), whatever it is, must lead to the thing persevering. (E IIIP7)

With the *conatus* doctrine in mind, I return to Spinoza's account of the constitution of individuals. Each individual is composed of smaller bodies in a particular ratio of movement and rest. Suppose there is something in those component bodies that can lead to the disturbance or destruction of the ratio; by the *conatus* doctrine, the power of the larger unified individual is partly opposed by the capacities of its own component bodies. To the extent such an individual nonetheless maintains its ratio of movement and rest, it must be due to the assistance of helpful external causes, but to this same extent, it is less active and less virtuous. By contrast, to the extent an individual's component bodies agree and do not have a capacity to disturb its characteristic ratio, then across a variety of external forces the ratio is maintained undisturbed; the individual will tend to endure, and this endurance can be attributed to its own nature. To return to the earlier examples, the person with the all-weather prosthesis and the children who are not susceptible to the bully's taunts are more virtuous than their more vulnerable counterparts, even under conditions of cold weather and the absence of bullies when those vulnerabilities are not expressed.

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43 Or to put it another way, it is a less integrated individual.
44 There are still difficulties in the account, which are particularly acute in questions of growth and transformation. This topic is explored in François Zourabichvili (2002), *Le conservatisme paradoxal de Spinoza : enfance et royauté* (Paris: Presses universitaires de France).
Thus, the required distinction between individuals which happen to persevere and those which persevere out of virtue is established. As a corollary, duration by itself is no guide to virtue. Just as an unvirtuous individual may have the luck to endure because it does not find itself in circumstances where its internal dissonance is expressed, equally a virtuous individual could have the bad fortune to encounter an unusually hostile power that overwhelms it. Endurance only indicates virtue when the endurance is not reliant on any particular external supporting conditions, but rather is exhibited as a resilience across a range of different circumstances. Indeed, the idea of resilience is plainly evident in Spinoza's account of human virtue. Spinoza characterises the most excellent individual as that one most capable of affecting and being affected by a variety of bodies without losing its own nature. Human virtue lies in cultivating an intellectual love of God, precisely because this love provides a resilient affect to outweigh the fluctuations more transient loves. Insofar as we love other finite things, we love things that are liable to variation, and whose loss may disorder us with grief; whereas God is immutable so loving Him will never give rise to sad passions. Less grandly, Spinoza also recommends specific techniques such as avoiding the favours of the ignorant in order to avoid either having to repay these favours in accord with their volatile temperament or incurring their hatred; and meditation on simple moral maxims as a way to stabilise ourselves in the face of disorienting situations.

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46 Of course, if a finite individual were perfectly virtuous, it would never be affected by causes external to its nature and therefore would never be destroyed; but no finite individual can be perfectly virtuous. (E IVA, IVP-3)
I propose that virtue of a commonwealth can be understood in an analogous way: it will be the extent to which it perseveres in its form not merely due to chance external causes, or equivalently, it will be its resilience to changing circumstances. For within Spinoza's nested ontology of individuals, there is no in principle difficulty with considering a commonwealth as an individual in the very same ontological sense as the individual humans that make it up, and just as a nature and a virtue can be identified of a human individual, so can it for a commonwealth. This definition of the commonwealth's virtue allows for a distinction between the cases with which I began this section. A political order run by a tyrannical clique whose rule is upheld by a foreign imperial power may well endure to the extent that support persists, but it would collapse under the changed circumstance of the imperial support being withdrawn. Thus, it lacks virtue and is determined by external causes. By contrast, a commonwealth that displays resilient internal ordering despite changing external events is virtuous, even though ultimately it may be destabilised by some traumatic event or greater power. In my Chapter 3 and 4, I will return to determine specifically which types of constitutions will count as virtuous in this sense.

§2.1

Suppose my argument is granted: there exists a concept of right as virtue, which is distinct from a right coinciding with fact, and virtue is not simply determined by a thing's

tendency to endure. This still does not demonstrate that Spinoza endorses or advances normative standards. For metaphysically, virtue does not itself operate as a normative standard standing over the individual, but it is rather an immanent characterisation of the actual behaviour of that individual. Nonetheless, in this section I will argue that a normative standard can be built upon it.

It is possible to say that if a given individual decreases in virtue, then it is bad for that individual, for its power and self-determination have diminished. One might think that this implies we are entitled to consider the earlier higher degree of virtue as a normative standard in the sense a standard of behaviour that ought to be obtained, applying to the lapsed individual and also to any other relatively unvirtuous individual of the same type. However, this is an error: such normativity is absent in Spinoza's metaphysics. For first, if in fact an individual increases or decreases its virtue over time, this shows that it has been determined by the laws of universal nature to do so, and nothing, not even God, can render it undetermined. (E IP29, IP33) Second, God is perfect and so everything, including each particular thing's actual achieved degree of activity, is just as it should be. God does not somehow regret or condemn the determined inability of the individual to be more virtuous than it actually is.\(^{(48)}\) (E IP33S2, IVPref) Third, each thing's essence or nature is peculiar to it, meaning that one thing's virtue is not necessarily a guide to another's. (E IIP40S1, IVPref) Thus, Spinoza's metaphysically grounded concept of virtue firmly does not offer a normative standard. It is not possible to say that

\[^{(48)}\text{Indeed, God does not privilege the virtue of any one part of nature over any other, not even human virtue. (E IApp) To the extent an individual is not determined by its own virtue, this does not show any absolute lack of virtue: for it is determined by the virtue of some other individual. (E IVP3)}\]
we are obliged to be virtuous, nor can we say that we do wrong by lacking virtue, except when this claim of wrong is heavily relativised to a prior commitment to a particular individual's striving.

Nonetheless, it bears repeating that individual virtue, and in particular human virtue, is subject to increase and decrease. Furthermore, this increase and decrease can follow from encounters with ideas. (E IIIP11, VP3) In the Ethics, Spinoza recommends we 'form an idea of man as a model of human nature which we may look to'. (E IVPref) Suppose that I imagine a perfectly virtuous individual; and suppose I take them and their conduct as a model to keep in mind. Spinoza provides such a model (the free man); (E IVP66-73; VP42) I might find this model useful to guide my own striving to increase my power, and I might be fortified against my destructive passions or silly impulses by holding this model in mind. (E VP10S) That is, imagining and reflecting on such a model may in fact increase my virtue. Spinoza explicitly recognises that the model of a free man held up as a normative standard is merely an idea that we feign (fingere); or in other words, it is a fiction for all the reasons outlined above. (E IVPref) However, first, as humans we do not know the full causal interconnection of nature, and we are entitled to consider as possible those outcomes which we do not know for certain to be either necessary or impossible. In this sense, it is possible that our virtue will increase, and it is possible that our reflection on an exemplar will aid such increase. (E IIP31C, IVD3-4) Second, whilst God is indifferent to our degree of virtue, we are not indifferent to it. (E IVP18S) If I increase my virtue, then this increase is an improvement from my point of view. And third, humans are similar enough to one another that an approximated image
of virtue might provide useful guidance despite their finer differences. (E IVPref) Thus, through fictive norms Spinoza allows normativity to enter into his necessitarian system.

Various commentators have drawn attention to such a grounding of normativity within Spinoza's system and have extended it beyond individual human virtue to apply to other normative features of Spinoza's system: laws, values, and the ideal of democracy. However, the appeal to fictive exemplars has not commonly been used to understand the idea of right (jus) itself. For right is generally understood, as with Curley and Matheron, to coincide with fact, and indeed, even when Spinoza clearly speaks of right as virtue, he seems even at pains to offer a resolutely descriptive account of right, actively denying any normative implication to his discussion. (TP 4.4) To the extent he identifies lack of right as a wrong, he is extremely careful to explain that this is only from the point of view of that individual commonwealth's own striving. (TTP 20/23, 20/227; TP 3.3, 3.8, 4.4-6) Nonetheless, in addition to his metaphysical account of the commonwealth's virtue, I argue that Spinoza does make a fictive use of an exemplar of the virtuous commonwealth to serve as a normative standard of right. This is shown most strikingly in his treatments of first, the corresponding obligation he outlines for subjects to obey, and second, the case of the Turkish despotism.


I start by addressing how an exemplar of the commonwealth's virtue can be a normative standard for humans at all. For any fictive exemplar to serve as a normative standard, it must serve humans' striving to increase their individual virtue; but Spinoza repeatedly identifies human virtue and freedom with the philosophical life of reason. (E IVP23, IVP26, IVP28, IVAppIV-V) What does politics have to do with this? Spinoza's answer is that the life of reason involves resiliently being governed in one's action by reason and not by external causes; but this human resilience to external causes is achieved not simply by cultivating one's own reason regardless of surroundings. If a person lives in a violent world, even if they are able to retain mental poise despite the distress and disturbance around them and even if they are able to act as reason suggests given those circumstances, they are still not determined by reason *tout court*. For they are still pushed around by brute external causes, for instance when they suffer physical harm or are unable to procure the necessities of life. (E IVAppVI, IVAppXXVII-XXVIII) Resilience to external causes is not merely a question of philosophical reflection, but also a question of staving off in the first place those forces which if encountered will be overwhelming: the virtue of a free man lies in avoiding dangers as much as overcoming them. (E IVP69) To the extent an individual is rational, they take steps to order their world to minimise their vulnerability to external brute forces; whereas the less rational are at the mercy of these forces. Spinoza's Hobbesian view of the relation of human flourishing to the existence of political order is an extension of this point: it is rational for humans to support the establishment and the continuation of a political order, because without it they are wretched and vulnerable.\(^{51}\) (E IVP73; TTP 16/175)

\(^{51}\) Robert Alexander Duff (1903), *Spinoza's political and ethical philosophy* (Glasgow: J.
Having shown that an exemplar of the commonwealth's virtue can serve as a normative standard, I turn to the question of whether it in fact does so in Spinoza's texts: in particular, how do I account for Spinoza's caution to present the sovereign's virtue and right as a descriptive doctrine, indicating right as valuable only from the point of view of the commonwealth itself? This *prima facie* difficulty evaporates on closer inspection: for a similar descriptive strategy is evident in Spinoza's ethical theory, and the explanation in that case carries across to politics. Recall that Spinoza takes great care to justify the introduction of normative elements that his exemplar of the free man implies. Nonetheless, his presentation of this exemplar still does not take the form of explicit normative demands or commands. Rather, it remains largely descriptive: he lays out his exemplar by outlining how a free man will tend to behave, and why this is the virtuous or rational way to behave. (E IVP66-73, VP42) Only very rarely does he exhort the reader to any particular conduct. (E IVAppXXXII) This can be understood in light of the risks of engaging with the imagination. For whilst fictional exemplars can help human progress to virtue, they also carry the risk of entrenching misunderstandings that jeopardise this progress. For instance, it is useful to reflect that the free man strives to repay hatred with love (E IVP46); but it is potentially harmful to believe that others who do not live up to the standard of virtue (which will tend to be the majority of people) are deficient, for this belief rouses sad or hateful passions against humanity. (E VP6S) A responsible use of an exemplar will take advantage of its imaginative force, but will ring it around with caveats regarding its rational limitations, and will avoid unnecessary

Maclehose and Sons), 246-50, 265-70.
imaginative flourishes.\textsuperscript{52} Spinoza's expression of much of his doctrine of right in descriptive terms can be understood similarly. The exemplar of the right of the commonwealth lays out our best understanding of a free virtuous political order; that is, it is the best understanding of how a combination of human bodies might resiliently hold together. This exemplar of the right of the commonwealth provides a guide for rulers and those reflecting on politics for how to arrange and operate a good political order. It is useful to show that a commonwealth in control of its right does not issue commands that are likely to rouse popular indignation; (TP 3.9) it is not necessary to labour the point by asserting that the commonwealth is also bound by obligation.

Spinoza's account of the right of the commonwealth explains that the commonwealth's power is constituted out of subjects' obedience; without this obedience, it cannot endure. (TP 3.3) Thus the exemplar of the right of the commonwealth does not merely guide reflection on how a political order ought to be constructed and governed, it also guides individuals within a given political order how they ought to behave. Spinoza expresses this lesson descriptively in terms of reason's dictates:

[I]f a man who is guided by reason has sometimes to do, by order of the commonwealth, what he knows to be contrary to reason, this penalty is far outweighed by the good he derives from the civil order itself; for it is also a law of reason that of two evils the lesser should be chosen. Therefore, we may conclude that nobody acts in a way contrary to what his own reason prescribes in so far as he does that which the law of the commonwealth requires to be done. (TP 3.6; see also TTP 16/175)

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\textsuperscript{52} For a similar discussion, see Gatens' distinction between the philosophical and theological use of exemplars, and Rosenthal's distinction between religious and superstitious uses. Gatens, 'Spinoza's disturbing thesis', 467-8; Rosenthal, 'Why Spinoza chose the Hebrews', 222-5.
Obedience even to irrational commands is rational and exhibits human virtue. But Spinoza goes a step further, repeatedly insisting that subjects are obliged or bound to respect the commonwealth's right by obeying. (TTP 16/177, 16/181; TP 3.4-5) In Spinoza's metaphysics, there is in truth no obligation; the identification of an obligation to respect the commonwealth's right shows a fictive use is being made of the idea. Why this additional step of asserting an obligation, a step that was avoided in laying out the conduct of the free man? I venture in this case that the goal is more urgent, and correspondingly requires a more forceful imaginative image. If obedience is lacking and the commonwealth falters, then even the individual virtue some subjects may have privately achieved is threatened. But again, by juxtaposing this doctrine of obedience with his insistence that all human behaviour has its determinate causes, and with his antinomian doctrine of right coincident with fact, (§1.1) Spinoza staves off any misunderstanding of his doctrine as justifying contempt or scorn for those humans who fail to live up to obligation.

I now turn to the question of the Turkish despotism. Putting aside questions of its nature in historical fact, in the early modern imagination the Turks served as the ultimate example of tyranny, in which the supreme authority of the ruler is matched with the total servitude of subjects. Spinoza argues that tyrannies are not generally resilient. Tyrants cannot rule alone, and so they find themselves enslaved to their advisors even as those advisors harbour sinister agendas against them; the masses do not love them so yield

them no loyalty to stabilise their rule. (TP 6.5; see also §1.1) However, through his
discussion of the Turks Spinoza effectively grants that if tyrannical rule is done in
thorough enough a manner, it can very well be not only durable but also resilient. (TP
6.4) The Turks overcame instability by an extreme ruthlessness: Turkish despots deemed
it necessary to kill all their brothers; (TP 7.23) and they inculcated such a degree of
superstitious fear that their subjects were unable even to recognise their own subjection.
(TTP Pref/3)54

Perhaps the Turkish despotism was not as resilient as the perfect republic, but it
certainly stands as more resilient than many other political orders that Spinoza is willing
to call virtuous. Indeed, Spinoza insists that slave states can be very resilient. (TP 6.4,
5.6) Thus, metaphysically, a despotic state may in principle have virtue just as may a
republican state. Correspondingly, at some moments Spinoza asserts that the right of a
slave state is just the same as the right of a free state. (TP 5.6) Nonetheless, in other
moments, Spinoza explicitly denies right to slavish states; or denies that slavish states
merit being called commonwealths at all. (TTP 20/223; TP 5.4-5) '[A] commonwealth
whose peace depends on the sluggish spirit of its subjects who are led like sheep to learn
simply to be slaves can more properly be called a desert than a commonwealth.' (TP 5.4)

54 Feuer is one of the very few commentators who notes that in the case of the Turks,
Spinoza grants tyranny proved durable. (Feuer, Spinoza and the rise of liberalism, 184-5.)
The example of the Turks also highlights another shortcoming of Matheron's dismissal of
any right distinct from fact (see the start of my §1.2). Matheron argues that Spinoza
denies the sovereign to restrict speech only because it is strictly impossible to achieve the
desired outcome. To be sure, Spinoza states as much a number of times. (TTP 20/222-3)
However, he equally grants that under certain extreme conditions such repression is
possible in the short term (TTP 20/226); and in the limit case of the Turks, it was possible
for a very long time. (TTP Pref/3; TP 6.4)
He suggests that the right in question merits a different name, perhaps a right of ownership. (TP 6.4)

I argue Spinoza's denial of the Turkish state's right can be understood by again recognising that Spinoza deploys his model of the commonwealth's right as a fictive exemplar. The normative force of an exemplar of the commonwealth's right is parasitic on the normative force of the exemplar of human virtue. If it is possible for the virtue of a particular commonwealth to conflict with the ends of human flourishing (as in the Turkish case), then this commonwealth must be excluded from any exemplar which is to serve as a normative standard for humans. Indeed, Spinoza distinguishes between free and slave states on exactly these grounds: free states serve human life (which is understood in a rich sense to include human flourishing), whereas slave states simply avoid death. (TP 5.6; E IIP49CS) By restricting his normative endorsement to free states, Spinoza fulfils the promise with which he opens TP: to offer a political theory which escapes the utopianism of the philosophers, whilst at the same time rejecting the highly effective but unethical models of politics of the statesmen who 'aim at men's undoing rather than their welfare'. (TP 1.2)

In addition to the exemplar of the virtuous commonwealth, I claim Spinoza offers a distinct second fictive standard of right, the doctrine of civil right. Whereas by the first exemplar, the sovereign does not have the right to issue those commands that are highly irrational, or which lead to its own downfall, by this doctrine of civil right, the sovereign has the right to rule as it pleases (excepting restricting non-seditious speech), even
irrationally, and subjects are obliged to obey. (TTP 16/178-9, 20/224; TP 4.2-3)\textsuperscript{55}

Spinoza's use of the first exemplar of the commonwealth's right rests on the presumption that a reflective person should be able to judge that a sovereign lacks right, while at the same time they also recognise that their individual virtue still lies in obedience (that they lack the right to disobey). This dual judgement corresponds to the two aspects noted above: the guidance it provides to those constructing or ruling a political order, and the guidance to those living in one. But there is potential for confusion here: surely by the ordinary use of words, the absence of a ruler's right has as its corollary the permission for subjects to disobey? Indeed, Hobbes argues that conceiving any distinction between rightful and unrightful states seeds sedition amongst the populace and jeopardises the stability of any state whatsoever. (L xix.2, xxix.14) In this way, Spinoza's first exemplar of right may, if carelessly deployed, sanction sedition and disturbance, contrary to reason. Hence, I argue that Spinoza offers his second standard of right as a complementary image to stave off this error. Insofar as it perfectly mirrors the obligation of subjects to obey with a right of the sovereign to command, the potential for misunderstanding inherent in the first exemplar is eliminated; the second provides an even more emphatic and clear guide for individual conduct within the political order.

In Spinoza's political texts, there is constant reference to right as a non-trivial normative standard of conduct; yet Matheron dismisses these references as

\textsuperscript{55} I distinguish this right by conceptual analysis, not by some explicit use of terminology in Spinoza's texts. For in general Spinoza uses the term \textit{jus} indistinctly between all the various meanings I have laid out; I use the term civil right for clarity, but also on the basis of that usage (\textit{jus civile}) in TTP 16/179; GIII/196. As I will discuss in Chapter 5 §2, this second exemplar of right primarily appears in TTP, and only vestigially in TP.
Inconsequential. In so doing, he violates Spinoza's own guidelines for determining textual meaning. Spinoza insists that it is an error to interpret a text through prior definitions; definitions must instead be inferred from the actual use a text makes of a term.\textsuperscript{56} Such attention to the text shows that Spinoza can firmly be placed as a normative political theorist.

§2.2

Spinoza argues that humans are helpful to one another insofar as they are governed by reason; insofar as they are swayed by passion they are troublesome. (E IVP32-6) He also insists that the purpose of the commonwealth is freedom, and that the best state involves humans living lives of reason and true virtue. (TTP 20/223; TP 5.5) It might appear to follow that in any non-slave state, a commonwealth's virtue requires the virtue of the individual humans making it up. However, I argue to the contrary, not only is it unnecessary that citizens be individually virtuous in order for a commonwealth to achieve virtue, but in fact it is impossible for a commonwealth to be composed of virtuous individuals. I argue that Spinoza's normative consideration of politics is acutely aware of the determinate causes of human behaviour, and that it correspondingly carefully restricts itself to advocating normative standards that are possible, given our best knowledge of those determinate causes. In other words, it restricts itself to offering realistic normative standards.

\textsuperscript{56} This is laid out in his account of biblical exegesis. The procedure of interpretation is as follows: first compose a detailed study of the texts, assembling as data all discussions of the particular term in question. From this data, deduce the meaning of the term, without reference to principles prior to or external to the text. (TTP 7/87-9)
Spinoza directly denies that the virtue of individuals is required for a commonwealth to be virtuous. 'Freedom of spirit or strength of mind is the virtue of a private citizen: the virtue of a state is its security.' (TP 1.6) This claim can be understood in light of my earlier discussion of virtue. (§1.3) The commonwealth's virtue is its resilience. To be sure, if individual subjects are all virtuous, then the state will certainly be resilient: because all will be helpful and conciliatory to one another. (E IVP36) But suppose individual subjects behave in sociable ways, not from their own nature and reason but rather from external causes. So long as these external causes can be made to function resiliently, subjects' good conduct and correspondingly the good functioning of the commonwealth can be achieved without the individual virtue of subjects. I have mentioned the superstitious brainwashing and extreme subjection under the Turkish despot: this despotism achieves non-conflict and docility amongst its subjects only at cost of eviscerating the possibility of all human rational development. However, a brief reflection on the determining causes of actual human behaviour, in the spirit of the inquiries that preoccupied Hobbes in my previous chapter, shows that subjects' sociability and obedience might be brought about by less extreme means and without any dire conflict with human flourishing. For instance, a commonwealth might establish a system of reasonable laws enforced by threats of punishment; (TTP 16/175-7; E IVP37S2) or the sovereign might achieve loyalty and correspondingly obedience by regularly exercising and displaying its power to care for the wellbeing of the people. (TTP 17/186) The problem of politics is how to render these external causes reliably effective; it will remain to be seen in coming chapters what exact possibilities Spinoza sees in this respect.

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57 Steven B. Smith (2005), 'What Kind of Democrat was Spinoza', Political Theory, 33
The same principle applies for understanding the relation between the commonwealth's reason and the reason of its individual subjects. Spinoza claims that the virtuous commonwealth will be guided 'as if by one mind', and insists that this can only occur if the commonwealth is guided by reason. (TP 3.7) A commonwealth would certainly be guided by reason if it were guided by the agreement of a populace of fully rational human subjects; but is this necessary? To understand the attribution of reason to the commonwealth, I draw on passages in which Spinoza characterises the reason of individual humans in terms of their bodily resilience. For Spinoza, mind and body are two expressions of a single reality. (E IIP7) 'In just the same way as thoughts and ideas of things are ordered and connected in the mind, so the affections of the body, or images of things are ordered and connected in the body.' (E VP1) The inadequate ideas of imagination correspond to the confusion of being unable to differentiate what in a sensation is attributable to ourselves and what to the nature of the object sensed. (E IIP16, IIP28) Reason is composed of clear and distinct ideas (E IVP40S2); what is its correlate in extension? If the body has a variety of experiences, this is the same as the mind perceiving many things at once. If the body also perseveres in its own nature throughout these experiences (or in other words, if it is resilient), this means that it concurs less in action with external bodies and thereby differentiates itself from its external conditions. But under these conditions, the confusion between self and world is overcome; this is the same as understanding more distinctly. (E IIP13S, VP39S) Thus, reason can be understood as nothing other than the mental correlate of a resilient body, or of virtue.58

This account can readily be extended to understand the reason of the commonwealth. To say that the commonwealth is guided by one mind is just the same as saying that the body of the commonwealth should be a virtuous resilient individual; and as argued, the virtue of the commonwealth does not rely upon the virtue of its individual subjects. Thus, the commonwealth's reason is not defined by the judgement of any particular human individual or set of individuals within it.

Individual human virtue and reason may not be a necessary prerequisite for the virtue of a commonwealth; but is it even possible to have a commonwealth made of virtuous and rational individual subjects? In Spinoza's view, it is not. According to the *Ethics*, human virtue is possible; that is, we have no reason to believe a human individual could not indefinitely increase in virtue. (E IVD4, VP42S) However, it does not follow that it is possible to have a population of virtuous individuals. Although in principle a given human might indefinitely increase in virtue, there will be natural causes determining whether they actually do so or not. Specific conditions lead to thinking rationally and behaving virtuously or the opposite, which can be investigated just as one investigates the causes of fine or stormy weather. (E IIPref) In individual cases, these causes may be obscure and unknown, but there are some general regularities that we do know. Spinoza considers many factors which help or hinder reason, amongst which one minimal requirement emerges: reason and virtue take many years and much effort to achieve. (E VP42S; TTP 16/174; TP 1.5) Observe now that a political population is of its nature constituted by humans of a diversity of ages and occupations: many of them will be young, and many will be busily occupied working to supply the necessities of life. It follows that much of any given population will fall well short of reason. The young have
not had the time to develop control of their passions, and Spinoza insists that 'those who believe that ordinary people or those who are busily engaged in public business can be persuaded to live solely at reason's behest are dreaming of the poet's golden age or of a fairy tale.' (TP 1.5)

Thus it is not possible for there to be perfect virtue and rationality of subjects in a political order, nor for that to be approached indefinitely. To insist that individual human virtue amongst a whole population is possible, perhaps pleading that such an outcome merely requires people to choose to be virtuous, is to misunderstand the human capacity for virtue as if it were something outside the order of natural causes. As explained in §2.1, possibility legitimately enters into Spinoza's philosophical system as a product of our ignorance of the full natural order of causes. Nonetheless, the onus is on the theorist to know as much as they can regarding this order, and thereby to operate with a realistic understanding of what is possible. Whatever else we may know, Spinoza argues we certainly know that we are part of nature and not capable of simply deciding to be more rational or virtuous than we are. (E IIIPref, IIIIP2S; TP 2.6)

At a metaphysical level, the virtue of the commonwealth neither requires individual human virtue throughout its population, nor is it possible for individual human virtue to exist so extensively within a commonwealth. But why must the exemplar of the virtuous commonwealth be restricted to an image of what is possible? Might it not be a useful inspiration to human individuals to keep in mind the lofty goal of a community of

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59 To be sure, through good institutions there can be a marked increase in the external conformity of behaviour of a population with reason, minimising fear of subjects one of another, and allowing a general improvement in virtue. (TTP 17/200; TP 5.2; also Matheron, *Individu et communauté*, 517-9.) But even this progress is limited by demographic turnover.
rational individuals? To the contrary, Spinoza rejects such an unrealistic exemplar.\(^{60}\) For to hold in mind an image which so willfully dismisses the determinate causes of human behaviour both gives bad guidance to political action and erodes the reason of the person that meditates upon it. The first point is fairly obvious. In an anarchist rational utopia in which all have perfect rationality, everyone's behaviour would be characterised by perfect virtue, and there would be no need of a sovereign. But to set up such a political order when a population is not fully virtuous generates strife and lays open the weak to oppression. (E IVP37S2; TTP 5/63) To serve human ends, an exemplar needs to lay out a path of action which there is no cause to believe is futile; a requirement on its acceptability as a norm is that it pose something possible, given what we know about the determinate causes of human behaviour. Might one object that the purpose of a utopian exemplar is different, not guiding the design of political orders but merely pure knowledge, or merely individual moral motivation? But Spinoza rejects its usefulness even for this narrower purpose. Imagining political society as it would be if human behaviour were free and refusing to see the passions's natural causes leads philosophers to 'deride, bewail, berate them, or, if their purpose is to appear more zealous than others, 

\(^{60}\) Armstrong agrees that for Spinoza democracy as government by a community of perfectly rational humans is impossible; but she claims Spinoza does advance such an ideal, and defends it as fictive. (Armstrong, 'Natural and Unnatural Communities', 301-5) However, Armstrong does not effectively support her premise that the ideal of Spinozan democracy involves perfect rationality. To say that in a democracy people obey 'not simply by reason of authority of a ruler' does not imply that obedience is instead from reason; rather, it is 'by hope of some good that they urgently desire'. (TTP 5/63-4; cf Armstrong, 'Natural and unnatural communities', 301) That is, democracy is conceived as the institutional channelling of the hopes of people of an ordinary degree of virtue, not as an ethical model transcending hope and fear.
to excrate them.' (TP 1.1) In other words, it inflames rather than calms the passions, and thereby stands in the way of true reason and virtue. (E IVP45, IVP64)

§3

When Spinoza asserts that right is coextensive with power, initially he elaborates his claim as a profoundly antinomian doctrine affirming the actual even when it may be grossly contrary to human purposes. Even when he draws out a second sense to the assertion, by which right is coextensive with virtue, he still stands contrary to the normative critical tradition because his metaphysics does not ground any obligation to be virtuous or to respect right; and in any case, the virtue of a commonwealth does not necessarily comport with human flourishing.

Nonetheless, I have argued that Spinoza does belong to this normative critical tradition after all, for he selectively builds on his metaphysical analysis of the commonwealth's virtue to construct a fictive exemplar of the right of the commonwealth, or of a commonwealth in control of its right. Under this rubric, he advances a robust normative standard for politics. He deems unacceptable those regimes grounded in subjection and conflicting with human flourishing; he rejects not only unstable tyrannies but also tyrannies stably propped up by external circumstances, and even tyrannies so well constructed that they maintain themselves indefinitely.

At the same time, Spinoza's normative standard of a commonwealth in control of its right is realist, for it builds in a requirement that its resilient functioning be possible, given what we know about determinate causes of the behaviour of the human individuals who make it up. Specifically, it refuses to presume the virtue of those individuals. It insists that an account be given of how any good behaviour comes about, leading to an
interest in the rather unphilosophical minutiae of material incentives and institutional design. Having established that in fact Spinoza does offer a realist approach to political theory, this leaves now the question, what in fact is his standard? Suggestions have ranged from radical democracy to protoliberalism to aristocratic mixed government. In the coming chapters, I determine his specific view.
Chapter 3

Two errors of absolutism

In Chapter 2, I provided a very abstract characterisation of Spinoza's ideal of politics. I outlined Spinoza's metaphysical conception of the right of the commonwealth as its virtue, or what is the same, its resilience under changing circumstances; I claimed that Spinoza constructs a normative standard on the basis of this virtue. I further claimed that this normative standard is realist, for it requires that the model of politics should be resilient, given what we know about the determinate causes of human behaviour, including human virtue.

This chapter is now concerned with the more concrete ideal of politics that is advanced within this abstract framework, or in other words, what specific sorts of models of politics are taken to be consistent with this realist aspiration. I argue that the commitment to political absolutism and the opposition to all other regime forms that is displayed in all of Hobbes's texts and in Spinoza's first political text the Theological-Political Treatise (TTP) can be understood in light of the realist aspiration shared by both authors. A puzzle arises, however, turning to Spinoza's second political text the Political Treatise (TP): for the TP now firmly advocates a non-absolutist constitutional order, even though such a model had previously been denounced as unsustainable. Has Spinoza's later text eschewed realism, allowing hope for progress even beyond the bounds of the current best understanding of political possibility? Quite the contrary: I argue that when Spinoza ultimately rejects Hobbesian absolutism in favour of a non-absolutist institutional complexity, he offers a more thoroughly realist model of politics. For the defence of absolutism rests on two fallacies. On the one hand, it illicitly exempts the
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conduct of one element in the political domain from the requirement of sociological
plausibility. Spinoza comes to see that his own earlier absolutism avoids a utopian
treatment of political subjects only at cost of a utopian assumption regarding the
sovereign's capacity to rule wisely. On the other hand, it underestimates the impact that
changed institutional settings can have on human behaviour. Spinoza is able to overcome
the absolutists' rejection of non-absolutist constitutional forms because this rejection is
grounded in their failure to recognise the capacity of well-designed institutions to
generate popular commitment to rule of law. Contemporary normative political theory
might also benefit from an awareness of these fallacies as it attempts to negotiate the
proper degree of normative ambition or restraint for its ideals.

§1

In this first section, I argue that Spinoza's Theological-Political Treatise (TTP)
offers a broadly Hobbesian absolutist model of politics; whereas Spinoza's later Political
Treatise (TP) defends a non-absolutist model.¹ The change is momentous: for in
Hobbesian political philosophy, the distinction between absolutist and non-absolutist

Some commentators draw attention to the greater institutional complexity of the later
text, but they provide a different account of its significance to the one offered here. Étienne Balibar (1998), Spinoza and politics, trans. Peter Snowdon (London; New York: Verso), 50-75; Lewis Samuel Feuer (1958), Spinoza and the rise of liberalism (Boston: Beacon Press), 150-197.
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models of politics is fundamental and prior to any other distinction between regime types. This observation furnishes this chapter's puzzle: how can Spinoza's radical change be accounted for?

In its Hobbesian presentation, absolutism is first of all a theory of absolute right. For Hobbes, individuals naturally have a right (an entitlement) to behave as they see fit in pursuit of their preservation. However, in establishing a political order, they hand over this right to a sovereign; as political subjects, they lack right to behave in any way countermanded by the sovereign. In particular, they must obey the sovereign's commands in all respects, except \textit{in extremis}. In contrast, the sovereign's right is not constrained in any way.\footnote{Hobbes's doctrine of right finds canonical expression at DC v.6-9, v.11 and at L xvii.13. Hobbes then elaborates this doctrine and enumerates the specific governmental rights through which it will be exercised at DC vi.3-18 and at L xviii.4-15. At DC v.10, xiv.5 and L xxii, xxvi he makes explicitly clear that both other bodies within the commonwealth and the laws of the commonwealth have the right to function only at the sovereign's pleasure.}

Often Hobbes presents his doctrine of absolute right as the underlying truth of any commonwealth whatever, even the worst ordered one. Civil science analyses the nature of the commonwealth, and concludes that in fact the sovereign has full right, regardless of whether institutions and practices are presently arranged to respect this right.\footnote{For the claim that in all commonwealths there is an absolute sovereign, see DC vi.13, 18; L xix.1. Correspondingly, Hobbes often characterises the problem with defective regimes as being not that right is incorrectly distributed, but that people have mistaken opinions regarding right. See also DC xii.3-7; L xviii.16, xxix.6-14.} But Hobbes does not seek merely to analyse: he also vigorously advances the prescriptive point that individuals and institutions ought to recognise the sovereign's right and behave accordingly. Hence, in addition to describing the distribution of right, it is possible to
identify a political model which corresponds to it: the sovereign (which could be an individual monarch, or an aristocratic or democratic assembly) should have power commensurate with its absolute right. Concretely, in this model the sovereign will be able to rule by its unfettered will, and this ability is constituted via institutions and subjects which are fully obedient to that will, whatever it may be. Even if the sovereign chooses to make use of pacts and laws, it does so at its pleasure. Even if it delegates governmental functions to institutions, they are always pure conduits of the sovereign's will, and it does not need to take their preference into account. In sum, in the absolutist model of politics, the sovereign is immune to reciprocal influence of any other element of the political order. By contrast, any model of politics in which laws, institutions, or groups are not fully responsive to sovereign command, such as mixed constitutions, divided constitutions, or rule of law, is considered defective.

Spinoza's TTP also offers an absolutist model of politics. Its doctrine of civil right is strikingly Hobbesian:

[E]veryone transfers all the power that he possesses to the community, which will therefore alone retain the sovereign natural right over everything, that is, the supreme rule which everyone will have to obey either of free choice or through fear of the ultimate penalty. (TTP 16/177)

[T]he sovereign power is bound by no law, and all must obey it in all matters (TTP 16/177)

4 With the qualification that subjects retain some limited rights in extremis; I return to this in §2.
5 DC vi.14-5, vi.18, xii.3-7, xiv.15, xiv.20; L xvii.2-5, xviii.3-19, xxvi.4-7, xxix.3, xxix.9-13, xxix.16.
To be sure, Spinoza then goes on to reserve to subjects a right of free expression; (TTP 20/224) on this basis, Spinoza is often held up as a proto-liberal. Nonetheless, I argue that TTP remains fundamentally absolutist, as becomes clear when we observe the severely constrained nature of the concession regarding speech, both with regard to its scope and its consequences.

Regarding the scope of the subjects' retained right to speech, there is no extension to actions of any sort: 'to act against the sovereign's decree is definitely an infringement of his right'. (TTP 20/224) Furthermore, there is no permission for any seditious speech, or even speech which demands action: acceptable speech must be calm expression of opinion entirely lacking 'the will to effect such changes in the state as [the subject] decides.' (TTP 20/224) That is, TTP proposes a legal order which (outside of the domain of laws controlling speech) is entirely defined by the sovereign's will, and which is not required to acknowledge or accommodate resistance or dissent to that will regarding commands of action and regarding the definition of seditious speech. Nor is there any formal institutional mechanism to register such dissent.

Regarding the consequences of the subject's retained right to speech: even when the sovereign violates this right of subjects, there is no immediate disruption to the model of politics. To be sure, the violation may gradually corrode the willingness of subjects to obey the sovereign in other respects. In the meantime, however, nothing changes: the sovereign does not forfeit its position and authority as ruler, nor do subjects gain a right to renege on their obedience in any of their actions. (TTP 20/223, 226) Even though

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subjects now may quietly express their opinion, Spinoza's earlier absolutist point still applies:

It is for the sovereign alone to have regard to these considerations [of how best to govern], while it is for the subjects, as I have said, to carry out its orders and to acknowledge no other right but that which the sovereign power declares to be a right. (TTP 16/178)

Thus, just as in Hobbes, the ideal of politics involves institutions and laws fully responsive to the sovereign's will; the sovereign is supreme and unfettered. To be sure, TTP's sovereign does not seek to control religion; but it certainly does not allow religion (or any other institution) to limit its discretion. (TTP 19/212)

I claim that matters are entirely different in Spinoza's TP. I concede that this difference might not initially be noticed, for Spinoza continues to insist that subjects, having transferred their right, are fully bound to obey the sovereign in all respects.

Furthermore, Spinoza still calls absolute a sovereign that is unconstrained by the rest of the body politic. (TP 8.3) However, the models of politics which are advocated directly defy absolutist principles. In these models, the very purpose of subordinate institutions is to constrain and shape the will of the sovereign. In other words, even if Spinoza still stipulates that the sovereign is entitled to have its will obeyed, this stipulation is robustly complemented by proposals for how the will of the sovereign might be shaped and structured by institutional and popular pressures. Indeed, TP's account inverts the

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8 Spinoza's position on this point is reminiscent of Kant's defence of freedom of the pen in the context of refusing a right to disobedience. Immanuel Kant (1999), 'On the common saying: That may be correct in theory, but it is of no use in practice', in Mary J. Gregor (ed.), *The Cambridge edition of the works of Kant: Practical philosophy* (Cambridge: Cambridge University Press), 8:297-304.

9 TP 2.16-9, 3.2-4, 4.2.
Two errors of absolutism: the absoluteness of the aristocratic sovereign is in no way impugned by institutional constraints on the sovereign's rule; but its absoluteness is jeopardised should the sovereign fear the commoners even when they have no formal impact on its rule. (TP 8.4, 8.11)

The contrast with absolutism is seen most explicitly and strikingly in the case of monarchy. Spinoza directly rejects the absolutist model of monarchy: 'the more absolute the transfer of the commonwealth's right to a king, the less he is in control of his own right and the more wretched the condition of his subjects.' (TP 6.8) In its place, he proposes that there should be constraint on the will of the sovereign monarch. First, the monarch's rule ought to be limited by established law: 'the fundamental laws of the state should be regarded as the king's eternal decrees, so that his ministers are entirely obedient in refusing to execute his orders if he commands something that is opposed to the fundamental laws of the state.' (TP 7.1) And second, the monarch must rule through a council, where far from merely hearing advice that it remains free to ignore, a monarch may 'not make any decree or give any judgment contrary to the view of the entire council', and may only choose between the council's offerings. (TP 7.5)

TP's opposition to absolutist models of politics is not reserved only for absolutist monarchies. Spinoza repeatedly states that the problem of politics is not merely achieving subject obedience, but more importantly constraining rulers: reason is of little use in constraining the passions, especially 'in law-court or palace, where it would be needed most of all.' (TP 1.5) There must be constraint on the sovereign, because 'if the safety of the state is dependent on some man's good faith, and its affairs cannot be properly administered unless those responsible for them are willing to act in good faith,
that state will lack all stability.' (TP 1.6) Indeed, an essential part of TP's aristocratic model of politics is a body of syndics. There are fundamental laws that need to be respected in order for an aristocracy to function as an aristocracy and be sustained; syndics are charged with the task of constraining the will and the very structure of the patriciate to respect the fundamental laws. (TP 8.11, 8.19-20, 8.26, 10.2) Spinoza died before completing TP's chapter on democracy, so there is no straightforward textual statement of the ideal structure of democracy; however, in my Chapter 4, I will defend a reconstruction of his view which is similarly non-absolutist.

The historical context of the two texts goes some way to accounting for this difference.10 TTP was written at a time when the Dutch political elite was divided into hostile factions, each of which allied itself with a religious grouping. Consequently, TTP is primarily concerned to address the proper relation between religion and politics, and its model of politics is oriented towards staving off civil war by rejecting both any independent political authority for religion and any division of political powers. (TTP 20/228) However, in the intervening years between TTP and the later TP, there had been great political upheaval: a mob had murdered the republican Grand Pensionary Jan de Witt, and the Prince of Orange had rapidly risen in power. In this new context, the urgent question becomes how to bring a ruler, whether monarchical, democratic, or anything in between, to rule reasonably.

Nonetheless, a historical explanation of this sort of the difference between the texts is not sufficient by itself. Hobbes and Spinoza both present their absolutist conclusions arising from philosophical reason, and not merely as the contextual and shifting deliverances of prudence. Consequently, the puzzle remains: how is it that the centrepiece of Hobbes's and Spinoza's early sciences of politics comes to be rejected in Spinoza's later work?

§2

In this section, I start by observing that both Hobbes's and Spinoza's arguments in defence of their absolutist models of politics express a commitment to realism, to the need for the models to be sociologically plausible. Realistic models need to account for not merely some abstract capacity of humans to conform to the modelled behaviour, but the actual likelihood of them doing so, given what we know about humans and how the proposed political arrangements are likely to affect their conduct. But translating this aspiration to the messy domain of political practice and institutional design is difficult; I show that already in the absolutist texts of both authors, the realist aspiration forces qualifications to the absolutist model of politics. Even when no formal institutional limitation on sovereign power is countenanced, the tendencies of subjects to resist certain forms of rule impose requirements on the sovereign's conduct if it is resiliently to secure peace.

Hobbes argues that no non-absolutist model of politics (such as mixed constitutionalism or rule of law) can resiliently secure peace. In the absolutist model, the sovereign commands as it pleases, and the subjects obey, mindful of the threat of

11 DC Preface.9; L ix, xvii.13, xix.4; TTP Preface/7; TP 1.4.
punishment. Imagine now a political order in which the sovereign is not absolute, but constrained. Either the constraining power is a higher power again which is truly sovereign, or it is another power which is not superior. In the first case, the political order remains absolutist; (L xix.12) in the second case the sovereign is not absolute but the political order is rendered unstable. (L xxix.12) For any disagreement between the sovereign and the constraining power is only resolvable by fighting, and this fighting is likely to spread throughout the body politic, as subjects align themselves with one or other side of the conflict. (L xviii.16) A similar problem arises for the possibility that the sovereign might be constrained by the law or by the terms of a contract. Unless the legal authority is itself truly sovereign, any difference of opinion between the legal authority and the sovereign can only be resolved by fighting. (L xviii.4, xxix.9) Only absolutism eliminates this possibility of factionalised power; absolute sovereignty is required because any other model of politics cannot plausibly stave off war. (L xvii.13)

Spinoza also aspires to offer a model of politics which will secure peace. (TTP Pref/3) Just like Hobbes, he is concerned that any restriction or division of the sovereign's authority will lead to 'the division and consequent destruction of the state'. (TTP 16/177) Correspondingly, in Chapter 16 of the TTP he proposes a crude Hobbesian absolutist model, whereby just as for Hobbes sovereigns command as they please, and subjects obey, mindful of the sovereign's threat of punishment. However, he immediately qualifies the proposal in Chapter 17, dismissing it as 'no more than theory'. (TTP 17/185) Perhaps peace is impossible without a common power, but the crude Hobbesian model's explanation of how this common power is itself possible remains inadequate, due to its

12 See also DC vi.12, vi.17-8.
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Untenably stylised modelling of subjects' behaviour. Only after a more finegrained analysis of the causes of subjects' obedience is it possible to assess whether an absolutist political order is sociologically plausible.

Thinking about the causes of the political behaviour of subjects, beyond the stylised picture of obedience to command in the face of threat, reveals both limitations to that punitive mechanism, but also resources by which it might be bolstered. On the one hand, certain kinds of command systematically meet disobedience because of the limits of human malleability. 'Nobody can so completely transfer to another all his power, and consequently his right, as to cease to be a human being'. (TTP 17/185) For instance, a subject cannot simply decide to obey a command to hate, love, desire, or otherwise to change the passion that affects them. (TTP 17/185) Even worse, some methods of rule might not merely be ineffective, but also they might give rise to unintended perverse consequences. Spinoza's key example of such complexity of effects is the resentful passions amongst the noble and sycophantic behaviour amongst the base which follow from any attempt to restrict expression. (TTP 20/222-6) But on the other hand, there are means other than direct command by which a sovereign can achieve its ends. '[T]he government's power is not strictly confined to its power of coercion by fear, but rests on all the possible means by which it can induce men to obey its commands.' (TTP 17/185) The sovereign might mobilise other fears, hopes of reward, love of country, reverence, in order to manipulate subjects' passions and behaviour. Given the limitations of direct command, it will be enduringly important for the sovereign to modulate its method of rule in order to encourage loyalty. (TTP 17/186-7)
Balancing these considerations, Spinoza argues that despite the range of strategies of rule available to the sovereign, the passions of subjects will always remain to some degree unruly. Consequently, a sovereign may have considerable, but not unlimited power: 'there can never be any government so mighty that those in command would have unlimited power to do anything they wish'. (TTP 17/186) He emphasises the dire consequences should the sovereign not take care to rule wisely: the sovereign will meet its downfall, and the political order may be plunged into war. (TTP 17/185, 17/187)

Spinoza's response to this analysis is not to eschew the absolutist model of politics, but rather to modify it. Spinoza always insists that the sovereign remains entitled to command action as it pleases, and remains subject to no formal institutional constraint. However, the sovereign should be aware that its endurance depends on securing the loyalty of its subjects. To achieve this, first, a domain of freedom should be reserved for subjects to express themselves; and second, the sovereign must rule rationally, in a way that moves subjects not only by fear but also by hope and love. (TTP 16/177-8, 17/186-7, 20/222-6) That is, the model of politics remains absolutist, but in order for this model to be resilient, the sovereign will need to abide by certain standards of conduct.

Spinoza scholars have not generally made a clear differentiation between the caricatured Hobbesian absolutist model that Spinoza rejects and Hobbes's actual view. They charge that Hobbes's careful attention to his doctrine of right, which indicates what

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people ought to do, comes at the expense of a weak account of what they are actually likely to do. Hobbes is accused of offering an account of the behaviour of moderately and docilely rational populations, and not of a population of real humans; only amongst such counterfactually rational humans will the Hobbesian model be able to stave off war. This accusation finds further fuel in the contemporary rational choice reconstructions of his work. However, such a reading of Hobbes is unsustainable, as I showed in detail in my Chapter 1. At least in his later writings Hobbes provides a rich and sophisticated sociological account of the causes of human action. More generally, Hobbes is acutely aware of the pervasive presence of irrationality in politics. 'Men cannot divest themselves of the irrational desire to reject future goods for the sake of present goods (which inevitably entail unexpected evils).' (DC iii.32) The argument I sketched at the start of this section for Hobbes's belief that an absolutist institutional order is more resilient than all others focussed on the sources of instability in non-absolutist orders. However, this argument does not stand alone; it is supplemented by strenuous efforts to show how and

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15 For instance, Hampton accepts moderately rational motivation as her starting point, interrogating only the argument that Hobbes constructs on that basis. (Jean Hampton (1986), Hobbes and the social contract tradition (Cambridge: Cambridge University Press), 189-90) Similarly, Kavka reconstructs Hobbes's 'descriptive theory', by which he means not a sociological descriptive theory but rather a descriptive account of the behaviour of idealised rational actors. (Gregory S. Kavka (1986), Hobbesian moral and political theory (Princeton: Princeton University Press), xiii, 20) He then goes on to fault Hobbes for this descriptive account poorly modelling human behaviour. (Ibid, 438)
to what degree the strength of absolutist institutions might be achieved.\textsuperscript{16} In so doing, Hobbes's texts cover in advance a similar terrain to Spinoza, in two respects.

First, corresponding to Spinoza's concern with the limits to human malleability, Hobbes also establishes a list of 'liberties of subjects', which consists of behaviours that humans are generally unable to perform. For instance, humans cannot refrain from defending themselves from force with force, nor can they be brought to accuse their benefactors. So seriously does Hobbes take this limitation that he rules out any covenant undertaking such obedience as invalid, because it would be highly unlikely for the promised obedience to come about.\textsuperscript{17} If a sovereign infringes these liberties, it can expect to encounter rebellion and possibly its own downfall. (L xxii.17)

Second, corresponding to Spinoza's concern with the complexity of effects of sovereign action, Hobbes recognises that the sovereign's achieving its ends without incurring the risk of rebellion requires a proliferation of carefully calibrated modes of rule. Even if the sovereign's punitive threat achieves individual obedience to everyday laws, there remain informal powers in a society which could be mobilised seditiously, 

\textsuperscript{16} Hampton is alert to these efforts, which she considers a 'fall-back position' in the text. Hampton, \textit{Hobbes and the social contract tradition}, 39-44. See also Charles D. Tarlton (1978), 'The creation and maintenance of government: a neglected dimension of Hobbes's Leviathan', \textit{Political Studies}, 26 (3), 307-27.
\textsuperscript{17} DC ii.18-19, vi.13; L xiv.29-30, xxi.10-17. There is, to be sure, a difference between Hobbes and Spinoza in the consequences they draw from identifying human limits. Spinoza denies the sovereign the right to issue commands beyond these human limits, whereas Hobbes says sovereign retains the right to command as it pleases. However, this difference is not a deep one, but rather a simple consequence of the character of the human limits they respectively recognise. The kinds of sovereign acts which encounter resistance are mass for Spinoza, whereas they are individual for Hobbes. Thus Hobbes's sovereign can execute some subjects for misdeeds without impugning the political order because this affects only a few; whereas Spinoza's sovereign cannot issue laws restraining expression without incurring destabilising consequences, because by their nature such laws affect many.
such as popular personages or powerful towns. Motives for rebellion lie close to the surface, in the combination of the vainglory and ambition of the eminent, and the poverty and disaffection of the lowly, especially when they also are emboldened by false political doctrines. (DC xii, xiii.13; L xxvii.13-18, xviii.25, xxix.19-21) Discontent is dangerous: anyone 'not contented with their present condition' may be prone to 'stir up trouble and sedition' out of hope to establish a political order in which they have a better life. (L xi.4) Punitive threat risks provoking the rebellion it aims to quell; the rebellious potentiality needs to be contained by other means. The suggestions Hobbes offers fall into three main categories. First, teach the correct doctrine of right, at the pulpits and the universities. (DC xiii.9; L xxx.4-14) Second, eliminate subjects' disaffection, by being sure always to rule in a scrupulously transparent, fair, measured, and equitable manner, and by helping those in material want. (DC xiii.10-11; L xxx.15-18, xxx.20-23) Third, deflate the emergence of other powers, especially those of subjects who show signs of ambition rather than loyalty. (DC xiii.12; L xxx.16, xxx.24) For Hobbes like for Spinoza, the consequence of a sovereign's failure to pay heed to the counsels of prudent rule is their downfall and the possible collapse of the political order.

In sum, Hobbes and Spinoza share the aspiration to offer a politics that is sociologically plausible, and share recognition that this requires more than a mere

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\textsuperscript{18} I reject Armstrong's argument that there are both utopian and anti-utopian tendencies within Spinoza's political philosophy. The utopian tendency is allegedly shown in the ideal of democracy in TTP as government by a community of perfectly rational humans. (Armstrong, 'Natural and unnatural communities', 301-2, commenting on TTP 5/63-4) However, this is a misreading of the text. To say that in a democracy people obey 'not simply by reason of authority of a ruler' does not imply that obedience is instead from reason alone; rather it is 'by hope of some good that they urgently desire'. (TTP 5/63-4)
formal modelling of people as moderately rational. Such a theory cannot merely stipulate the allegiance that the sovereign is entitled to receive and subjects are obliged to provide, but it must also account for how subjects can be brought actually to obey. Achieving obedience will involve negatively, abstaining from certain types of command; and positively, taking care to govern well. In sum, sovereigns must rule wisely, not wickedly or tyrannically. By complementing their doctrine of right with a consideration of causality, Hobbes's and Spinoza's absolutisms are realist in their modelling of absolute obedience.

§3

The canonical model of absolutism centres on an asymmetry and disproportion between the sovereign and all other elements of political domain. Subjects and subordinate institutions respond with obedience to the sovereign's will. However, sociologically we know that subjects tend to disobey certain sorts of laws regardless of the penalty, and tend to misbehave in response to imprudent governance. Accordingly, for the absolutist model durably to function, both Hobbes and Spinoza qualify it: the sovereign needs to limit the range of its commands and exercise prudence generally in its rule. The resulting model still merits the label absolutist, for subjects and subordinate institutions do not shape or influence the will of the sovereign in any sense but a trivial

19 Indeed, insofar as Spinoza is interested in the concrete genesis of ignorance and the passions, he rejects the postulation not only of mass virtue but also of perfect mass pursuit of an economically understood self-interest; thus, his realism answers to Pettit and Brennan's call for a realism grounded not in *homo economicus* but *homo sociologicus*. (Geoffrey Brennan and Pettit, Philip (2005), 'The Feasibility Issue', in Frank Jackson and Michael Smith (eds.), *The Oxford handbook of contemporary philosophy* (Oxford ; New York: Oxford University Press), 258-79.)
one: in assessing how to rule, the sovereign rationally takes into account their determinate character of the domain to be ruled.\textsuperscript{20}

Nonetheless, there remains a question about the realist credentials of this revised absolutist model of politics. The model will only function if the sovereign rules wisely and rationally; at the same time it rejects any constraints being placed on the sovereign which might guarantee this rationality of behaviour. But neither the requirement of sociological plausibility, nor the observation that humans often have imperfect reason and are prone to act in response to passions even at cost to their long-term goals, are restricted only to subjects. If absolutism is to vindicate its non-utopian credentials, it needs to offer an account of the sociological basis of the wise conduct of the sovereign.\textsuperscript{21} Insofar as the fundamental structure of the absolutist model requires that there be no restraint on the sovereign, \textit{prima facie} this is the Achilles' heel of absolutism.

Although Hobbes's texts and Spinoza's TTP both tend not to give nearly as much attention to the determinate causes of behaviour of rulers as they do to subjects, they do offer a sketch of a response to my worry. The first argument takes the form of a two part sketch of sovereign motivation. Hobbes's texts and Spinoza's TTP often claim that the sovereign will rule wisely because of the coincidence of interests and power between the sovereign and the subjects. The 'strength and glory' of the sovereign consists in the

\textsuperscript{20}See the discussion of the model of absolutism in §1. In particular, observe that Spinoza insists that allowing free speech does not licence subjects to attempt to influence or pressure the sovereign. (TTP 20/224)

\textsuperscript{21}Indeed, Frost's detailed reconstruction of Hobbes's theory of the kind of rule required to avoid war (which covers similar territory to my account in this chapter's §2 and also in my Chapter 1 §2) is framed as a theory of what a sovereign ought to do, with no reflection on how a sovereign might have the wisdom or motivation sufficient to this end. Samantha Frost (2008), \textit{Lessons from a materialist thinker: Hobbesian reflections on ethics and politics} (Stanford: Stanford University Press), 156-65.
'vigour' of its subjects. (L xviii.20) Consequently, sovereigns will not rule tyrannically because they harm themselves by doing so, and even risk bringing about their own downfall. Will the sovereign kill its subjects to seize their wealth? Will the sovereign rob and kill some subjects in order to curry favour with others? Hobbes denies that the sovereign is likely to desire to do these things: 'there is no reason why he would want to spoil his citizens, since that is not to his advantage.' (DC vi.13)\(^{22}\) Spinoza concurs: 'it is exceedingly rare for governments to issue quite unreasonable commands; in their own interest and to retain their rule, it especially behoves them to look to the public good and to conduct all affairs under the guidance of reason.' (TTP 16/177-8)\(^{23}\)

However, this only partly addresses the problem: for sovereigns are not only sovereigns, but also private individuals, and their motives in these two roles may diverge. As Hobbes explains,

[W]hosoever beareth the person of the people, or is one of that assembly that bears it, beareth also his own natural person. And though he be careful in his politic person to procure the common interest, yet he is more (or no less) careful to procure the private good of himself, his family, kindred and friends, and for the most part if the public interest chance to cross the private, he prefers the private; for the passions of men are commonly more potent than their reason. (L xix.4)

Nonetheless, Hobbes claims that the absolute sovereign will still rule wisely because (at least in the case of monarchy) the public interest aligns with the sovereign's interest qua private person. The monarch finds personal glory in the wealth of his or her nation: and he or she only has a finite circle of friends on which to bestow gifts, so there

\(^{22}\) Also DC xiii.2; L xviii.20, xxx.21. Pettit considers this a sufficient ground to expect an absolute sovereign to rule well. Philip Pettit (2008), *Made with words : Hobbes on language, mind, and politics* (Princeton: Princeton University Press), 128.

\(^{23}\) Also TTP Preface/7, 16/177-8, 16/182; also DC xii.9
will be a limit to how much wealth will be diverted from the public good. (DC vi.13, x.6-7, x.18; L xix.4-9) A similar consideration of the sovereign as natural individual(s) underlies Spinoza's argument that sovereigns that take the form of large assemblies will act by reason, because the individuals in the assembly will only find support from a majority of the many diverse other members if they are reasonable. (TTP 16/178)

The second argument takes the form of comparison. Both Hobbes and Spinoza claim the absolutist model of politics, even including the risk that the prince will be wicked, is better than any alternative: absolutism remains the regime most stably able to stave off war. (DC vi.13, vii.4) For where absolutism may collapse if the sovereign is wicked or imprudent, any non-absolutist political order will inevitably collapse, for the reasons that Hobbes so succinctly lays out and that I presented at the start of §2. ' [T]he estate of man can never be without some incommodity or other'. (L xviii.20) As Spinoza puts it (arguing in particular against a division of civil and ecclesiastical power):

It is indeed true that if those who hold the sovereignty choose to go what way they will, then, whether or not they have control over religion, all things, both religious and secular, will go to ruin: but this will come about far more quickly if private citizens seditiously seek to be the champions of religious law. (TTP 19/219)

§4

Spinoza's later Political Treatise (TP) offers an anti-absolutist model of politics which insists upon shaping and constraining the sovereign's conduct. TP's argument for a non-absolutist model of politics implicitly demolishes both sides of the absolutist argument laid out in §3. Both the account of the sovereign's good rule and the argument against non-absolutist political orders fail; they evince an inadequate consideration of the determinate causes of human behaviour.
The absolutists texts propose that there are incentives for good conduct inherent in the absolutist structure: it is to the sovereign's own interest to rule for the common good. However, humans often forsake their interests for the sake of the passions of the moment; this principle that was so freely applied in the absolutist texts in the case of the subjects is now explicitly brought to bear on the sovereign: 'the path taught by reason is a very difficult one, so that those who believe that [...] those who are busily engaged in public business can be persuaded to live solely at reason's behest are dreaming of a poet's golden age or of a fairy tale.' (TP 1.5) Ruling well may indeed aid the sovereign in avoiding the downfall of the regime in the long term; but the crucial question will be whether the risk of downfall constitutes a sufficiently strong motive to outweigh the other determinants of the sovereign's action. What are the more immediate passions and incentives pressing on the sovereign?

The consideration of the sovereign's interests qua private person just discussed (§3) goes some way to answering this question. Hobbes does not think that there are systematic incentives for ruling badly. He considers the monarch's desire for personal glory and his or her proclivity to favour friends and family. Both are fairly immediate and pressing passions; and Hobbes claims that the first aligns with the common good, and the second is unlikely to cause harm. Perhaps if these were the only incentives on an absolute monarch, Hobbes's analysis would be reasonable. But in TP, Spinoza draws attention to a pressure on the monarchical sovereign to rule badly which is predictably produced by the absolutist model of politics. The tasks of ruling are too great for an individual to bear alone; consequently an absolute monarchy will always actually have a covert power structure of advisors and confidants. The absolute monarch always lives in
fear of usurpation by one of these advisors, and in fear of the public shifting its allegiance. To stave off elite usurpation and to disempower any popular uprising, the absolute monarch rules corruptly and tyrannically, oppressing the weak and appeasing the strong. However, such conduct cuts against the sovereign's self-preservation in the longer term. Those who are appeased recognise the fragility of their privilege at the hands of an unconstrained monarch, and remain ready at any moment to usurp him or her; those who are oppressed do not develop deep commitment to or love for the monarch, so they will shift their allegiance the moment it becomes strategic to do so. (TP 5.7, 6.5-7, 7.14)

Such perverse incentives are also at play in absolute aristocracy. There is a natural tendency for the size of the patriciate to reduce and for hierarchy to emerge amongst patricians; this is grounded in the short-term desires of the patricians to favour their own narrowly conceived interests and the interests of their heirs. However, these tendencies violate aristocracy's own conditions of strength, which is being ruled by a large body of equals. A smaller assembly can agree on more harmful policies; a smaller and more hierarchical body of rulers will be more fearful of the those below it, leading to the same corrupting dynamics which plagued the absolute monarch. (TP 8.1-2, 8.6-7, 8.11-14, 9.3) Furthermore, in absolutism, the ruler and the guardian of the law coincide: this 'quite absurd' arrangement provides incentive for rulers to bend the law to their own private interests regardless of any cost to the common good. (TP 8.19)

Thus, TP shows that the structure of immediate incentives in absolutist political orders is perverse, tending to lead to wicked or otherwise imprudent rule. Indeed, Hobbes's and Spinoza's absolutist texts themselves implicitly make this concession, at
least in their discussion of their respective less favoured absolutist regimes. Spinoza argues that even an absolute monarch sometimes feels forced to rule tyrannically in order to maintain their hold on power. (TTP 18/209-10) Hobbes for his part argues that an absolute democratic sovereign tends to develop factions within itself, where each faction seeks to undermine decisions favouring the other's policy preference; this factionalised behaviour readily overspills the bounds of the assembly's deliberations into all-out war. (DC x.6-7, x.9-14; L xix.8).

In this light, the foundational claim of their absolutist civil science that an absolutist regime of whatever sort is always better at staving off war than the non-absolutist alternatives is put into question. The absolutist texts did not fully recognise this difficulty because their efforts to give a realistic account of the sovereign's behaviour remain very shallow. Overall in these texts, there is a tendency to place the wicked conduct of the sovereign exterior to the model, as though wickedness is a free decision of the sovereign beyond any possibility of institutional influence. That is, the merit of a political model is judged as it would be if the rulers were prudent and good; the possible wickedness of a ruler in no way impugns the model because the ruler ought not have behaved in that way. Tyrannical rule 'is in fact in every kind of commonwealth a great disadvantage where it occurs (it is the occurrence that is the disadvantage, not the possibility that it may occur), but the fault is the Ruler's, not the Régime's.' (DC x.10)

Ultimately, absolutism in its classic Hobbesian (and early Spinozist) presentation rests on the fantasy of conceiving one part of the political order (the sovereign) as able to choose

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24 See also DC vi.17, vii.4
to be guided by reason regardless of the concrete situation in which it acts.\textsuperscript{25} But to the contrary, bringing the sovereign to act wisely and in the common interest constitutes a real problem, not one that can be dismissed as trivial. As TP insists,

Now if human nature were so constituted that men desired most of all what was most to their advantage, no special skill would be needed to secure harmony and trust. But since, admittedly, human nature is far otherwise constituted, the state must necessarily be so established that all men, both rulers and ruled, whether they will or no, will do what is in the interests of their common welfare; that is, either voluntarily or constrained by necessity, they will all live as reason prescribes. (TP 6.3)\textsuperscript{26}

Not only does TP already cast doubt on the credentials of absolutism in staving off war; but I now argue that TP also undermines the comparative argument that all other regimes are worse. Hobbes claims that if law is above the sovereign, then any dispute between judges and sovereign can only be resolved by conflict; war will ensue as the people choose a side to follow (§2 above). Underpinning this claim is the idea that humans lack the capacity to coordinate peaceably around a system of law. However, even if some aspects of human social behaviour are determined by enduring features of the human condition, it remains possible that others might be a product of specific

\textsuperscript{25}Indeed, recall that the focus of TTP's analysis is the sovereign whereas TP shifts to centre upon the commonwealth, discussing the sovereign only insofar as it is understood as part of the commonwealth (see my Chapter 2, §1.2). The early analytical focus on the sovereign reflects an undue reliance on the sovereign's good conduct to secure the resilience of the political order.

\textsuperscript{26}Lazzeri is the only commentator I have found who both identifies the problem of sovereign prudence in Hobbes's absolutism and finds its solution in Spinoza's TP. In Lazzeri's terms, Spinoza unlike Hobbes focusses on the rationality of institutions, not of rulers. Christian Lazzeri (1998), \textit{Droit, pouvoir et liberté : Spinoza critique de Hobbes} (Paris: Presses universitaires de France), 327, also 317-40. However, Lazzeri does not address how this analysis might bear on Spinoza's own earlier position in TTP.
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historical, geographical, cultural and political contexts. Already in TTP Spinoza raises the possibility that the determinate causes of the human inability to live under rule of law do not lie in the human condition in general, but rather in specific (albeit widespread) contextual factors. For TTP provides one detailed account of a successful and durable institutional order structured in exactly this allegedly unsustainable way: the ancient Hebrews. During their federal theocratic period, the Hebrews may have recognised God as sovereign by right, but their earthly model of politics featured a firmly institutionalised division of legal and executive power. (TTP 17/189-195)

The high priest did indeed have the right to interpret the law and to deliver God's answers, but only when requested by the commander-in-chief or the supreme council or similar authorities .... On the other hand the commander-in-chief and the councils could consult God whenever they wished but could receive God's answers only from the high priest. ... [T]he high priest who received God's answers from God possessed no armed force and held no rightful command, while those who had the right to the possession of land did not have the right to make laws. (TTP 17/192-3)

How was such an arrangement possible? How was it that neither power usurped the other, nor factionalised the population into a conflict? Spinoza's answer is that the Hebrews had a profound commitment to and schooling in the law. They viewed the law as originating not in the will of the priests or the council but in God; their commitment to the law served not only to stabilise their allegiance but also to limit the priests' and council's ambition. In turn, the commitment to the law itself was supported by the profound slavishness, ignorance, and isolation of the Hebrews. (TTP 17/195-200)

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Two errors of absolutism

Even though a political order governed by law is possible, TTP favours absolutism: for it considers the Hebrew federal commonwealth as a negative model not to be emulated. 'Although the Hebrew state ... might have lasted indefinitely, it is not possible to imitate it now, nor would it be advisable.' (TTP 18/205) Insofar as modern societies no longer wish to be slavish or isolated, and are no longer so ignorant of the order of natural causes, a popular commitment to the law is no longer available as a foundation for a model of politics. In these modern conditions, a political model structured around law would degenerate rapidly into war. However, for Spinoza there is nothing in itself defective in the Hebrew model. Under the particular circumstances of that time and place, a political order organised around rule of law was sociologically plausible. The example of the Hebrews demonstrates the considerable plasticity exhibited by human behaviour across different political orders and circumstances, and

28 Feuer notes that the Hebrews' political model differs from TTP's concluding absolutism. (Feuer, *Spinoza and the rise of liberalism*, 99, 120-1) However, many others do not not this difference, which is unsurprising given their general failure to observe the distinction between absolutist and non-absolutist political forms. (For instance, Curley, 'Kissinger, Spinoza, and Genghis Khan', 330-332.)

29 Spinoza is careful to distinguish between the model of the Hebrew federal republic as it ought to have been; the model of the Hebrew federal republic as it actually was; and the second Hebrew commonwealth. The model of the federal republic as it ought to have been, including its division of earthly powers, is emphatically praised by Spinoza; he rejects only its applicability to the present day, and his criticisms of the Hebrews are reserved for the actual federal republic and the later commonwealth. (TTP 17/200-1) It is common in the literature to misunderstand criticisms of the reality of the federal republic or of the second commonwealth as criticisms of the ideal model of the federal republic. (Balibar, *Spinoza and Politics*, 38; Michael A. Rosenthal (1997), 'Why Spinoza chose the Hebrews: the exemplary function of prophecy in the Theological-Political Treatise', *History of Political Thought*, XVIII (2), 227-30; Smith, *Spinoza, liberalism, and the question of Jewish identity*, 147-153, 163n97.)
shows (*contra* Hobbes) that capacity to coordinate around law might under some circumstances be possible.\(^{30}\)

This raises the question, might there be other mechanisms apart from slavishness capable of producing a devotion to law? Spinoza's considered answer in *TP* differs from that in *TTP*, and is apparent throughout *TP*’s models of politics: so long as the political order is transparent and fair with mechanisms to maintain the rational character of the law and to minimise its capture by special interests, then a popular commitment to the law is possible. Under these circumstances, the foundations of the political order 'cannot be dismantled without arousing the indignation of the greater part of an armed people'; (TP 7.2) such non-absolutist models of politics offer a resilient possibility of peace.\(^{31}\)

Spinoza's political hopes for institutional stability structured by rule of law remain sober and non-utopian. There is no claim that the resilience of such an order translates into absolute persistence. For finite existence, whether of the human individual or of the

\(^{30}\) Another example of human plasticity is the variable political importance of free expression: the free expression which is so essential to the success of a modern commonwealth was absent for the Hebrews, yet Spinoza does not consider this a problem. (TTP 17/200, 19/220) See discussion in Chapter 5 §2.

\(^{31}\) It is not the case that all non-absolutist models will equally meet this criterion. To start, Spinoza remains implacably opposed to granting religious bodies any political authority. (TP 3.10, 6.40, 8.46) Furthermore, although he does not broach the topic directly, I suggest that Spinoza would find mixed constitutional regimes lacking. For he insists that all functions concerning the commonwealth should be understood to be vested in the sovereign, even if they are subsequently delegated out. (TP 4.2) In Spinoza's favoured model, the populace supports the institutional order because rule of law encourages the polity to find laws that are fair to all, and understands non-mass institutions as subservient to this end. To the extent that a mixed constitution distributes functions of rule to different groups in society and encourages each group to use its rule to pursue its own interests, it is possible for the actions of one group to be perceived as disproportionately advancing a sectional interest contrary to the common interest; in this case, the indignation of the rest of the population will be directed against the institutional order, rather than towards upholding it.
political community, is essentially vulnerable. In the human condition there can be scarcity and uncertainty that even the best political order can't eliminate; and even the best political order still is subject to disorder of its neighbours. 'So however well a commonwealth is organised and however good its constitution, yet when the state is in the grip of some crisis and everyone, as commonly happens, is seized with a kind of panic, they all pursue a course prompted only by their immediate fears with no regard for the future or the laws'. (TP 10.10) However, Spinoza is untroubled by this fact and sees it as no objection to his theory: this is just the frailty of human existence. A good political order will tend to minimise antisocial passions to the extent possible, and even when they do erupt, it has a tendency to self-rectify. If a political order ultimately falters or falls despite having been truly well designed, and despite everything having been done to avoid foreseeable problems, then there can be no cause for regret or recriminations. (TP 10.10)

§5

The initial puzzle is solved: it is Spinoza's commitment to offering a realist political theory that leads him to forsake absolutism as a political model in favour of a non-absolutist alternative. For first, assiduous efforts in a model of politics to avoid utopian treatment of subjects by determining the conditions that would generate the desired subject behaviour can often rest upon a utopian conception of the robustness of

32 E III expresses the view that human finitude tends result in subjection to the passions, leading Spinoza to such conclusions as that 'men are by nature envious'. (E III P55S) See also E IV App XXXII.

33 For instance, consider the race riots that arose in Sydney in 2005. As bad as they were, it remains true that the outbreak of violence was contained and the situation did not escalate or spread. This attests to a certain robustness of Australian institutions (despite their many imperfections); contrast the racialised unrest in Fiji in recent years.
Two errors of absolutism

the wisdom and motivation of the ruler or sovereign to uphold these conditions. The absolutist model of politics is utopian because it has a predictable and perverse tendency to destabilise itself. Second, political theory should not (out of over-zealo... to be realist) underestimate the capacities of good institutions to open up new possibilities of peaceful human coexistence. Non-absolutism can be a realistic model provided it is structured to facilitate a strong popular commitment to uphold the rule of law.

In the introduction to this dissertation, I claimed that Spinozist realism lies within the domain of normative political theory. It does not eschew the assertion of normative ideals; it is realist simply insofar as it demands that ideals be sociologically plausible. This chapter's discussion of early modern texts has contemporary consequences, first for would-be realists, and second for those who would resist realism. Those seeking to provide a realistic model of politics need to be wary of a hidden utopianism creeping into their ideals, by which the ideal addresses the possibility of virtue in one part of the political domain by illicitly presuming it in another. For instance, it may be the case that democratic citizens would engage in more respectful and deliberative debate over matters of public interest if only politicians were not so polarising in their rhetoric, or if only the media were more responsible in their coverage of the issues. But what forces aid or prevent politicians and the media from behaving in the desired manner? The challenge is to articulate the conditions under which that desired behaviour can be achieved. As for

34 Indeed, the fact that Hobbes is generally held up as a thinker attuned to the realities of political power (for instance, approvingly, by Williams and Geuss) is an example of this error, for the reasons laid out in this chapter. Bernard Williams, 'Realism and Moralism', in Bernard Arthur Owen Williams and Geoffrey Hawthorn, (2005), In the beginning was the deed : realism and moralism in political argument (Princeton, N.J.: Princeton University Press), 3; Raymond Geuss (2008), Philosophy and real politics (Princeton: Princeton University Press), 21-3.
those resisting realism, one source of this resistance is the suspicion that Spinozist realism represents an unjustified capitulation to the amoral facts of power, a capitulation that normative theorists should resist. This suspicion may have been fuelled by my initial suggestion that Hobbes and his harshly authoritarian answer to the problems of political order serve as exemplars of realism (Chapter 1). However, in this present chapter I have shown that on closer inspection, Spinozist realism rejects absolutism, in both its Hobbesian and Spinozist guises. Hobbes's status as exemplar was truly only provisional, and is overturned once the contours of political possibility have been more carefully considered.
Chapter 4

Reconstructing Spinozist democracy

What does Spinozist realism mean for democracy? Spinoza died before completing the democracy chapter in his *Political Treatise* (TP), meaning that no easy direct textual answer is available. However, in Chapter 3, I suggested that the lesson would be just the same as for aristocracy and monarchy: a realist model of democracy would not be an absolutist democracy, but would rather feature institutional mediation of the rule of the democratic sovereign. For a democracy to be in control of its right and in that sense absolute, it must reject absolutist institutional forms.

This suggestion sits uncomfortably with one of the most prominent interpretations of Spinoza's democratic theory: that of Antonio Negri. To be sure, Negri does not embrace absolutist institutional forms, but his alternative radical democratic theory bears little resemblance to my institutionally mediated proposal. Negri's theory revolves around a distinction between constituent power and constituted power. Constituent power is the direct power of the people prior to any representation: in Negri's terms, it is the power of the multitude. By contrast, constituted power is the power of institutions. Negri's radicalism lies in conceiving of true democracy as a democracy of the multitude. Any limitation, mediation, or regularisation of the multitude (any taming of its

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constituent power into forms of constituted power) is viewed as a betrayal of the originary democratic authority of the people. Even if the multitude decides that rules and procedures are necessary to the administration of life in common, vigilance is required to keep such rules and procedures bound and subordinate to the multitude's constituent power.3 Practically, democracy's exemplars are social and revolutionary movements in which humans spontaneously act together as non-hierarchical equals.4 Negri claims the philosophical underpinnings of this theory are Spinozist. Constituent power is correlated with Spinoza's *potentia*; constituted power, with *potestas*; and the elusive concept of the multitude is a direct translation of Spinoza's *multitudo*.5 Negri's two monographs on Spinoza ground his contemporary political project by providing extended analyses of these three concepts.6 Negri grants that for Spinoza institutional mediation of sovereignty may be appropriate for aristocracy and monarchy, but this is only because they are inherently flawed regimes; the institutional mediation's purpose is to render those flawed regimes closer to democracy.

Negri's radical democracy has been celebrated by some and criticised by others, but in either case, his recourse to Spinoza has not generally been questioned. The purpose of this chapter is to place the relation to Spinoza under scrutiny. At the most difficult and pivotal point in Negri's contemporary theory of radical democracy - explaining how a multitude can act without forsaking its nature as multitude - Negri appeals to Spinoza for support, often adverting to his own monographs on Spinoza. In this chapter, I argue that Spinoza's philosophy does not in fact support Negri's project. Whereas Negri understands the multitude as a domain of originary equality amongst humans, I argue that for Spinoza human equality is a fragile achievement. I argue that the Spinozist multitude achieves equality through political institutions and not in spite of them; nor do these institutions merely emanate from the multitude as it is, but rather they structure, restrain and channel its passions. In other words, the power of the multitude is inseparable from the institutional mediation that shapes it. Furthermore, I deny that the

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8 Criticisms of Negri's Spinozism have focussed on its teleology and its periodisation of Spinoza's works, not its account of democracy. See for instance Eugene Holland (1998), 'Spinoza and Marx', Cultural Logic, 2 (1), 16-29; Pierre Macherey (1983), 'De la médiation à la constitution: description d'un parcours spéculatif', Cahiers Spinoza, 4, 9-38.

9 Negri, Insurgencies, 24, 322-4; Hardt and Negri, Empire, 344; Hardt and Negri, Multitude, 189-90.

10 Negri claims that Spinoza's theory of the multitude is only fully developed in the late TP. (Negri, 'Reliqua desiderantur', 28-30.) Correspondingly, I focus primarily on this text.
optimal expression of the power of the democratic multitude is achieved through a pure direct democracy.

In considering a Spinozist democracy of the multitude in the seventeenth century institutional context, I pose but do not take up an invitation to translate the idea to the contemporary world. Nonetheless, whatever the precise details of that translation, they will not coincide with Negri's radical democracy. The opening passages of TP criticise philosophers for their utopianism, or in other words, for 'conceiv[ing] men not as they are, but as they would like them to be.' (TP 1.1) In spite of Negri's protestations that his own theory is not utopian, his romanticised notion of the multitude neither conceives of humans as they are, nor even as they can be once alienating political structures are removed, but rather as Negri would like them to be. It is, in sum, profoundly contrary to the realism that I claim guides Spinoza's political philosophy. There may be other non-Spinozist arguments on which Negri can ground his theory, but he cannot defend his conception of the democratic multitude by appeal to Spinoza.

§1

The core difficulty for Negri's proposed democracy of the multitude is how to conceive the capacity of the multitude to have political agency without surrendering its character as a multitude. Negri recognises the seriousness of this difficulty, and uses an exegesis of Spinoza both to characterise the problem (this section) and to pose a solution (the following section).

As I mentioned in Chapter 1 (§1.3, §2.3) in the context of Hobbes's political philosophy, in Latin there are two different words standardly translated into English as power: *potentia* and *potestas*. The distinction between the two generally corresponds to a distinction between power as a concrete\(^\text{13}\) capacity, and power as a juridical entitlement or authority. The theory of politics in the social contract tradition centres on the latter term, *potestas*. It imagines individuals becoming political subjects by transferring to the sovereign an authority to use their capacities (*potentiae*); this authority is the sovereign's power (*potestas*). In Negri's terms, political authority is a constituted power arising out of and superseding the constituent power of the masses. Hobbes is the exemplar of this tradition; in correlating right with power (*potestas*), he thereby attributes to the sovereign in any political order the absolute authority to represent the people; the people must simply obey.\(^\text{14}\)

Negri situates Spinoza in the alternative and opposed tradition of 'republican materialism'. Republican materialists favour a political realism concerned with the concrete determination of the social domain; that is, with *potentia*.\(^\text{15}\) Political power always remains concretely in the bodies of the human individuals who make up the multitude. Consequently, any political order that attempts to obfuscate the popular ground of political power, for instance by attributing authority to rule to a monarchy or an

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\(^{13}\) The term 'concrete' is Negri's (*Reliqua desiderantur*, 223).


\(^{15}\) Whilst my exegesis in Chapters 2 and 3 certainly supports this focus on *potentia* in understanding Spinoza's political philosophy, in light of my argument in Chapter 1 the opposition to Hobbes as social contract theorist and exemplary thinker of constituted power can be seen to be overdrawn. For I argued that in his later works he also has a sophisticated theory of *potentia*. 
aristocracy, finds itself inherently weaker and more fragile than democracy.\textsuperscript{16} Spinoza's own idea of \textit{imperium absolutum} (absolute rule or sovereignty) has nothing to do with a juridically transcendent sovereign; because power is conceived concretely, absolute power can only be achieved in democracy (\textit{democraticum imperium}). 'For if there is such a thing as absolute sovereignty [\textit{imperium absolutum}], it is really that which is held by the people as a whole [\textit{integra multitudo}].' (TP 8.3)\textsuperscript{17} Thus, when Spinoza infamously asserts that right is coextensive with power (\textit{potentia}), this does not amount to the unsavoury dictum that might makes right, nor to some perverse redefinition of oppression as freedom as it appeared in Hobbes. Rather, it amounts to a conception of freedom and right which refuses juridical mystification.\textsuperscript{18}

Negri recognises that constituted power can take on democratic forms. Indeed, despite a predilection for monarchy, Hobbes grants that a democratic assembly can be the absolute representative of the will of the people just as a monarch can.\textsuperscript{19} At the same time, Hobbes insists that the multitude doesn't have a will or a capacity for agency; the disordered crowd needs to be represented in order to act. He entirely rejects the idea that there could be a democracy of the multitude.\textsuperscript{20} Against the Hobbesian refusal, Negri


\textsuperscript{17} Cited at Negri, '\textit{Reliqua desiderantur}', 228.

\textsuperscript{18} \textit{Ibid.}, 225-6; Negri, \textit{Savage anomaly}, 192-3.

\textsuperscript{19} Hobbes, \textit{Leviathan}, xix.1.

\textsuperscript{20} \textit{Ibid.}, xvi.13, xvii.4.
claims that Spinoza offers a democracy which remains of the multitude, and avoids any alienation into constituted powers.\textsuperscript{21}

To understand what this might mean, it is first necessary to understand more clearly the nature of the multitude. Negri appeals to the TP's two different accounts of how people combine together in groups, which I will call respectively vertical and horizontal. Negri casts this as a distinction between \textit{potestas} and \textit{potentia}.\textsuperscript{22} On the one hand, a group can be vertically constituted, as when one person has another in their power (\textit{sub potestate habere}). (TP 2.9-11)\textsuperscript{23} This occurs on a grand scale in the case of aristocracies and monarchies; it constitutes a relation of command and submission. On the other hand, the simplest type of combination occurs when two people join their forces (\textit{potentiae}) together, thereby achieving a greater power than they possessed individually, and correspondingly a greater right. (TP 2.13)\textsuperscript{24} For Negri, this latter mode of combination is the foundational metaphysical principle of the multitude. Negri characterises individual humans as 'free singularities'; they each have their own concrete material existence, constituted from their own actual desires and capacities. In Negri's view, the multitude adds these singularities (these actual bodies of citizens or subjects)

\textsuperscript{21} Negri, \textit{Reliqua desiderantur}, 225-6.
\textsuperscript{22} Negri, \textit{Savage anomaly}, 190-7.
\textsuperscript{23} To relate this terminology back to my earlier discussion, Spinoza equates being subject to another's power (\textit{sub alterius potestate}) with being subject to another's right (\textit{sub alterius juris}). (See my Chapter 2 §1.2.)
\textsuperscript{24} Negri, \textit{Reliqua desiderantur}, 225; also Antonio Negri (2004), 'The Political Treatise, or, the foundation of modern democracy', in \textit{Subversive Spinoza: (un)contemporary variations}, ed. Timothy S. Murphy (Manchester; New York: Manchester University Press), 16.
together as equals on a flat social plane. The multitude is the complex materiality of the populace in which 'each singularity is a foundation'.

In order for a multitude to act, its power taken as a whole will have a vertical relation to its individual members. In principle this is acceptable and does not constitute an alienation of power, so long as this command of the whole is flattened onto the concrete multitude: this is the fundamental idea of Negri's democracy of the multitude.

By traversing the multitude of subjects, democracy becomes absoluteness, for it puts all social powers into motion from below, and from the equality of a natural condition. Democracy as an omnia absoluta form of government means, then, that there is no alienation of power - neither in relation to its exercise, nor in relation to its formation or the specificity of the executive action, that is, the specificity of the figure of magistracy.

However, this democracy of the multitude faces a difficulty. How can the multitude act and exercise power without ceasing to be a multitude? The problem arises because the multitude lacks real unity: for Negri it remains physically and objectively 'an elusive totality of singularities.' Any collection of individuals will have desires and intentions pulling in different directions. If such a group nonetheless acts, its power can

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25 Negri, Insurgencies, 330-2; Negri, 'Reliqua desiderantur', 225, 228.
26 Ibid., 235.
27 Ibid., 230; Negri, 'The Political Treatise', 17.
In 'The Political Treatise', Negri equivocates in its treatment of the multitude's relation to alienating regimes. On the one hand, it considers any such regime weak because it strays from the (good, non-hierarchical) multitude. On the other hand, it suggests that insofar as the regime does exist, ipso facto it must be grounded in the power of a multitude; as a corollary the multitude itself must contain alienation. I take the former position to be his considered view because the degree of 'flattening onto the multitude' is the central normative criterion of Negri's politics. (Ibid., 15-7; also 'Reliqua desiderantur', 228; Negri, Savage anomaly, 198-9.) However, I will argue (§3) that it is the latter position which finds support in Spinoza's texts.
28 Negri, 'Reliqua desiderantur', 228.
29 Ibid., 231.
no longer be 'of' the whole group in a material sense, because it has not incorporated the powers of all its individual members. It is this problem that gives rise to representationalist accounts of a group's will: for if the multitude can be said to be transcended by a single will of the people which absorbs and eliminates the singularity of its component parts, this explains how an action can be attributed to a group as a whole despite internal disagreement. It is not only Hobbes who takes this view: when Hegel equates absolute sovereignty with freedom, in the same gesture he dismisses the multitude as a mere heap of people. For Negri, by contrast, any popular rule which relegates the multitude in this way thwarts freedom and is not truly absolute. Negri's gloomy interim conclusion is that the tension between democracy and the multitude is unsolvable. 'Every value, every choice, every political act must be deployed on the basis of the incomplete relationship between the absoluteness of power and the multiplicity of propositions, needs, and experiences.'

Negri concedes that Spinoza's earlier text, the *Theological-Political Treatise*, poses what may appear to be a solution: the principled toleration of singularities.

The nonsolution of the problem of the political subject becomes the foundation of tolerance, of respect for consciences, of freedom to philosophize. The *multitudo*, in its paradoxical nature, is the foundation of democracy insofar as it allows each individual to introduce into society his own values of freedom.

Nonetheless, this is not truly a solution. For first, not all politics and life in society with others can be privatised as tolerance. There is an irreducible need to act on

common matters, and this demands a unity that it is not clear the multitude possesses. It is possible that individuals all desire different things, and do not have enough common feeling to come to agreement.\textsuperscript{34} And second, even achieving unity as a society of extensive toleration may be elusive; this would require the multitude already to be rational enough and unified enough in its desires to tolerate differences.\textsuperscript{35}

For Negri, Spinoza's later text TP provides a more profound response, in the form of an advocacy of radical democracy which does not rest content with the liberal privatisation of differences.\textsuperscript{36} The unification of the populace into a mass democratic subject capable of action must not be achieved by normative or juridical fiat; for this would be to outstrip the real concrete nature of the powers of individuals. But unification can be achieved if there is a real concrete change to those powers so that in fact they converge: 'a convergence of cupiditates [desires], to the extent that under the aegis of reason, the latter are materially displaced from the individual good to the collective good.'\textsuperscript{37} The name for this required orientation to the common good is pietas: piety, or better, morality (as in the Curley translation). Spinoza defines pietas as '[t]he desire to do good generated in us by our living according to the guidance of reason'. (E IVP37S1) For in Spinoza's view, humans are opposed to one another only insofar as they are governed by passion; when they are governed by reason, their ends align, and the tension between the private interest and the common good is eliminated. Reason teaches that '[t]o man, then, there is nothing more useful than man. Man, I say, can wish for nothing more

\textsuperscript{34} Ibid., 236-7.
\textsuperscript{35} In E, Spinoza identifies common passions which work against people being willing to tolerate diversity. (E IIP31C, IIP31S, IVP34S, IVP37S1)
\textsuperscript{36} Negri, \textit{Savage anomaly}, 118-9, 186.
\textsuperscript{37} Negri, \textit{Reliqua desiderantur}, 237.
helpful to the preservation of his being than that ... all, together, should seek for themselves the common advantage all.' (E IVP18S) If such genuine change in cupiditates can be achieved, then their singular wills will in fact have the same orientation, and will in fact be unified.\textsuperscript{38}

Negri's account of \textit{pietas} thus specifies the conditions under which a democracy can truly be a democracy of the multitude. Negri's Spinozist exegesis is supposed to ground a practical or liberatory politics;\textsuperscript{39} whether it succeeds will depend on how readily these conditions of \textit{pietas} are achieved. To be sure, Negri's \textit{pietas} does not appear to demand the ethical virtue of the perfectly rational and free philosopher, but rather a political virtue accessible in principle to everyone: commitment to equality and to the common good.\textsuperscript{40} But even so, what ground is there to think that the multitude would ever have this \textit{pietas}? The contrary view, that multitudes always retain tendencies towards hierarchy and faction, seems just as plausible.

\section*{§2}

Negri's first defence of the multitude's \textit{pietas} draws on Spinoza's \textit{Ethics} to argue that individuals in fact come to have \textit{pietas}, or in other words, to desire the good of their fellow humans, because securing and advancing the wellbeing of fellow humans serves each individual's own virtue and power (\textit{potentia}). Negri draws attention to passages such as E IVP35C2, in which Spinoza says this reason and virtue arise naturally from the effort of the individual (their striving, or \textit{conatus}) to preserve themself and seek their own

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\textsuperscript{38} \textit{Ibid.}, 237.  \\
\textsuperscript{39} Negri insists that Spinoza presents a realistic theory, not a utopian one. Negri, 'The Political Treatise', 9; Negri, \textit{Savage anomaly}, 217-223.  \\
\textsuperscript{40} See E IVP37S2.
\end{flushright}
advantage; and everyone does strive to seek their own advantage. Furthermore, for Spinoza, far from there being a conflict between one's own advantage on the one hand and sociable behaviour on the other, the truly rational individual understands that his or her advantage lies in establishing community with other human beings. 'Men who are governed by reason - that is, men who, from the guidance of reason, seek their own advantage - want nothing for themselves which they do not desire for other men. Hence, they are just, honest, and honorable.' (E IVP18S) Sociable behaviour in turn assists the further development of reason in a community, by reducing the frequency and severity of sad passions. Thus, through the process of increasing and mutually reinforcing *pietas*, *pietas* begets unity which begets still more *pietas*, with the result that a unified political subject is constituted capable of bearing absolute sovereignty without effacing the singularity of individuals. In other words, the 'tendency toward the collective' is driven by 'the ontologically multiplicative function of *pietas* and honesty'.

Democracy is 'the limit toward which tend the absoluteness of the mass and the constitutive singularity of *potentiae*, in other words, the *multitudo* and *pietas*'.

Such an answer taken alone immediately invites skepticism: it is hard to discern a constant tendency towards sociability in the real world. Negri's second defence of the multitude's *pietas* places an important qualification on his argument: the multitude only in fact increases its power under certain circumstances, namely, if it is not hampered by

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42 Negri, 'Reliqua desiderantur', 240.
an external force, such as a political structure which alienates away its power.\(^{43}\) Indeed, Spinoza asserts that a ruler can keep people servile, dividing them amongst themselves and keeping them in fear and away from reason. (TP 5.6) But once the alienating structures are removed, in Negri's view the actually existing multitude will have a *potentia* outweighing its passivity, and it will embark on a virtuous spiral of increase.\(^{44}\) This optimism regarding the multitude's ontological tendency towards virtue is grounded in an asymmetrical view of institutions. Good non-alienating democratic institutions do not need to be externally imposed, for they emanate from the multitude: '[t]he institution is thus factually the extrinsic figure of an irrepressible natural process'.\(^{45}\) It follows that the removal of bad alienating institutions, for instance by revolution, should reveal a multitude of prepolitical singularities on a horizontal plain of equality that will not tend to regenerate the bad institutions. Indeed, for this reason Negri equates the power of Spinoza's multitude with the constituent power of social movements against ossified institutions.\(^{46}\)

Negri's third defence of the multitude's *pietas* invokes a progressive view of history. The multitude's tendency towards virtue in specific contexts is undergirded by a larger 'power of the totality of being' that moves through 'constitutive process' towards


\(^{44}\) Negri, 'Reliqua desiderantur', 237-9.

\(^{45}\) *Ibid.*, 241. See also *ibid.*, 228

\(^{46}\) Negri, *Savage anomaly*, xxii, 210, 229.

Such a view is not limited to Negri and his followers. Even Tully, who criticises Negri's account of the entirely pre-institutional multitude, himself appears committed to an idea of the virtue of political collectivities' immanent informal constitutions, which are only corrupted and made unfree by the imposition of modern (formal juridical) constitutions. James Tully (2008), 'Modern constitutional democracy and imperialism', *Osgoode Hall Law Journal*, 46, 461-93.
self-formation and ethicality. Specifically, despite temporary setbacks incurred by the hostile force of alienating political structures, in Negri's view the ontological force of the multitude's \textit{conatus} is so great that in fact it inches towards collective virtue through history. He insists that this collective realisation is not a utopia, but a real material process. To be sure, he refuses to hold up a single determinate form towards which the multitude moves. But this does not mean that the movement of the multitude through history lacks direction. Rather, the absence of a determinate ideal of democracy of the multitude corresponds to the fact that the reality of social practice (the concrete nature of the multitude) is always shifting. Although there will have to be juridication formalisations of the multitude's power, these formalisations always need to be ready to be changed. Negri proposes that in our earthly political predicament, absoluteness might helpfully be conceived as 'the political process in its complexity', or in other words, as the perpetual effort to match the juridical subject of power to social practice.

\section*{§3}

Negri insists that political theory both is and ought to be contested at the level of metaphysics. In this spirit, in this section I examine Negri's account of Spinoza's metaphysics, finding that he gravely misrepresents Spinoza's \textit{conatus} doctrine, and that he offers an untenable account of the composition of individual powers to form a

\begin{itemize}
  \item[47] Negri, \textit{Savage anomaly}, 112-3.
  \item[48] \textit{Ibid.}, 210-229.
  \item[49] Negri, 'Reliqua desiderantur', 240.
  \item[50] \textit{Ibid.}, 241.
\end{itemize}
multitude. Once these errors are corrected, a rather different solution to the problem of democracy of the multitude emerges.

Negri attributes to Spinoza a commitment to a directionality in nature, a commitment that fits well with Negri's Marxianism.\textsuperscript{52} However, this attribution is unsustainable. Spinoza's God has no ends, and God is the same as nature: Spinoza denies there is purposive movement in nature. (E IP29, IP33, IApp) Negri's error is generated by his conflation of the two senses of \textit{potentia} (power) that I discussed in my Chapter 2 (§1.2).\textsuperscript{53} To recall, the first sense denotes an individual's behaviour; what it in fact does. This is the individual's \textit{potentia} as part of nature, or what is the same, as part of God. (TP 2.3) By contrast, the second sense denotes behaviour of an individual that can be understood in terms of the laws its own nature, or in other words, its action (\textit{actio}). (E IVP4D) This active power proper to an individual is its virtue and freedom. To the extent each thing acts, its behaviour is the product of its own power (\textit{potentia}), and by this power each thing strives (\textit{conatur}) to persevere in being. (E IIIP6) Yet countless things do not in fact manage to increase or maintain their power; for a thing not only acts, but may also be acted upon (\textit{pati}), when it behaves in a way which does not accord with the laws of its own nature. To the extent a thing is acted upon, its behaviour is the product of the power and \textit{conatus} of other things impinging upon it. (E IID2, IIIP4-7, IVD) Indeed, the behaviour of all individuals except God is determined not purely by the individual's own power but also by the power of things around it. (E IVP2-4)

\begin{footnotesize}
\textsuperscript{52} Indeed, Negri explicitly links Spinoza to Marx. (\textit{Savage anomaly}, xx; 'Reliqua desiderantur', 223). For a detailed critique, see Holland, 'Spinoza and Marx', 16-29.
\textsuperscript{53} Macherey. 'De la médiation à la constitution', 29-30.
\end{footnotesize}
As a result, in Spinoza's metaphysics there is no direct practical consequence arising from the identification of a thing's *conatus*; even if this *conatus* is characterised as an innate or inherent tendency of the thing, it will only be actualised if the context of other powers around it is conducive. A finite individual strives towards increase of its *potentia* to the extent it can; but whenever it fails to do so, this simply shows that some other finite individual has succeeded; and Spinoza's God neither privileges one individual's striving over those of any other, nor guarantees that all individuals equally realise their striving. Consequently, Negri errs in identifying a real directional tendency in nature in general. He also errs in conflating the multitude's freedom and activity with what in fact it tends to do. There are numerous passages in the *Ethics* which argue that unmediated juxtaposition of human powers in the multitude leads to instability, fear and discord (E IVP40, IVP45C2); and which envisage limits to the powers of the multitude, and its tendency to sad and vicious passions. (E IVP54S, IVP58S, IVP70) These passages suggest that, far from there being a virtuous spiral towards *pietas*, vicious behaviour may lead to an escalation of passion and a dissipation of power. Negri explicitly dismisses these passages as testifying to the 'unfinished character' of E's politics, and then trumps them with passages speaking of the multitude's *conatus* towards virtue. But even if the multitude's *potentia* qua finite individual includes a striving and a tendency towards *pietas*, identifying this disposition is entirely insufficient to determine the multitude's

54 It is clear that Negri thinks exactly this: 'each rupture of the flow [of the multitude] and every establishment of a rigid form is an act of violence in relation to the tendencies of Spinoza's physics.' *Reliqua desiderantur*, 234.
actual behaviour. Negri often insists upon the elusive or contradictory character of the multitude, but I suspect this elusiveness follows from his own equivocation.  

Against Negri, Spinoza affirms and does not deny the commonsense concern that a community of people may be internally hostile or hierarchical, and that even if the community's power would lie in harmony, there is no necessary tendency in this direction. Spinoza's concern with the dissociative tendencies of the multitude is not limited to the *Ethics*, but is also to be seen in TP. Directly after introducing the idea of a horizontal union of human powers, Spinoza dampens the optimism that Negri draws from the idea by observing that hateful passions draw humans apart, and that humans 'are by nature especially subject to these emotions'. (TP 2.14) Spinoza insists on the prevalence of vicious behaviour amongst humans: it is quite certain that men are necessarily subject to passions, and are so constituted that they pity the unfortunate, envy the fortunate, and are more inclined to vengeance than compassion. Furthermore, each man wants others to live according to his way of thinking, approving what he approves and rejecting what he rejects. Consequently, since all men are equally desirous of preeminence, they fall to quarrelling and strive their utmost to best one another; and he who emerges victorious is more elated at having hindered someone else than at having gained advantage for himself. (TP 1.5)

Spinoza explicitly rejects any solution relying on the self-cultivation of reason and virtue. Whilst reason can restrain the passions, reason is not easy to achieve, 'so that those who believe that ordinary people or those who are busily engaged in public business can be persuaded to live solely at reason's behest are dreaming of the poet's

\[\text{\textsuperscript{56} Ibid., 238-9; Negri, 'The Political Treatise', 16.}\]
\[\text{\textsuperscript{57} It is also a consistent theme in the TTP. (TTP P/1, 16/174-5)}\]
golden age or of a fairy tale.' (TP 1.5) Riven by the passions, humans placed in proximity are just as likely to prey upon one another as to protect one another.

Negri's most plausible line of defence of the practicality of a politics of the multitude's unmediated constituent power is his argument that the multitude's tendency towards virtue will be expressed only if alienating institutions are removed. Correspondingly, on this reading Spinoza's pessimistic passages pertain to the multitude only under alienating institutions. Nonetheless, this defence also fails, as I will show by considering the sources of weakness within an individual's constitution; for as I explained in Chapter 2 (§1.3), an individual can harbour within itself tendencies that are external to its own nature. Via the *conatus* doctrine, an individual strives for their power to the extent that they can. Whether an individual is able to act or whether they are passive depends on the relation between their own powers and the powers they confront.

Consider an individual human. An individual human's power consists in their physical capacities and their reason and virtue. (E IVP21-4) If they are unable to sustain or increase their power, it may be because the external powers they face are very great: for instance, violence and oppression at the hands of other humans. But it can also be that their own power is very weak. Even given physical security, a human individual may not be sufficiently internally well organised and strong to negotiate the world around them on their own rational terms, instead being tossed by each moment's passions. Thus, it is not only gross external forces which prevent individuals from living virtuously and increasing their virtue over time. (E IVPref)

Negri presumes the distinction between the multitude's being determined by external causes and being determined by its own active nature is the distinction between
the multitude being constrained by any political institutions and what the multitude might do in the absence of those institutions. But to the contrary, on analogy with the individual human case, I argue that the multitude can have (indeed, tends to have) internal structural weakness such that no increase of virtue spontaneously arises. This internal weakness is obscured in Negri's account. Recall the strongly horizontal character of Negri's Spinozist multitude. Negri characterises the multitude as a pure addition of free singularities, and equates these singularities with individuals' *potentiae* and their freedom. By this term singularity, he means what individuals tend to do, when their power is not politically alienated from them. The situation of non-alienation is positively characterised as 'the liberation of all social energies in a general *conatus* of the organization of the freedom of all.' Thus Negri's account relies on conceiving of human singularities as things which can be put in relation yet remain as equals. Their lack of piety simply means it is difficult to get them to agree; achieving piety allows the addition of free singularities to form a unity with one will. But to the contrary, I argue that Negri's singularities, to the extent they are not already pious, tend to form hierarchies. In consequence, a multitude of Negri's singularities, even when liberated from alienating institutions, itself constantly generates hierarchy internal to itself. Any equality within

This singularity/freedom/*potentia* in Negri's use (for instance, Negri, *The Political Treatise*, 14) clearly doesn't mean freedom in strong Spinozist sense of reason and liberation from passions that is laid out in E IV-V. But it does have some textual basis. Spinoza notoriously insists that there are some things that people cannot be brought to do, or cannot be brought to do without this corroding the unity of the political order; in these matters they retain their right, and the sovereign lacks right. (TP 3.8-9; TTP 17/185-6, 20/222-3)
60 *Reliqua desiderantur*, 235, 237.
the multitude is an achievement rather than a starting point, and I will show that the means to that achievement are importantly institutional.

On Spinoza's account, individuals tend to enter into hierarchical relations. Friendship is surely the paradigm of a horizontal combination of singular human forces. (TP 2.13) But imagine a friendship in which one person is wiser than the other, as surely often occurs. The less wise individual may be reliant on the wiser individual's judgement, and also loyal to that wiser individual as a benefactor. To the extent this occurs, Spinoza concludes wiser individual has the less wise individual in their power (\textit{sub potestate habet}). (TP 2.10-11) This innocuous example suggests that unions of human \textit{potentiae} are likely to feature hierarchy, such that a union's collective power is not equally determined by each individual member. The term \textit{potestas} is used not merely for juridically alienated authority, but also for concrete and unavoidable hierarchical power in interpersonal relations, even harmless ones. Not all scenarios are so innocuous, and Spinoza suggests several hostile ones: '[o]ne man has another in his power [\textit{sub potestate habet}] if he holds him in bonds, or has deprived him of the arms and means of self defence or escape, or has terrorised him'. (TP 2.10) Here, the hierarchy within the union alienates the singularity of one of the union's members. There may also be a whole range of intermediate scenarios, such as abusive friendship. Spinoza explicitly claims that the only way such relations would not emerge is if the humans concerned were 'altogether free' or entirely guided by reason, for in this case, neither passion nor ignorance nor force subjects them to other people. (TP 2.11; E IVP30-5)

As a corollary, the multitude can only spontaneously be an equal combination of free singularities in Negri's sense after the perfect rationality of its subjects is achieved.
However, even the most virtuous multitude lies a long distance from this philosophical standard of rationality. A multitude features people of all different ages, and Spinoza insists that everyone is born without reason, and even if they achieve it, it takes the most part of their lives. (TTP 16/174) Consequently, 'those who believe that ordinary people [...] can be persuaded to live solely at reason's behest are dreaming of the poets' golden age or of a fairytale.' (TP 1.5) The practical upshot is that hierarchical relations systematically arise in social interaction; the multitude cannot be conceived as collection of non-hierarchical singularities. Some of these relations are in accord with reason (for instance, the wise person guiding a less wise friend), but some are not (for instance, a bully terrorising those around them). Negri stresses the natural, prepolitical character of Spinozist democratic freedom: the challenge is for it to avoid 'renouncing its own naturalness'.

But against this, there is no originary purity to the multitude; the multitude may itself be weak and fail to tend toward virtue even without reference to alienating institutions. The lesson that hierarchy constantly and spontaneously emerges in human relations is illustrated with particular acuity by Hobbes's analysis of power, as laid out in my Chapter 1 (§2.1-2): any equality of persons cannot be presupposed, but needs to be established.

Hierarchical relations between individuals structure the multitude, and some of these relations are alienating. But if we consider political institutions simply as more elaborate types of relations, it follows that even the most alienating institutions that Negri (and Spinoza) are most concerned to critique are part of the actual existence of the multitude. The multitude has political order to correspond to its degree of freedom and

61 Ibid., 225.
power: all different forms of sovereignty are grounded in the *potentia* of the multitude.

(TP 2.17) To be sure, the sovereignty is less absolute the more alienated it is. But on my reading, this just shows that the multitude with alienated institutions itself had less power to offer, not that the power was somehow dissipated in the process of its alienation to the sovereign. The existence of good institutions indicates the strength of the multitude, whereas the existence of a very alienating political order, for instance, Hobbesian centralised absolute monarchy, testifies to the weakness and lack of virtue of multitude. 62

This point has sobering implications not only for radical democrats whose faith is vested in a spontaneous constituent power of the multitude, but also for enthusiasts of institutional design, who would seek to remedy all ills by the imposition of good institutions. For a multitude which has lived under alienating institutions will tend to lack virtue and reason and be likely to have a high level of such alienation latent in it. As a consequence, if alienating institutions are simply removed, for instance by revolution, the result will either be war or the resurgence of more bad institutions. It is foolish to get rid of a tyrant while yet the causes that have made the prince a tyrant cannot be removed'.

(TP 5.7) Equally, the imposition of institutions which correspond to a higher degree of virtue is unlikely to succeed. For the foothold of bad institutions is the low degree of *potentia* of the particular multitude in question. (TP 7.26; TTP 18/209-11)

If institutions correspond to a particular state of the power of the multitude, how does change come about? How does a weak multitude with alienated rule increase its power so that it is powerful enough to ward off alienated rule? Spinoza's answer is

62 This analysis applies to the alienating political orders which arise within a given society. It does not necessarily apply so well to situations of colonialism and conquest, in which external military force is used to establish the alienating institutions.
that although institutions will only be effective and durable if they fit with the actual state of the multitude, nonetheless, in moments of clarity people can make incremental modifications to institutions. (TP 1, 5.1-4) And some institutions, whilst fitting to the current state of power of the multitude, nonetheless serve to increase multitude's power.

Institutions need to cleave to some extent to the realities of humans as they exist in their specific degree of powerlessness. Spinoza insists that just because a ruler has the highest right, it does not follow that they have power to make citizens do anything at all (for instance, to make them fly). (TP 4.4) Furthermore, even though it is possible to make quite extreme change in citizens' conduct through coercive means, a good ruler will not do so, instead striving to facilitate the continued activity of citizens in a way that the citizens can recognise as their own. (TP 10.8) However, it does not follow from this that non-alienating institutions merely follow the actual contours of the populace, emanating from it without attempting to shape it. Spinoza explicitly rejects granting each the right to live as they please: for this is war and insecurity. (TP 3.3) At minimum, for virtue to increase in the multitude, institutions need to constrain the sources of human distress and insecurity. (TP 2.21) And beyond this, institutions should not merely limit violence, but substantively shape subjects towards the common good. Because people are not constituted to desire what is most to their advantage,

the state must necessarily be so established that all men, both rulers and ruled, whether they will or no, will do what is in the interests of their common welfare; that is, either voluntarily or constrained by force or necessity, they will all live as reason prescribes. (TP 6.3)

Consequently, it is not the prepolitical multitude which by itself is non-hierarchical and committed to the common good, and therefore is capable of exercising
power. Rather, such a powerful multitude is achieved only through the mediation of well designed institutions:

But just as the vices of subjects and their excessive licence and wilfulness are to be laid at the door of the commonwealth, so on the other hand their virtue and steadfast obedience to the laws must be attributed chiefly to the virtue and absolute right of the commonwealth (TP 5.3)

That is, the active intervention of institutions is needed to secure equality of condition, to limit self-destructiveness, and channel sentiment towards rational (public-spirited) behaviour (TP 1.6, 5.2, 10.9), producing the outward form of virtue (and the space for the possibility of its reality) rather than relying on it as a cause.

§4

The reader might suspect that the differences identified in the previous sections are insignificant. Negri argues that Spinoza advocates institutions that flatten onto multitude; I by contrast argue that Spinoza advocates institutions that shape the multitude. However, if in both cases we understand Spinoza to be calling for direct democratic institutions, then we have a theoretical distinction without any practical difference. Against this suspicion, I now show that in fact the theoretical disagreements lead to substantive institutional differences. I argue that for Spinoza the power of the multitude is not necessarily best expressed in thoroughgoing direct democracy. Rather than characterise Spinoza as a direct democrat, it is better to characterise him first of all

63 More precisely, Negri's contemporary theory of radical democracy rejects any institutional delegation of decisions. It distances itself from direct democracy understood as mere voting, but only because it holds that a community must engage together in substantial common activity in order truly to count as democratic. Hardt and Negri, *Empire*, 373; Hardt and Negri, *Multitude*, xvi, 350-1.
as an advocate of rule of law, who thinks that popular institutions often, but not always, help secure this rule of law.⁶⁴

Spinoza's final view of the institutional form of a democracy of the multitude cannot be determined directly from his texts, because TP's chapter on democracy was not complete at the time of his death. However, TP's preceding chapters provide an extremely detailed consideration of the mechanisms of aristocratic and monarchical government, suggesting something similar might be offered for democracy.⁶⁵ As I have argued in my Chapter 3, these constitutions are crafted with a view to constraining the conduct of rulers, and effectively mobilising their desires and passions towards the common good. (TP 7-10) Nonetheless, Negri rejects any suggestion that the non-mass institutions in Spinoza's aristocracy and monarchy have any corollary or lesson for democracy: the analysis of monarchy and aristocracy features 'a disproportion between the metaphysical role played by the notion of 'absolute government' and the guiding idea of the multitude on the one hand, and the analytical and experimental contents of the constitutional analysis on the other.' He anticipates that the chapter on democracy, had it

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⁶⁴ This claim is defended within the non-radical tradition of interpretations of Spinoza's politics. Steven B. Smith (2005), 'What Kind of Democrat was Spinoza', *Political Theory*, 33, 6-27; Lewis Samuel Feuer (1958), *Spinoza and the rise of liberalism* (Boston: Beacon Press), 136-98; Justin D. Steinberg (2008), 'Spinoza on being *sui juris* and the republican conception of liberty', *History of European Ideas*, 34, 239-49; Robert Alexander Duff (1903), *Spinoza's political and ethical philosophy* (Glasgow: J. Maclehose and Sons), 365-450.

⁶⁵ Spinoza does offer an account of democracy at TTP 16/177-9. However, I agree with Negri that the analysis of politics in TTP is less sophisticated and less defensible than in TP; consequently, I join Negri in attempting to reconstruct the TP view of democracy.
been completed, would have eliminated this institutional complexity.\textsuperscript{66} Democracy is 'a council composed of the multitude as a whole'; 'democracy as the totality of citizens assembled together'.\textsuperscript{67} Even though Negri concedes the need for 'functions of control',\textsuperscript{68} and even though he thinks that democracy should be animated by tolerance and respect for conscience,\textsuperscript{69} he attributes to Spinoza the view that no constitutional limitation is required: the power of the multitude inherently has its own limits, in the sense that oppressive laws will provoke revolt and will thus undermine themselves.\textsuperscript{70} To the extent the democracy of the multitude takes on any institutional form, Negri argues there will be no formal constraint or mediation on democratic power; it will be an institutionally absolute democracy.

There is some merit to the view that Spinoza supports mass popular rule. Spinoza claims that democracy has potential to be the most absolute and free political form; (TP 11.1) his discussions of aristocracy and monarchy propose that absoluteness can be approached by approximating popular rule. (TP 7.31, 8.4) However, Negri's explanation, that such rule reflect the multitude's nature as a collection of free singularities, miscasts Spinoza's reasoning. The problem is that rulers are mere humans, prone to forsake the common good for private gain. (TP 1.6, 7.27) Forms of popular rule are advocated even

\textsuperscript{67} Negri, 'Democracy and eternity', 102, 110; see also Negri, 'The Political Treatise', 19-21.
\textsuperscript{68} Negri, 'Reliqua desiderantur', 227-8.
\textsuperscript{69} Ibid., 235.
\textsuperscript{70} Negri, 'The Political Treatise', 18. It is not clear how Negri reconciles this idea with Spinoza's discussion of Turkish despotism, which is durable despite the pressure it places on its subjects' power. (TP 6.4)
in non-popular orders not because the individual singularities that form the multitude are virtuous or because respecting and responding to individual singularity is valued for its own sake. Rather, precisely when individual human singularities are so prone to vice, an institutional structure which secures and relies on the equal standing and influence of a plurality of self-interested individuals can best resiliently approximate the common good, and thereby best express and advance the multitude's power.

Furthermore, it is clear that for Spinoza, popular rule is an imperfect and partial solution to the political problem of establishing a resilient political order. Spinoza concedes that democratic states can often be weak. No states 'have proved so short-lived as popular or democratic states, nor have any been so liable to frequent rebellion.' (TP 6.4) Democracies do not maintain themselves; when they are not overcome by rebellion or war, they tend to degenerate into aristocracies and thence monarchies. The reason is 'men are by nature enemies, and even when they are joined and bound together by laws they still retain their nature.' (TP 8.2) Direct democratic popular rule can harbour pathologies which run counter to the goal of increased unity, virtue and reason: majority tyranny and oppression of minorities, but also partisan and other short-sighted legislation which undermines the constitutional form, subjects' equality, and the multitude's power in the long run. I now turn to consider what other kinds of institutions might be able to address these shortcomings.

Against a view that the best monarchy follows the will of the monarch alone, Spinoza argues that the best monarchy is one which is organised around rule of law: 'it is in no way contrary to practice for laws to be so firmly established that not even the king can repeal them.' The law can hold the political order to reasonable conduct even as the
whim and passion of the monarch tends away from it. Spinoza argues this is consistent with the obligation to absolute obedience to the king. 'For the fundamental laws of the state should be regarded as the king's eternal decrees': and ministers should refuse to carry out commands contrary to these fundamental laws. Just as Ulysses was bound to the ship's mast for his own good, so too will a wise monarch subject itself to these laws. (TP 7.1) As a corollary, I suggest that for Spinoza obeying the will of the people as it is in fact expressed in a democratic assembly would not be the best way to order a democracy; for the multitude, like the king, can be subject to whims and passions. Instead, a populace ought to consider the law supreme. And just as the law-governed monarchy is still truly a monarchy, so too if people hold the law above the actual will of the people in a democracy, this in no way diminishes the sovereignty of the people.

For Spinoza, the idea of rule of law alone is not enough: 'the main task is to show how it can be brought about that men, whether led by passion or by reason, may still keep their laws firm and sure.' (TP 7.2) This task is met in two main ways. First, in carrying out their tasks, state functionaries and ministers must find their private advantage aligned with the general welfare; for people always pursue their own advantage with keenness. (TP 7.4) Second, the foundations of the political order need to be set up so that they 'are strong and cannot be dismantled without arousing the indignation of the better part of an armed people'. (TP 7.2) This latter point links rule of law to the power of the people, which might seem to favour Negri's direct democratic reading. On this basis, Negri dismisses the institutional details of TP's monarchies and aristocracies as having no relevance for democracy. But this conclusion is premature, as I will show by
investigating what concretely it means to ground rule of law in the power of the people, or even of a multitude.

The entire patriciate of an aristocracy forms the aristocratic council which is an aristocracy's sovereign. (TP 8.1, 8.16) The patriciate of an aristocracy is chosen, rather than coinciding with the entire political community as the democratic multitude does. Yet the patriciate, considered not in its relation to the commoners but in its relation to itself and conceived as a patrician multitude, faces the very same problem as the democratic multitude. Insofar as its members are not perfectly virtuous, it always risks ruling in a manner that undermines equality amongst patricians and corrupts the aristocratic form. Spinoza's solution is not to remove all institutional structure and to allow the patrician multitude's \textit{conatus} to strive towards virtue. To the contrary, it is for the patriciate 'to be so bound together by the laws as to form, as it were, a single body directed by a single mind.' (TP 8.19) Rule of law coordinates and constrains patricians' actions towards the common advantage, serving the resilience of the political order.\footnote{Lazzeri similarly uses Spinoza's account of aristocracy to reconstruct an institutionally mediated model of democracy. Christian Lazzeri (1998), \textit{Droit, pouvoir et liberté : Spinoza critique de Hobbes} (Paris: Presses universitaires de France), 380.}

Spinoza is quite clear that the patriciate cannot rely on itself, as the very same body that makes the law, to uphold and maintain it: the temptation to bend the law for one's friends and associates is too powerful (TP 8.19) Spinoza resolves this problem by establishing a guardian of the laws separate from the patrician council: a sub-council of syndics. (TP 8.20) Careful structuring of incentives goes some way to explaining why the syndics can succeed where the patrician assembly would fail. In order not to be dependent on the patriciate which they are supposed to discipline, they are appointed for
life; but to prevent them becoming arrogant from long tenure, they are selected from the elder people of the state. (TP 8.21) They are paid 'such that they cannot maladminister affairs of state without great loss to themselves.' (TP 8.24) Specifically, they keep the fines they collect from patricians who fail to perform their civic duties; and they collect a coin from each householder, allowing them to know the size of the populace. (TP 8.25)

Such imposed incentives have a greater weight and effect than those which a supreme ruling body might establish for itself. For the structure of these incentives is imposed by the power of the patriciate as a whole; the syndics cannot modify any aspects of these that they find inconvenient. In turn, the patricians will be able to enforce these incentives because the syndics' role is limited: it is relatively simple to see and judge when it is being carried out well, which is not the case when it comes to the broader task of ruling an entire political order.

The effectiveness of the syndics depends on their being grounded in the power of the patriciate, not merely in the sense that the patriciate could support them if it chose, but that it will actually be inclined to so do. The syndics will not be able to guard the law if the patriciate ignore their rulings or subvert their institutional structure. Is it unrealistic to expect the patricians to lend support to a body which often thwarts their desires and is insulated from their control? To the contrary, such an expectation does not rely on the patricians having a constant virtuous nature: if they have some minimal recognition of the benefit of no one being able to act with impunity, they will be inclined to support the syndics. For the syndics' sole duty is 'to ensure that the laws of the state regarding assemblies and ministers of state are kept inviolate'; they have the power only 'to bring to judgment any minister guilty of transgressing the regulations pertaining to his office and
to condemn him in accordance with established law.' They have the responsibility of enrolling people to office; summoning the council; and preserving traditional law. (TP 8.20) The narrowness of their role means that it is clear that their power is limited and specific in purpose; so long as they stick to this role, they do not limit any legitimate aspect of the patriciate's rule, nor attempt substantively to rule themselves. Furthermore, within their narrow domain of responsibility they uphold patrician equality. They conduct their business in an internally democratic way, and every patrician has a fair chance one day to be a syndic. (TP 8.28, 30)

Thus, the case of aristocracy teaches that even when a political order is constrained by the power of a multitude to abide by the rule of law, for Spinoza this power is not best exercised through a direct democratic procedure. Rather, institutional mediation of that power, by the parcelling out of narrow powers to groups which are insulated from direct democratic decision, is the better path.72 Such parcelling is likely to meet success when the domain of its responsibility is narrow, and when it is patently procedurally fair.

This conclusion has implications not only for reconstructing Spinoza's missing chapter on democracy, but also for any attempt to build a present day theory of democracy on Spinozist foundations. The power of democratic multitude is expressed through a framework of equality and an orientation towards the common good within the

72 Balibar also argues that Negri is wrong to say Spinoza rejects the mediation of law and of a hierarchy of councils. However, Balibar thinks primarily of large-base institutions, and does not discuss the distinctive role of smaller institutions. Etienne Balibar (1994), 'Spinoza, the anti-Orwell: the fear of the masses', Masses, classes, ideas: studies on politics and philosophy before and after Marx, trans. James Swenson (New York: Routledge), 22-3.
strictures of which directly democratic decisions can be made; it is not to be identified
with direct democracy itself. Correspondingly, a democracy should renounce its capacity
to determine every element of the political order by its direct democratic will. Indeed,
even social movements, in order to sustain themselves beyond the initial blush of
enthusiasm, create internal structures of self-limitation (meeting procedures, decision
rules, delegation of responsibility); and it is proper that they do so. In the formal sphere
of government, the establishment of intermediate and semi-independent bodies need not
be seen as a counterweight to the power of the multitude, but rather a potential mode of
its expression, insofar as these bodies effectively serve to limit the counterproductive and
self-corrupting tendencies of mass democracy. An example is provided by the existence
of an independent electoral commission, as is the case in Australia but not in America,
which determines electoral boundaries and conducts elections without itself being
directly controlled by electoral democracy.

Spinoza complains that as a result of their idealising approach, philosophers 'have
never worked out a political theory that can have practical application'. (TP 1.1) The task
for radical democrats aspiring to learn from Spinoza is not simply to decry institutional
mediation, but instead to discern which particular institutions facilitate the power of the
multitude, and encourage it to develop in a more virtuous direction. Even though there is
always the risk that non-mass institutions will alienate and thwart the multitude's power,
far from there being a relation of opposition between the multitude and such institutions,
a serious Spinozist approach to democracy will take an active interest in such forms.
Chapter 5

Rhetoric's power; rhetoric's impotence

In recent studies of both Hobbes and Spinoza, much attention has been devoted to the rhetorical dimension of their works.¹ I use the term rhetoric to mean speech considered in its persuasive power.² The recent focus on rhetoric arises not simply because Hobbes's and Spinoza's works have a rhetorical dimension (for surely this is true of any text whatsoever); nor is it only because they are skillful and systematic in their deployment of rhetoric (though this is certainly also true). The rhetoric of these early modern texts is of particular interest because it is combined with explicit and sophisticated theoretical reflections on the political and social functioning of rhetoric. The primary focus of this chapter is this theory of rhetoric, and only secondarily the rhetorical properties of the texts themselves.

In the preceding chapters, I have argued that Hobbes and Spinoza share a commitment to proposing only sociologically plausible ideals: models of politics whose sustained functioning is plausible, given what we know about the determinate causes of

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¹ I take the following as representative:
² On this definition of rhetoric, the rhetorical dimension of Hobbes's and Spinoza's texts includes their engagements with and use of the classical art of rhetoric and its specific canons and methods; but it is by no means limited to this.
human behaviour. Furthermore, in Chapter 3 I argued that whereas in the earlier
*Theological-Political Treatise* (TTP) Spinoza endorses a largely Hobbesian absolutist
model of politics, in the later *Political Treatise* (TP) he comes to realise that absolutism is
less sociologically plausible than the institutionally mediated alternative. In Chapter 4 I
argued that this point applies as much to democracy as to aristocracy or monarchy.
However, at this stage I have conducted my argument as though there is no interaction
between what is said or exhorted or believed about politics and what is likely to occur in
politics: in particular, as though the assertion of ideals of politics does not have any
impact on human behaviour.

The rhetorical approach refuses such an exclusion, asserting to the contrary that
words should be recognised as forceful elements in political domain with real
sociological effects. Correspondingly, it raises a twofold challenge to my larger
argument. First, it challenges the alleged sociological weakness of the absolutist model.
Rather than needing formalised institutional mediation of the sovereign's power, the
power of words, arguments, and beliefs might be sufficient to constrain subjects to
obedience regardless of the sovereign's conduct; in this case, absolutism might in fact be
more plausible than I have granted. Second, the rhetorical approach challenges the very
requirement that an explicit ideal of politics be sociologically plausible. Even if
absolutism is not tenable as a model of politics, promulgating it as a doctrine may serve a
political purpose, for instance in producing more docile subjects.

In this final chapter, I respond by conceding that Hobbes may have relied upon
rhetoric as a stabiliser within his model of absolutism. Nonetheless, I deny that this
privilege to rhetoric is supported in Spinoza's writings. I argue that for Spinoza, rhetoric
may be pervasive in political life, but it makes no significant independent contribution to
the functioning of a good political order; this is almost fully accounted for by the more
concrete features of that order. Furthermore, I argue that Spinoza is wary of ideals that
are unrealistic. Whilst under certain circumstances sociologically implausible ideals can
mobilise and generate political change, when it comes to consolidation of those changes,
Spinoza is concerned that inspirational doctrine cannot compensate for a bad underlying
material order. Consequently, the rhetorical perspective neither salvages absolutism nor
overturns the requirement for the sociological plausibility of ideals of politics. The
Spinozistic commitment to a naturalistic treatment of human behaviour requires
circumscribing the political hope to be placed in rhetoric as an autonomous political
force. In the face of the multiple determinants of human behaviour, an undue focus on
rhetoric and civic education entrenches a humanistic misunderstanding of the causes of
human action.

§1

David Johnston's book The rhetoric of Leviathan offers the exemplary rhetorical
reading of Hobbes. Johnston's motivating puzzle concerns the relation between
Hobbes's science of the commonwealth on the one hand, and actual experience on the
other. Hobbes's science offers an account of human nature. But on its fundamental tenet
that humans fear death above all other things, it demonstrably diverges from the
empirical realities of human behaviour. Indeed, Hobbes himself would not appear to

3 Skinner offers a detailed study of Hobbes's relation to the rhetorical tradition; however,
he does not address in detail the question of the function of rhetoric within Hobbes's
model of politics. Quentin Skinner (1996), Reason and rhetoric in the philosophy of
deny this divergence. He acknowledges subjects often are willing to risk death from love of freedom or hope of gain, or may privilege their status in the next life over the perpetuation of the present one. Nor is the divergence theoretically insignificant. For this account of human nature is the foundation of Hobbes's science of the commonwealth. The sovereign's power is established and maintained through subjects' desire to avoid violence in the state of nature and through their complete submission in the face of the sovereign's threat of punishment: thus the fear of death is the central building block of his conceptual construction of the civil order. If this fear is not truly universal or primary, then a civil order composed along Hobbesian lines out of such humans will not function. The miscasting of human nature appears to vitiate Hobbes's science.

Johnston's solution is to propose that Hobbes offers a science of a human nature he seeks to bring about, rather than a human nature that already exists. If such a nature were brought about (if subjects could be brought to fear death above all other things), then his proposed model of politics would work. Thus the discrepancy between the science and the actual state of affairs is no embarrassment to Hobbes. Johnston's analysis to this point is entirely compatible with my own in Chapter 1 (§2.3): the science of the commonwealth that Johnston investigates is the juridical science of the powers to which the sovereign is entitled, which builds itself out of a juridical modelling of the behaviour of moderately rational subjects. By contrast, those passages in which Hobbes denies that humans fear death over all else belong to what I called Hobbes's science of effective power. Thus, I can agree with Johnston that the condition of validity of Hobbes's science

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5 *Ibid.*., 34, 58, 84-5, 92-3.
of politics is not that it build on the actual tendencies in human behaviour, but that it pose
a model of politics that can be resilient; in particular, it needs to establish that subjects
might be durably come to be motivated by the required fear of death.

But how can the required transformation be brought about and sustained? Brute
threat or command cannot serve this purpose. Threats rely on subjects' preexisting
ordering of fears and desires, rather than generating it; nor is it possible to command a
change of passions, as such change is not subject to voluntary control. However,
Johnston argues that persuasion can bring about what brute command or threat cannot.
Hobbes attempted to persuade his audience through the clarity of his reasoning in his
early *Elements of Law*, but learnt to his cost the limits of reason's cachet.7 *Leviathan*
instead foregrounds a contextual and emotive engagement with the populace, appealing
to and seeking to affect their imagination; Hobbes envisages such skilful rhetoric
bringing about a reordering of passions and belief.8 The sovereign will play some role in
this by persuasively teaching good doctrine through churches and universities, but

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7 Johnston, *The rhetoric of Leviathan*, 25, 29, 60-1; Skinner, *Reason and rhetoric*, 426-
37.
8 Johnston, *The rhetoric of Leviathan*, xx, 67, 84, 130-3, 184, 213.

The claim that the human nature Hobbes describes is not the one he finds in reality, but
rather the one he seeks to bring about has been made by a number of commentators,
generally sharing the view that the means to this end are rhetorical. See Charles D.
Literary History*, 27 (4), 785-802; Mary G. Dietz (1990), 'Hobbes's subject as citizen', in
Mary G. Dietz (ed.), *Thomas Hobbes and political theory* (Lawrence, KS: University
Paul), 11-15, 133-44.

Strauss argues that Hobbes hopes to bring about a bourgeois nature to supersede the
aristocratic nature, in particular with regard to the attitude towards honour and towards
death. However, Strauss does not dwell on the question of the means to this end. Leo
Hobbes's own text also works directly towards this end, reinterpreting Christian doctrine and making vivid presentation of the science of the commonwealth.⁹

Garsten's interpretation of Hobbes's political philosophy places rhetorical persuasion in a similarly central position, but focuses on the problem of private judgement. In Hobbes's view, individual judgement is naturally diverse. Diversity leads to corrosive social conflict, because individuals will tend to disagree on questions crucial to the terms of their coexistence (the determination of mine and yours, and of what is to be done). Conflict is exacerbated when subjects align themselves with the judgement of persuasive figures in the polity, especially religious authorities. By contrast, if everyone would defer their judgement to the unified public judgement of the sovereign, peace could be achieved. To be sure, it is not possible simply to command individuals to defer their judgement to the sovereign, for the whole problem is whose command they ought to accept. But again, a solution can be found in the rhetoric both of the sovereign and of Hobbes's own texts. If these rhetorics promote the need to submit to public standards of judgement, Hobbes hopes pre-indoctrinated subjects will be rendered insensitive to any inflammatory or seditious rhetoric they may encounter.¹⁰

Such a rhetorical emphasis challenges my critique of absolutism as a political model. In that critique, I argued absolutism was sociologically implausible. I granted that Hobbes recognises punitive threat alone is not sufficient to maintain subjects' obedience. Rather, it is necessary for a sovereign to dampen subjects' seditious passions;

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⁹ Johnston, *The rhetoric of Leviathan*, 89-91, 184, 213. Indeed, Hobbes's notorious sketch of the state of nature can be understood as an imaginative and persuasive device to focus and intensify thoughts of the fear of death.

I claimed Hobbes envisaged this being done by the sovereign prudently ruling for the subjects' well-being. Nonetheless, I charged that Hobbes's proposal fails to account for the sovereign's capacity to exercise such prudence; to the contrary, I argued that the absolutist institutional structure provides incentives for shortsighted and imprudent rule. However, my critique does not take seriously the force of good doctrine. The rhetorical reading\(^\text{11}\) poses the possibility that if subjects subscribe to a doctrine of obedience (whether from encountering Hobbes's texts or from the sovereign's active efforts), then it doesn't matter (or matters less) when the sovereign rules badly. The real force of the populace's belief in a doctrine of obedience can stave off the seditious passions that a sovereign's imprudent rule might otherwise rouse. Indeed, Hobbes asserts that there is no difficulty to achieve this persuasion: the common people's minds 'are like clean paper, fit to receive whatsoever by public authority shall be imprinted in them.' (L xxx.6) Once this is done, the sovereign will have security against the danger of rebellion.\(^\text{12}\)

Turning to Spinoza's works, the word rhetoric does not appear with such frequency, nor is there such explicit discussion of the teaching of a doctrine of politics. However, recent commentators have drawn on Spinoza's account of the imagination and his use of ethical exemplars to argue that Spinoza, just like Hobbes, envisages a significant role for persuasive speech in the determination of the political order.

\(^{11}\) Particularly in Johnston's formulation. Garsten attributes such a thesis to Hobbes but finds it unpersuasive; see §3 below.

\(^{12}\) L xxx.6; see also more generally L xxx.2-14.
Spinoza argues that human minds are governed by a pursuit of the feeling of power. "The mind as far as it can, strives to imagine those things that increase or aid the body's power of acting." (E IIIP12) Spinoza calls a feeling of variation in power (whether positive or negative) an affect (affectus). (E IID3) Any idea has an affective valence, and it is on the basis of this valence that different ideas compete for dominance in the mind. "No affect can be restrained by the true knowledge of good and evil insofar as it is true, but only insofar as it is considered as an affect." (E IVP14, also E IVP7, IVP15-17) In other words, we tend to be persuaded by the ideas that increase our feeling of power, and not necessarily by the ideas that are true. (E IIIP13) This is a problem for reason. Spinoza distinguishes reason, an adequate form of knowledge, from imagination, inadequate knowledge; reason has a true grasp of the order of causes, whereas imagination's knowledge is a more or less confused approximation. Human understanding always remains to some degree imaginative rather than rational, because in

14 The simplest affects are joy and sadness. Joy is felt when the mind imagines an increase in the body's power of acting; sadness is felt when it imagines a decrease of power. (E IIIP11S)
15 Note that the mind strives to imagine its power only 'as far as it can'. (E IID3) Spinoza grants that it can sometimes be overwhelmed by ideas of powerlessness; this is sadness or melancholy. (E IIIP11S)
16 More precisely, imagination does not clearly distinguish what in its ideas is attributable to the external world and what to the individual's own constitution. '[A]n imagination is an idea which indicates the present constitution of the human body more distinctly than the nature of an external body - not distinctly, of course, but confusedly.' (E IVP1S) For instance, when people find something useful or harmful to them, they attribute inherent goodness or badness to that thing, rather than to its effects on them. (E IApp)
the face of the confusions of sensory experience, it is difficult to achieve the clarity of reason. (E IIP16C2, IIP25-6) But reason is put at a further disadvantage, because human reason considered as an affect is generally no match for the more intense passionate investment of the imagination.¹⁷

Reason's lack of power over the passions is the central problem of ethics. (E IVPref, IVP17S) In Spinoza's view, reason necessarily directs people to behave sociably, whereas hateful passions draw people apart. (E IVP32-5) Hateful passions are stoked by commonplace ideas of the imagination, such as humans' attribution of free will to themselves and others, and the consequent attribution of blame. (E II35S, IIIPref, VP5D)

To address this problem, Spinoza pursues a dual strategy. First, appealing to reason, he explains the error of the doctrine of free will, and he lays out an account of the causes of the passions: by understanding the genesis of these ideas, their affective power is attenuated. (E IApp, IIP48, IIIP13-57, VP2-3, VP20S)¹⁸ Second, however, as I already discussed in Chapter 2 (§2.1), the Ethics also gives central place to an exemplar of the free man as a standard of ethical conduct. (E IVPref, IV66-73) This exemplar is not itself an adequate idea, but as I explained, it involves errors of the imagination. God or nature is perfect, so nature (including individual humans) is not bound to any normative standards different to what at every moment actually occurs. Furthermore, Spinoza denies that different human individuals have the same nature: even if it is possible to identify broadly better and worse ways of life, this is an approximation which may be

¹⁷ The process by which affect accrues to ideas of the imagination is laid out at E IIIP13-P57; the affect attached to ideas of reason at E IIIP58-9. Their relative strengths are considered at E IVP1S, E IVP15.

inaccurate for specific cases. (E IIP40S1, IVPref) Nonetheless, even as they are simultaneously aware of its inadequacy, the rational individual will hold the exemplar in mind for its good motivational effects. The exemplar may carry a more powerful affect than reason, because it does not directly attack the intuitive (but erroneous) sense of free agency that we all have; this enables it to compete with the antisocial hateful affects of the imagination. Thus, holding the exemplar in mind as a model of conduct might be useful in bringing about ethical behaviour, and more profoundly in progressing to blessedness. (E IVPref)\(^{19}\)

In a similar way, in TTP Spinoza draws attention to the power of traditional religion, but in the case of religious exemplars, Spinoza is especially interested in how individuals who perhaps fall far short of perfect philosophical reason might be motivated to ethical conduct. Religion appeals to an anthropomorphic image of God as a ruler whose law it is possible to disobey; these ideas resonate with the imaginative understanding of many human communities, even though in truth God is the same as all of nature, and His law is the law actually determining everything to occur. (E IP15, IP17; TTP 4/55) Sometimes religion merely serves to intensify the fear and wretchedness of believers. (TTP Pref/2, 17/188) However, if its doctrines are presented with a different


Another reason for the exemplar's affective force is its simplicity: by laying down simple maxims and meditating upon them often, their force in the imagination can be increased. (E VP10S)
emphasis, they have the possibility to serve human flourishing. Spinoza gives examples: in ancient times, the prophets' interpretation of events as signs of God's pleasure or displeasure served to bind the Hebrews's conduct more tightly to God's revealed law (TTP Pref/6, 2/21-34); for his contemporaries Spinoza proposes some tenets of 'universal faith' which if believed will motivate good conduct. (TTP 14/162)

Rational individuals may appreciate the usefulness of a range of such fictive doctrines, even as they see such doctrines' inadequacy to reason; but those whose understanding remains in the domain of the imagination will be effectively motivated only if the fictive doctrine meshes well with their particular existing beliefs and attitudes.

If anyone sets out to teach some doctrine to an entire nation - not to say the whole of mankind - and wants it to be intelligible to all in every detail, he must rely entirely on an appeal to experience, and he must above all adapt his arguments and the definitions relevant to the doctrine to the understanding of the common people, who form the greatest part of mankind. (TTP 5/66)

In this sense, Spinoza concurs with a commonplace of the rhetorical tradition: persuasion needs to engage with the particularities of its audience. When this engagement occurs, there can be real effect on conduct: as Montag stresses, for Spinoza 'speaking and writing, the actual forms of language, possess an irreducibly corporeal existence, and as such affect other bodies, 'moving' them to act.' And like the rhetorical

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20 Rosenthal argues that the required difference is to concretise God's law as a lesson for conduct rather than entrenching wonder before it. Michael A. Rosenthal (2003), 'Persuasive passions: rhetoric and the interpretation of Spinoza's Theological-Political Treatise', Archiv für Geschichte der Philosophie, 260-1.
22 TTP 14/163, TTP 16; see also TTP, Spinoza's Note 34.
23 Montag, Bodies, Masses, Power, 22.
tradition, Spinoza views such persuasion not as the opposite of reason nor as offensive to reason, but its complement, so long as reason approves of the effects it motivates.

In politics, Spinoza only explicitly discusses rhetoric and imagination in connection with the political order of the Hebrews. (TTP 3/36-8, 5/64-5) Nonetheless, some commentators argue that rhetoric is essential to Spinoza's political philosophy more generally. Rosenthal considers TTP a 'handbook of rhetoric'; in my Chapter 2 (§2.1) I myself argued that Spinoza makes two distinct fictive uses of the term 'right': first, he holds up an exemplar of the metaphysically virtuous commonwealth as a normative standard of right, and second, he advances a Hobbesian doctrine of the absolute civil right of the sovereign and the corresponding absolute obligation of subjects to obey. I claimed that such fictions serve to guide conduct, both of rulers and institutional designers, and of subjects. Might a focus on the rhetorical properties of doctrines of right provide a remedy for absolutism's alleged implausibility as a model of politics that I identified in Chapter 3?

Such a suggestion is implicit in Rosenthal and James's interpretations. On Rosenthal's reading, the fundamental problem for both Hobbes and Spinoza is to convince self-interested individuals that their true interests lie in society. Because political subjects are not already perfectly rational, it is necessary to appeal to their imaginations; this appeal to imagination may bring individuals' external behaviour in line with the dictates of reason. Rosenthal argues that in order to achieve civic cohesion, Moses advanced the idea of the Hebrews' chosenness; for Spinoza's Dutch republic biblical narratives served this purpose; but it is an open question what might serve for us

24 Rosenthal, 'Persuasive passions', 251, 266.
now in the present. Susan James brings this rhetorical approach to bear directly on the question of TTP's absolutist doctrine of right. 'To understand Spinoza's account of sovereignty, we need to appreciate the way in which it depends on and emerges from imagination.' Absolutism is extremely fragile; the sovereign's power risks being undermined if subjects do not obey. However, subjects may be prone to disobey: whether from the demands of religious authorities for their allegiance, or from their own pursuit of narrow self-interest. Worse, Spinoza's own philosophy might on a careless reading exacerbate this tendency: Spinoza teaches that there are no true obligations, and that reason calls for each person to pursue their own flourishing. To be sure, reason dictates that obedience to political authority is indispensable for flourishing. But reason is not persuasive to the impassioned masses. The doctrine of an obligation of full obedience, imaginary insofar as it posits obligation, might usefully be promoted because it can stem this fragility of allegiance. A human sovereign

first employs the deeply rooted imaginative vocabulary of command and obedience, and then draws on imagination once again to devise a narrative capable of persuading its subject to accept the law it makes. If we now consider why the *Tractatus Theologico-Politicus* places such emphasis on the absoluteness of sovereignty, this fragility may be part of the answer. Political order consists in the law made by an inherently precarious sovereign who is, as we have found, challenged from many directions. The power to limit negotiation therefore serves not so much as a vehicle

26 James, 'Law and sovereignty in Spinoza's politics', 226.
27 Ibid., 212-4, 225-6. Strauss offers a similar reading, but with a different assessment of purpose: he understands TTP's doctrine of obedience as an exoteric doctrine designed to keep the masses down and allow philosophers to do philosophy unmolested (it is a noble lie). Leo Strauss (1952), 'How to study Spinoza's Theological-Political Treatise', *Persecution and the art of writing* (Glencoe, Ill.: Free Press), 142-202.
for tyranny, but more as an attempt to counteract the sovereign's vulnerability by
giving it the means to protect its subjects and promote their freedom.²⁸

If James and Rosenthal are correct in their reconstruction of Hobbes's absolutism,
my thesis is put into question. Even if my argument is accepted that the political model
of TP differs to that of TTP, it would be possible to understand the models as alternate
but equally valid paths. To be sure, TP's institutionally mediated model is sociologically
plausible. But if the rhetoric of obedience is promulgated in an absolutist order, the
subjects' obedience and consequently the political order's stability is bolstered, even when
the sovereign is ruling badly or in such a way as to weaken itself, just as Johnston and
Garsten argued in the Hobbesian case. With this rhetorical supplement, absolutism is
equally a sociologically plausible model of politics.

There is a supplementary and even more fundamental challenge which the
Spinozist rhetorical approach poses to my thesis. I assert that for Spinoza, as a realist,
any acceptable ideal of politics needs to involve a sociologically plausible model of
political order. In Chapter 2 (§2.1-2) I gave a brief argument for why the exemplar for
politics must remain realistic: both in order to have practical effects (in order not to be
futile) and in order not to rouse sad passions which inhibit the progress of reason. It is
true, as I argued in that chapter, that Spinoza is careful to accompany the ethical
exemplar of the free man with caveats regarding the idea's inadequacy, and is also careful
that the use of this ethical exemplar does not inflame the passions. However, in the case
of religious exemplars, such a tight tethering to reason and the goal of unimpassioned
blessedness is not evident. Rhetorics invoking inadequate understandings are lauded for

²⁸ James, 'Law and sovereignty in Spinoza's politics', 226.
their capacity to motivate good outcomes, even when neither prophets nor followers had any appreciation of their distance from reason, and even when they stoked certain passions. The possibility that rhetoric need not be constrained in any particular way regarding its content so long as its effects are good is posed even more starkly by Spinoza's treatment of faith. For Spinoza, the sum of God's law is to love thy neighbour. (TTP 14/159) Faith is defined as 'the holding of certain beliefs about God such that, without these beliefs, there cannot be obedience to God, and if this obedience is posited, these beliefs are necessarily posited.' (TTP 14/160) This means that if a person's works are good, they are a believer; if their works are bad, they are not a believer, regardless of the content of their theological views. (TTP 14/160) It follows that '[e]ach man's faith, then, is to be regarded as pious or impious not in respect of its truth or falsity, but as it is conducive to obedience or obstinacy.' (TTP 14/161)

Might a political doctrine or ideal similarly be admissible to the extent it serves the role of bringing about political outcome, even though it does not explicitly present a sociologically plausible model of politics, or even though it advances a model that is wholly utopian or mad? Chiara Bottici observes that political myths can be forces of political mobilisation (such as the idea of the general strike, or the Aryan race, or the clash of civilisations, or the decline of the West). Bottici draws on Spinoza to argue that myths, as forms of political imagination, may not be rational, but nor are they necessarily opposed to reason. Even whilst remaining myth they can serve a useful motivating purpose.29 Correspondingly, even supposing that I still want to deny the plausibility of Negri's model of politics, might a democratic multitude in a non-Negrian order usefully

29 Bottici, 'Philosophies of political myth', 365-82.
be inspired by a Negrian radical ideal to root out and reject creeping sectional capture of their power? Even supposing I still want to deny that it is possible for an institutionally unconstrained sovereign to rule in a way that secures the resilience of the political order, might the doctrine of absolutist civil right still be useful in a non-absolutist order to achieve the obedience of subjects? Indeed, insofar as I identified the doctrine of civil right as a fictive exemplar in Spinoza's texts, I already appear to have granted this point. (Chapter 2, §2.1)

In sum, the primary challenge charges that the doctrine of absolutism is already sociologically plausible once the force of rhetoric is taken into account. The supplementary challenge contests my claim that Spinoza's political philosophy admits only realistic ideals.

§2

I argue that both Hobbes and the rhetorical readers exhibit an untenably optimistic estimation of the autonomous power of rhetoric and imagination to govern human behaviour. Spinoza himself provides a framework to consider the possibilities and limits of rhetorical persuasion, according to which rhetoric is grossly insufficient to perform the political role rhetorical readers attribute to it. For rhetoric to be effective in motivating political action, it needs first, to persuade the beliefs of a community, and second, to override their contrary desires and impulses. This raises two questions. First, might there be limits on what sort of conduct a given community can be persuaded to

believe is desirable? Second, even when a community's beliefs are persuaded, might belief be insufficient to motivate action in the face of contrary passions?

In Spinoza's view, across all times and places of human existence, prophets, priests or ethicists have been able to frame the ethical message suitably to their audience, and be largely believed. That is, it is possible, given sufficiently skilful rhetoric, for any human community to be persuaded that the kind of conduct required by ethics (love thy neighbour) is desirable. This fact facilitates an assumption that the same universal possibility of persuasion applies for the kind of conduct required by absolutism. Garsten attributes such a view to Hobbes; and such a view is implicit in James's reading of Spinoza. But is this Spinoza's view? To the contrary, TTP's treatment of the Hebrews' political beliefs gives reason to suspect that the universal possibility of persuasion was a peculiarity of ethics, and cannot be presumed to apply to political goals. First, consider the goal of restricting political expression. Spinoza observes that in the societies of the ancient Hebrews and the Turks, there was such thoroughgoing docility and obedience that the political subjects did not even recognise their own subjection (TTP Pref/3, 5/65); here it was possible to persuade communities that the restriction of political expression was a reasonable political requirement. Such subjects 'live in a perpetual state of deception, and lack even the capacity to doubt the superstitions that justify their

31 Spinoza argues that the same message is expressed throughout the scripture despite all its other inconsistencies (TTP 12/151, 13/154); and that this message is suitable 'for all men of every time and race'. (TTP 14/159)
32 Johnston argues to the contrary that Hobbes understood his rhetoric's potential for effectiveness depended on the particular convergence of circumstances in midsixteenth century England: mass literacy, the reformation, and severe political upheaval. Johnston, *The rhetoric of Leviathan*, 71-7, 205, 211.
servitude'. However, with equal force, Spinoza insists that contemporary societies cannot support any restriction on non-seditious speech. Regardless of the skill in rhetorical delivery, it is not possible to persuade such communities that restriction of expression is desirable; subjects, especially those of noble character, simply will not accept that it is justified. Second, consider the goal of having the Hebrews recognise judgement of those authorised to interpret the word of God as law. Initially, when Moses was the sole channel of God's will, the Hebrews accepted his privileged status wholeheartedly; but when this authority was transferred to the priestly tribe of the Levites, the non-priestly Hebrews became suspicious, and were readily led astray by the claims of rival prophets.

Spinoza explains both cases in a similar manner: by appeal to the material minutiae of everyday experience which concretely and constantly shape and channel subjects' passions. Regarding the first example, Spinoza notes that the Hebrews were very ignorant of natural causes, and thus credulous; their lives were structured by constant ritual observances that physically reinforced their beliefs; they were maintained in a state of material equality, meaning that there was not a differential experience of hardship which might have provoked resentment; they were entirely economically independent, allowing them to maintain a hostile separation from other nations, and a pride in their own uniqueness.

Montag, *Bodies, masses, power*, 62; also 47-9, 56.
restriction of speech could be accepted as reasonable\textsuperscript{34}; absent these conditions, it would not be possible.\textsuperscript{35} Regarding the second example, Spinoza argues that the suspicion of the Levites' authority took root because the privilege that Moses bestowed on the Levites was a grave defect in the Hebrews' institutions. The non-priestly tribes were jealous of the Levites' institutional position of privilege, a jealousy that was constantly reinforced by the indignity of their exclusion from sacred rights; under these conditions they were disposed to be suspicious of the Levites' claims to speak God's will. (TTP 17/196, 17/200-1)

Certainly, the affective landscape of the imagination governs what kind of rhetorical persuasion will be most effective to bring about a given outcome. But as these examples show, this landscape does not have infinite malleability even to optimally crafted persuasion; rather, it has a determinate character, constituted by human passions. As Rorty observes, to say that minds are determined by the force of their own ideas compared to the ideas they encounter is not to exclude material influences on thinking.\textsuperscript{36} For the human passions which structure the imagination are shaped and structured by everyday experiences and encounters: the experience of being successful or failing in pursuit of desires, of being aided or thwarted by others, of security or insecurity. In turn, a major determinant of these experiences is the character of political institutions. 'Far-reaching laws affect the material conditions that are expressed in the thoughts that men

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\textsuperscript{34} Presumably some similarly intense disciplinary regime was at play in the Turkish depotism, but Spinoza does not discuss this in detail.
\textsuperscript{35} \textit{Ibid.}, 48-9.
\textsuperscript{36} Rorty, 'The politics of Spinoza's vanishing dichotomies', 133.
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confusedly take to be their very own.\textsuperscript{37} The way in which passions and desires subconsciously colour and structure belief can be particularly transparent in judgements of economic equity: a human individual tends to '[regard] as most equitable those laws which he thinks are necessary for the preservation of his own fortune'. (TP 7.4) Thus, any doctrine will have certain concrete conditions under which it might take root: it will be necessary to determine what these conditions might be for a doctrine of absolutism. (I will return to this below.)

Turning to the second question, does Spinoza hold that political rhetoric necessarily brings about action, even when it does persuade belief? In TP, Spinoza explicitly denies such a view. Even if the doctrine is well taught and received, there may remain a problem of motivation. For instance,

although all are convinced that religion [...] teaches that each should love his neighbour as himself, that is, that he should uphold another's right just as his own, we have shown that this conviction is of little avail against the passions. It is effective, no doubt, at death's door, that is, when sickness has subdued the passions and a man lies helpless; or again in places of worship where men have no dealings with one another; but it has no weight in law-court or palace, where it would be needed most of all. (TP 1.5)

\textsuperscript{37} \textit{Ibid.}, 134.

In Spinoza's metaphysics, strictly speaking thought and extension are two different attributes of substance (nature) with no causal nexus between them. (E IIP2) But nature can be considered under either attribute: the order and connection of ideas is the same as the order and connection of things. (E IIP7) So for instance, a person's mind and their body are the same thing considered under the attributes of thought and extension respectively (E IIP13D); similarly a mental affect of joy and an increase in the power of the body. (E IID3, VP1) This is not to say that the idea corresponding to a body is a clear and perspicuous representation of that body; the confusedness of ideas in finite minds is accounted for in detail in Spinoza's theory of the imagination, which is beyond the scope of this paper. (E IIP19, IIP24) See Lloyd, \textit{Part of nature}, 16-55; Nadler, \textit{Spinoza's ethics}, 154-173.
Spinoza constantly reiterates the role of institutions in actually achieving good political behaviour.\(^{38}\)

For it is certain that rebellions, wars, and contempt for or violation of the laws are to be attributed not so much to the wickedness of subjects as to the faulty organisation of the state. Men are not born to be citizens, but are made so. Furthermore, men's natural passions are everywhere the same; so if wickedness is more prevalent and wrongdoing more frequent in one commonwealth than in another, one can be sure that this is because the former has not done enough to promote harmony and has not framed its laws with sufficient forethought, and thus it has not attained the full right of a commonwealth. (TP 5.2)\(^{39}\)

Institutions have the potential to achieve effective motivation insofar as they concretely and continually engage everyday passions, primary amongst which is desire for security and comfort, but also ambition, solidarity, jealousy. The key is to bring these passions to serve the institution's goal, or at least not to detract from it. In accord with this principle, TP proposes elaborate and complex institutions systems, as discussed in my Chapters 3 and 4. Individuals are led reliably to perform their roles by economic

\(^{38}\) The institutional emphasis is strongest in TP; however, it is also present in TTP. I have already shown that in TTP, institutions ground the Hebrews' belief; Spinoza claims they also determine their conduct. (TTP 17/195-200) Furthermore, Spinoza's contemporary political proposal takes the form of an account of institutions which, if put in place, will minimise corruption and maximise obedience to the laws. In contrast to Hobbes's absolutism, there is no emphasis on teaching correct doctrine. The key institutional components are granting the sovereign an absolute power of punishment, subordinating religion to sovereignty and barring priests from political power, upholding the legal equality of subjects belonging to different religious groupings, and legalising free expression. (TTP 20/222-30)

\(^{39}\) Because humans nature doesn't always incline to reason 'the state must necessarily be so established that all men, both rulers and ruled, whether they will or no, will do what is in the interests of their common welfare; that is, either voluntarily or constrained by force or necessity, they will all live as reason prescribes. This comes about if the administration of the state is so ordered that nothing is entrusted absolutely to the good faith of any man. For no man is so vigilant that he does not sometimes nod' (TP 6.3)
incentives and ambition to hold office. (TP 7.6-10) The overall system of roles is held in place insofar as it 'cannot be dismantled without arousing the indignation of the greater part of an armed people'. (TP 7.2) This indignation is in turn understood in terms of subjects' passions. For instance, in my Chapter 4 I discussed the way in which the patricians' desire to remain on fair equal terms with each other is channelled to bring them to support the institutional order. But the patricians are not the only inhabitants of an aristocracy: the class of patrician citizens is defined in contrast to and has privileges above commoner non-citizens. If there are a considerable number of commoners, it is important that their passions also tend to support the aristocratic order. And again, Spinoza outlines concrete arrangements by which this might be brought about. Given ordinary human passions, the indignation of the commoners is avoided only if they are foreigners: for foreigners, in a weak bargaining position, are grateful to be admitted unmolested even though they cannot vote. But even this gratitude might evaporate in times of scarcity or difficulty. Consequently, a difference of ethnicity must be combined with a policy of permitting and encouraging commoners to own land if their allegiance is durably to be achieved. (TP 8.10-12)

Does Spinoza allow any autonomous role for rhetoric and imagination in political life? In those occasional moments when a body politic explicitly reflects on its own structure and desires to consult reason and science for how best to proceed, I concede that Spinoza's first fictive exemplar of right, the model of the metaphysically virtuous commonwealth, is intended (but not guaranteed) to persuade institutional designers. But on the basis of the institutional focus of my Chapters 3 and 4, and in this present section, any further role for rhetorical persuasion beyond this appears to be very minimal. My
argument so far leads to the view that even though people have an imaginative frame through which they grasp their circumstances and actions, the key for Spinoza is to get the institutional structure right, and then let arise whatever self-understandings will arise.

This firmly anti-rhetorical interpretation faces the apparent difficulty that, as James and Montag have pointed out, and as I myself argued, Spinoza continues to promote the obligation to obedience in both political treatises. This obligation is stated particularly forcefully in Spinoza's second fictive exemplar of right, what I have called his doctrine of civil right, by which not only are subjects are obliged to obey, but the sovereign also always has full right to command action as it pleases. (TTP 16/177-9, 20/224; TP 4.2; see my Chapter 2, §2.1) The continued promotion of fictive doctrines shows that Spinoza hopes that rhetoric may modify behaviour even once a particular institutional order is in place. However, I consider the conflict between this fact and my anti-rhetorical interpretation to be merely apparent. For I argue there are sharp limits to Spinoza's hopes and ambitions for rhetoric.

Asserting rhetorically the obligation of subjects to obey, even bolstering it by asserting the imaginary doctrine of full right of the sovereign, might slightly increase subjects' inclination to obey, and may in turn consolidate the political order in the face of panics or minor lapses of the sovereign's prudence. But at the same time as Spinoza poses the obligation of subjects to obey, he chastens this doctrine by constantly reasserting the analysis of the mechanisms of a commonwealth's resilience: what I have called the metaphysical account of the commonwealth's virtue. (TTP 20/223; TP 3.7-9, 4.4, 5.1) By maintaining the metaphysical doctrine of the commonwealth's right as virtue,

40 Rorty, 'The politics of Spinoza's vanishing dichotomies', 134.
Spinoza refuses to allow rhetoric to sanction a neglect of the concrete everyday conditions of a good political order. This doctrine reminds us that if the commonwealth is ordered in a way that does not constructively channel human passions, especially the passions related to their concrete desire for security and wellbeing, it is weak and risks mass disobedience and downfall at the slightest shock; rhetoric will not be effective to stave this off for the reasons I advanced at the start of this section (whether because the rhetorically promoted doctrine of an obligation to obedience will not be believed, or because even if it is believed it will be insufficient to outweigh the other motivations subjects face).

The rhetorical readings offered by James, Rosenthal and Johnston claim that the fragility of the model of absolutism is stabilised by the functioning of rhetorical persuasion: subjects are persuaded to obey by being taught a doctrine of duty reinforced by biblical analogies. But on a Spinozist view, given the limits of rhetoric's autonomous power to shape conduct, this persuasion can only be effective when the underlying concrete conditions are broadly in good order. Indeed, where Hobbes prominently and repeatedly insists on need for a sovereign to teach the correct doctrine of right, Spinoza's

41 Indeed, Rosenthal's claim to show a strong role for rhetoric in sustaining the political order breaks down on closer inspection. Rosenthal announces and recapitulates his argument: political rhetoric is needed to convince people that their interests lie in society. (Rosenthal, 'Why Spinoza chose the Hebrews', 210-1, 240-1.) But the detail of the paper in fact demonstrates something else. Rosenthal argues that the key problem for the Hebrews was to avoid degeneration into superstition. He offers not a rhetorical but an institutional solution: one particular tribe should not have been exclusively entrusted with priestly duties. (Ibid., 222-30) Similarly, he does not show (as he claims to) that Spinoza used the Hebrew example to persuade the Dutch that their interests lie in society, but rather that Spinoza used it to persuade them to set up certain kinds of institutions (restricting priests from political power). (Ibid., 238-9)
absolutism does not. In outlining the conditions for TTP's absolutist model to function, rather than stressing the role of doctrine, Spinoza places great emphasis on the concrete details of good sovereign rule: in particular, that there should be no restriction of non-seditious speech, no recognition of higher religious authority, equal treatment under law of practitioners of different religions, and no unreasonable commands. (TTP 20/223-8, 16/178) However, recall the problem I articulated in Chapter 3: absolutist institutions tend to generate shortsighted behaviour in the sovereign. That is, sovereigns in absolutist orders tend to rule imprudently: they will tend not to rule in the way that is required for the absolutist model to function. If we no longer grant an autonomous power of rhetoric to make subjects tolerate the sovereign's indiscretions, then the vicious weakness in absolutism stands.

Might rhetoric pose a solution of a different sort to this problem? Might rhetoric directed not towards subjects but towards the sovereign be able to persuade the sovereign itself to resist the institutional pressures for bad rule, and to exercise prudence? Indeed, turning away from TTP's explicit theory of rhetoric and towards the rhetorical function of the text themselves, this appears to be Spinoza's strategy. TTP attempts simply through its own rhetoric to persuade the sovereign to change its change of passions and opinions.

42 See especially L xxx.2-14. Spinoza by contrast merely lists outlines the tenets of the required doctrine. (TTP 20/225)
43 Even those who share my rejection of the autonomous power of rhetoric in other respects [for instance, Rorty insists that a rhetoric of obedience can have some positive effects on citizenly conduct but only when the underlying material conditions are conducive; (Rorty, 'The politics of Spinoza's vanishing dichotomies', 134-6, 139-40) Johnston lays out some institutional preconditions for the success of Hobbes's anti-superstitious rhetoric. (Johnston, The rhetoric of Leviathan, 71-7, 205, 211)] do not address the possibility that an absolutist institutional order can never count as a good underlying order.
and thereby become prudent. But in so doing, it illicitly ignores the institutional pressures on the sovereign's own conduct that it recognises so well in the case of subjects. Thus, no amount of attention to rhetoric and the imagination dislodges my thesis: TTP's model of absolutism is not a viable alternative to TP's model of institutional mediation, but rather a superseded and inadequate precursor.

By contrast TP's use of rhetoric reflects its move away from absolutism. It hopes to achieve good sovereign rule by persuading the sovereign or institutional designers, not deeply to change their passions and opinions on a day to day basis, but merely to put in place a system of institutions at a particular point in time. Once this system of institutions is in place, it automatically generates and maintains the appropriate passions and opinions in subjects and the sovereign. That is, whilst of course both the texts of TTP and TP seek to persuade, by moving away from an absolutist model, TP's politics does not on a day to day basis ultimately rest on something so fragile as rhetoric.

Suppose now the point is established that absolutism is not sociologically plausible, even taking rhetoric into account. Suppose now we consider a relatively well-constructed institutionally mediated political order. Does Spinoza anticipate that the absolutist doctrine of civil right, even though unrealistic and even though it doesn't truly represent this particular political order's structure, might nonetheless serve a useful

44 Interpreting TTP through the lens of TP, Frankel argues that TTP does not seek to persuade rulers, but rather theologians. For no amount of persuasion will overcome rulers' political incentives to misuse theology and in that sense rule imprudently. Steven Frankel (1999), 'Politics and rhetoric: the intended audience of Spinoza's Theological-Political Treatise', Review of Metaphysics, 52 (4), 897-924. However, Frankel does not address the other aspect of TTP's political problem, namely how the sovereign will be disposed to rule wisely in non-theological matters. In this matter, my analysis holds: the only mechanism Spinoza offers to bring this about is the rhetorical force of his own text.
purpose in bringing subjects to obey? If so, this would challenge my claim that Spinoza requires political ideals to be realistic. However, I reject this suggestion. Once Spinoza has reached his mature understanding in TP that realism requires rejecting absolutism, I deny that he does rhetorically advocate absolutism as an ideal. The vast majority of TP's discussion of right is devoted to the first exemplar of right, the model of the metaphysically virtuous commonwealth; and as I have shown (Chapter 3), TP argues that concretely speaking, that exemplar takes the form of an institutionally mediated political order, not an absolutist one. (TP 5-11) To be sure, Spinoza constantly speaks of subjects' unconditional obligation to obey, but this is not a part only of an absolutist model of politics, it is also part of the realistic institutionally mediated model. TP's single instance of attributing unfettered right to a sovereign (TP 4.2-3) is immediately juxtaposed with and qualified by a more metaphysical discussion in which the limits on the sovereign's right are outlined. (TP 4.4) That is, Spinoza does not advance the ideal of absolutism once it has been determined to be unrealistic.

I move on now to consider the role of rhetoric not in the stabilisation of politics, but in its transformation. In a political order with bad institutions, institutions which do not hold the loyalty of the people, rhetoric can have a very disruptive political effect. Rhetoric might precipitate revolution, transformation of the political order, or war. This is because fear and adversity generates a desire for transformation, but at the same time a credulity towards advice which presents a way that this might be done. (TTP Pref/1-2) The most powerful disruption will be achieved by unrealistic ideas, as they carry a more
powerful affect: recall Bottici's examples of the myths coordinating collective action.\textsuperscript{45}

Some forms of transformation may be desirable, because they overturn injustice.\textsuperscript{46} For this reason, Wolin defends the implausibility of the ideals of politics advanced in political theory: '[p]recisely because political theory pictured society in an exaggerated, 'unreal' way, it was a necessary complement to action.'\textsuperscript{47} Does this challenge my thesis that for Spinoza, ideals of politics should be sociologically plausible? Even if Spinoza holds that view, is it a defensible one?

I concede that the requirement to address sociological plausibility may hamper ideals' capacity to engage the imagination of their audience. But if the goal is (as it must be) putting in place an enduringly more just political order, then caution is required. For even when an unrealistic doctrine can galvanise change, by my earlier argument in this section, it cannot durably compensate for a weak institutional setup. Spinoza expresses

\textsuperscript{45} Bottici, 'Philosophies of political myth', 371-3.

\textsuperscript{46} What exactly are the conditions for rhetoric to precipitate a transformation? Some commentators attribute to Spinoza the view that the injustice of an institutional order is a sufficient condition for a transformational ideal to have rhetorical cachet and real effects. Nick Nesbitt (2008), \textit{Universal emancipation: the Haitian Revolution and the radical Enlightenment} (Charlottesville: University of Virginia Press).

But to the contrary, I argue that the existence of injustice is not sufficient, not for Spinoza and not in fact. For those not directly subject to the injustice may have passions preventing them from feeling solidarity; and even those who are subject to it may be bound by material interests and allegiances and not moved by the transformational discourse. Indeed, C. L. R. James offers an account of the very same historical events as Nesbitt, but his greater attention to historical detail shows the importance of more specific material and institutional factors in the development of the Haitian revolt. C. L. R. James (1963), \textit{The Black Jacobins: Toussaint L'Ouverture and the San Domingo revolution} (New York: Vintage Books). For another history which equally shows the limitations to emancipatory discourses taken alone, see Christopher Leslie Brown (2006), \textit{Moral capital: foundations of British abolitionism} (Chapel Hill: University of North Carolina Press).

\textsuperscript{47} Sheldon S. Wolin (2004), \textit{Politics and vision: continuity and innovation in Western political thought} (Expanded edn.; Princeton: Princeton University Press), 17; see also 17-20.
skepticism that radical transformation is even desirable: for the impassioned removal of a tyrant tends not to address or even recognise the underlying causes which allowed the tyrant to exercise power, meaning that against the hopes of the revolutionaries, the corruption of the old regime is reestablished in the heart of the new. (TTP 18/209-10; TP 5.7) Perhaps Spinoza's pessimism is excessive; but if engaging in inspirational discourses is to be permissible, a social movement must also in due course develop a realistic model of how the new political order is to function, in order that the good intentions that generate sociable behaviour in the immediate warm afterglow of a political breakthrough might be consolidated in the longer term.

§3

I have argued that even though rhetoric can move people to action, it cannot generate sufficient docile obedience from subjects to amend the flaws in either Hobbesian or Spinozist absolutism. Some existing scholarship shares this skepticism regarding the rhetorical power of absolutist doctrine, but offers in its place a different kind of rhetorical politics: a faith in the capacity of citizens to advance rhetorical claims amongst themselves and responsibly to respond to those claims; in other words, a faith in the spontaneous rhetorical capacities of the democratic multitude. I now distance myself from this faith, which I argue is unacceptable from the point of view of Spinoza's political naturalism, and consequently is anathema to my larger thesis. The democratic multitude may in principle be capable of public-spirited speech and good judgement, but whether it achieves and exercises this capacity will again have concrete determining causes.
Montag argues that absolutism, even in TTP's liberal formulation, proposes a model of politics that cannot work. TTP allows free expression, including debate regarding policy, so long as it is calmly and rationally expressed without intent to force the sovereign's action. But Montag denies that it is possible for speech regarding policy to be so rational that it could avoid generating political pressure; he argues that words of dissent are always effective in rousing resistance: 'forceful arguments against a law will tend inevitably, irrespective of the 'intentions' [...] of their author, to produce if not disobedience, then resistance, non-compliance, etc.' That is, if Spinoza allows free expression, he cannot still insist that the sovereign will be able to rule as it pleases. Outside of very specific conditions of human docility in ancient servitude, the multitude will constantly disrupt any form of rule.

Montag's alternative ideal, which he discerns implicit in TP, is a model of politics which affirms the multitude's constant disruption of rule, by constantly changing institutions in response to public pressures: 'a politics of permanent revolution.' In Montag's view, this is a normatively appealing model because the multitude is understood to undertake its constant disruption out of real grievances and for the sake of justice. Disruptive speech criticises unjust laws; criticism forces laws to be changed; and if ever

48 Montag, Bodies, masses, power, 59.
49 I agree with Montag's criticisms as far as they go, but they are in effect criticisms of a crude model of absolutism that does not reflect on the conditions of subjects' obedience. It is not clear that they would have purchase against what I have reconstructed as Spinoza's and Hobbes's sociologically nuanced modified absolutisms, by which they may still insist that the sovereign should be institutionally unfettered, but they acknowledge that the sovereign needs to rule prudently. (Chapter 3, §2) Rather than consider the merits or flaws of that modified absolutism, Montag turns directly to TP for an alternative model of politics.
50 Montag, Bodies, masses, power, 84-5.
the multitude errs in the modifications it makes to the laws, this injustice will itself be overturned in due course by subsequent disruption.\textsuperscript{51}

Of course the model of permanent revolution does not envisage the majority constantly battening down on the same oppressed minority in ever varying ways, nor does it encompass civil war. But how are these bad scenarios avoided? The politics of permanent revolution rests on a positive account of the wisdom of the multitude and progress towards reason through discussion, supported by Spinoza's claim that a large assembly will be very unlikely to agree on some piece of folly.\textsuperscript{52} My Chapter 4 has addressed in general terms the problems with the radical democratic conception of the multitude, but now I consider more specifically the question of the multitude's wisdom. I grant that Spinoza does make assertions of the multitude's wisdom, but these cannot be understood as unqualified claims. Consider a law which is supported because it fits with popular passions and anxieties, even though the law is in truth counterproductive.\textsuperscript{53} Spinoza's account of the imagination and the affects would lead us to expect that criticisms of such a law will persistently fail to have any impact. I argue that Spinoza's doctrine of the wisdom of the multitude presupposes institutional support; Montag's glorification of constant social change and hostility to institutional entrenchment is grounded in a misinterpretation of the texts.

\textsuperscript{51} Ibid., 21-5, 58-61. A similar celebration of the multitude's constant disruption is found in Sharp's account of the power of the rhetoric of social movements to dissolve ideas which are oppressive. Sharp, 'The force of ideas in Spinoza', 750-1.
\textsuperscript{52} Montag, \textit{Bodies, masses, power}, 81-2; the idea of the wisdom of the multitude is expressed by Spinoza at TTP 16/178, TP 7.27, 8.6.
\textsuperscript{53} For a contemporary example, consider politicians' attempts to portray themselves as tough on crime.
Consider the context in which Spinoza attributes good judgement to the multitude. In TP, the context is a discussion of institutional forms: Spinoza attributes wisdom not to any multitude, but to a large formal assembly. The positive epistemic properties of an assembly rely on having a large number of independent reasoners all relating equally to the common good. But what are the conditions for an assembly to embody this required equal reasoning? Equal commitment to the common good is not achieved simply by positing abstract moral equality; it requires at least some degree of concrete institutional and material support. Spinoza excludes dependents such as women and servants from political participation, because their allegiance is owed not only to laws and the common good, but to their husbands or patrons. (TP 11.3) Extending this logic, power blocs of patronage and faction need to be eliminated or neutralised amongst those who are included politically. There must be firm procedural rules, mechanisms to avoid the entrenchment of privilege and to distribute influence equally across the population. (TP 6.16-29, 7.20) As discussed in Chapter 4, a quasi-independent regulatory body of syndics may be required. (TP 8.19-20) In the materially unequal circumstances of hierarchy and dependence, we might disagree with Spinoza's solution of simply excluding those who are most unequal (women and servants). However, we must still recognise that dependence jeopardises the wisdom of an assembly; this is clear in the present day insofar as assemblies often find it difficult to make decisions contrary to monied interests. In TTP, there is a slightly different and complementary context for the wisdom of the multitude: there must also be measures in place to minimise internecine or interreligious hatred, which would include a careful calibration of the relation between religious and political power, and of the real distribution of privileges and burdens across different
groupings. (TTP 19, 20/227-8) Finally, there is always the problem that bad fortune leads to credulity and hateful passions; for the multitude to be wise, its constituent individuals should have some material security. (TTP Pref/1-2)

In sum, a mass assembly is only wise under institutional conditions of the sort that I lay out in Chapters 3 and 4. Are these mechanisms and institutions only required for formal assemblies; does the multitude naturally possess wisdom when not trammelled by institutionalisation? To the contrary, as I argued in Chapter 4, for the multitude to be composed of non-hostile equals is an achievement not a starting point, and the means to this achievement are largely institutional. The challenge for those sharing Montag's normative intuitions is to answer the question, under what conditions can a politics of permanent revolution bring about constructive and progressive change? Under what conditions can norms be treated as perpetually revisable and improvable norms without this leading to social implosion? If the answer is, on the condition of the multitude having good judgement, then the institutional presuppositions of this wisdom must be recognised.

Bryan Garsten argues that the absolutist rhetoric of a Hobbesian sovereign will be insufficient to persuade people to defer their judgement to a public standard of judgement. Furthermore, even though no one espouses absolutism any more (no one seeks legal enforcement of sovereign judgement across all political matters), Garsten claims Hobbes's error persists in contemporary politics, in the politico-ethical ideal of public reason. According to this ideal, the proper way to conduct political discussion is for everyone to use one authoritative standard of public judgement rather than appealing to their own particular passions and viewpoints. For Garsten, this is equally implausible
as the original Hobbesian view: public reason's own rhetoric cannot achieve the widespread agreement that it seeks, instead it provokes a backlash and polemical opposition.\(^{54}\) Even though Garsten does not consider Spinoza explicitly, his contemporary critique also covers Spinoza's political theory. For Spinoza recommends permitting political speech only when it is defended without passion and 'though rational conviction alone'. (TTP 20/224\(^{55}\))

Garsten claims the modern suspicion of rhetoric arises from a crisis of confidence in citizens' capacities to exercise judgement. Against this suspicion, he expresses a faith in the multitude; but where Montag's faith draws on radical democracy, Garsten appeals to the classical tradition. Garsten's ideal of politics is democracy which conducts itself through the horizontal exercise of rhetorical persuasion. To determine political questions, each citizen appeals to the others' particular beliefs and passions rather than speaking in universal public canons of rational understanding, and they do so despite envisaging continuing disagreement. Garsten recommends preserving space for this practice of civic persuasion, for it is the essence of democratic politics: in persuading one another, citizens take turns in ruling and being ruled.\(^{56}\)

Unlike Montag, Garsten concedes that the lack of confidence in citizens' judgement is sometimes merited: sometimes people use speech not to persuade one another, but for demagoguery and extremism.\(^{57}\) Garsten's response to this problem is prima facie congenial to my approach. He concedes that a good democratic culture of

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\(^{54}\) Garsten, *Saving persuasion*, 17-8, 184-5.

\(^{55}\) TP does not explicitly address the question of speech again, except to comment that his views have been laid out at sufficient length in TTP. (TP 8.46)

\(^{56}\) Garsten, *Saving persuasion*, 2-4, 35-41.

\(^{57}\) Ibid., 18.
persuasion needs institutional support; he turns to Madison for a model of the required institutions. These include a limited sovereign; representation to 'refine and enlarge' judgement; a geographically extensive polity; and checks and balances on rule. Garsten offers his own further suggestion of policy committees that are partially insulated from public pressures. Nonetheless, Garsten ultimately relies on rhetoric as the supplement to explain how given institutions succeed or fail; he reasserts the autonomy of rhetoric even across institutions. For instance, it is notorious that the United States - the most Madisonian of modern polities - suffers worse polemics and less intelligent political debate than other major democracies. Garsten explains this not in terms of any institutional deficiency, but instead by appeal to the beliefs and doctrines by which people are persuaded and persuade each other: first, their taking a Hobbesian rather than a Madisonian view of sovereignty (despite Madisonian institutions); and second, their use of public reason rather than context-sensitive persuasive rhetoric.

Garsten's explanation evinces a humanistic failure to explore thoroughly the causes of human behaviour. It raises but does not answer the question, what accounts for one idea or mode of discourse being more persuasive or prevalent in one context than

58 Ibid., 4-5.
59 Ibid., 199-209. But my reservations about mixed constitutionalism (Chapter 3, footnote 31) may apply to the specific content of the Madisonian proposal.
60 Ibid., 196-8.
61 Ibid., 209.

The structure of Garsten's engagement with Madison is repeated in his reading of Cicero. He notes that that for Cicero there are institutions which are required for a good rhetorical culture (mixed institutions). (Ibid., 168-9) But he endorses Cicero's view that it is also necessary for citizens to be virtuous enough to desire to deliberate appropriately; without their virtue, institutions are insufficient. (Ibid., 170-3) That is, the institutional analysis requires an ethical supplement.
It is not clear why it should be conceded that a more thoroughgoing institutional explanation is not possible. A similar failure is also evident elsewhere in his argument. To convincingly establish his claim that the rhetoric of public reason leads to extremist backlash, it would be necessary both to compare the effects of public reason with the effects of other rhetorics; and to explore other possible causes of extremism, neither of which Garsten does. On the first point, Garsten would need to rule out the possibility that his preferred practice of non-public reason generates just as much or more backlash as public reason. This is not inconceivable: for although it doesn't exclude some doctrines as unreasonable, it does establish binding coercive law in accord with reasoning which does not even aspire to be widely acceptable. On the second and more fundamental point, Garsten would need to rule out the possibility that there is some other underlying cause of the extremist backlash to public reasoning, something that merely avoiding the rhetoric of public reason would be insufficient to stem. To continue the kind of Spinozist concrete explanation from earlier in the paper, perhaps it is the experience of economic marginality and insecurity which drives extremism; if this were amended, then citizens would have more willingness to engage with each other on the basis of shared reasons. Indeed, in my Epilogue (§2), I argue that Rawls himself offers precisely such an

62 There is a similar problem in Bottici's reading of Spinoza. Bottici claims Spinoza blames the Levites for promulgating superstition rather than practical ethical lessons; but Spinoza's account in fact understands the Levites' choice of rhetorical strategy and its success as a predictable consequence of bad institutional design. (TTP 17/201-4) Bottici, 'Philosophies of political myth', 379.

63 For instance, regarding the concrete grounds that lead one polity to be more civil and earnest in their democratic persuasion than others, Pettit suggests that presidential systems of democracy conduce to worse political grandstanding than do parliamentary systems. Philip Pettit (2009), 'Varieties of public representation', in Ian Shapiro, et al. (eds.), Political Representation (Cambridge: Cambridge University Press), 82-87.
account of the concrete prerequisites of a successful practice of public reason. Anti-
liberal polemicists and extremists may understand themselves to have taken up their
position in response to their deliberative exclusion at the hands of the liberals. But this
understanding may well be (on my view, is) an error.64

Garsten's book ultimately poses a non-institutional and rhetorical/ethical solution
to political problems. It calls for people to engage more in democratic rhetorical
persuasion rather than appealing to public reason, and for them to 'maintain a democratic
faith in the possibility of persuasion'.65 Garsten defends his focus on rhetoric
methodologically. His goal is 'explaining how political actors should understand
themselves and what they are doing'; consequently, he is not concerned with what social
scientists may discover about the causal determination of human behaviour.66 Perhaps
this narrow goal could be granted to a theorist who does not presume to discuss the real
conditions under which the good deliberation is possible and who eschews claims
regarding the real causes (as opposed to self-understandings) of human behaviour.
However, Garsten does explore (albeit in a desultory way) the institutional supports of
deliberation. The result of his mixed methods, explaining the causes of human behaviour

64 These points are underlined by even a cursory international comparison. There is a
lesser acceptance of appeal to religious reasoning in politics in Australia compared to the
US; and in this sense a greater prevalence of public reasoning. However, it is not clear
that this has led any greater degree of anti-liberal extremism.
65 Garsten, Saving persuasion, 194, also 210.
Garsten's reliance on ethics is bound up with an unduly sanguine view of reasoning, due
to Cicero: all opinions have their kernel of truth, therefore via deliberation the correct
conclusion can be reached. (Garsten, Saving persuasion, 155-162) However, this simply
reinforces the problem of humanistic explanations: failures to reason well and deliberate
well are inexplicable ethical failures rather than political pathologies with determinate
causes. See E IIPref
66 Ibid., 20-1.
yet privileging self-understanding, is an overestimation of what is possible through persuasive rhetoric; it obscures the deeper question of what brings people to believe what they do.

Montag and Garsten's unacceptable political optimisms rest on an utopian faith in the multitude. However, reading many passages in the *Ethics*, one might come to a similarly ambitious hope by a very different and legitimately realist route. Strong affects from positive experiences can outweigh negative affections; positive experiences generate love; and humans strive to help those they love. (E IIIP39, IVP7) Might good and secure institutions, as opposed to anxiety-provoking insecure ones, generate incremental increases not only in law-abiding behaviour, but also more profoundly in altruistic ethical orientation? In other words, might it be possible that institutions can not merely limit and channel existing passions, but deeply transform them - from seeking materially understood individual benefit to seeking a flourishing social life for oneself and for others, as laid out in the *Ethics*? Spinoza remarks in a cynical spirit that people only consider laws that benefit others to be just when these laws serve their own interests too (TP 7.4); but might people come to see that it always serves one's interests to aid the flourishing of one's fellow humans? (E IVP37) Nothing rules this possibility out, but Spinoza does not himself express such lofty ambition. In TP, Spinoza appears to anticipate that the passion to seek materially understood individual benefit will always remain at the forefront: the 'love of gain [...] is universal and constant'. (TP 10.6) Perhaps the idea is sociologically plausible now as it could not have been seen to be in Spinoza's time; for the unanticipated great increases in prosperity and the rise of the welfare state in
late modernity lead to a different grasp of empirical political possibility than in the
seventeenth century.\footnote{A suggestive contemporary example is provided by the fact that more equal societies
give more in foreign aid, have more trust, and are more inclined to support redistributive
care programs. Alberto Chong and Mark Gradstein (2008), 'What determines foreign
aid? The donors' perspective', Journal of Development Economics, 87, 1-13; Richard G.
Wilkinson and Kate Pickett (2009), The spirit level: why more equal societies almost
always do better (London: Allen Lane).}

§4

The *Ethics* criticises the common human belief in a free will exempt from natural
causality. For just as sober sane adults think they act from free will, so too does the baby
or drunk who desires their bottle: in all cases the belief is the result of their ignorance of
the natural causes of their action. (E IIIP2S, also E IIP35S) Spinoza calls for philosophers
to seek to understand the determinate causes of human behaviour, and always to keep in
mind that these causes are not necessarily what people believe them to be. (E IIIPref; TP
1.4) Can rhetoric be understood to be a significant cause of the sociable coexistence of
human beings? If background political and institutional conditions are held constant,
then rhetoric might be cited as a prominent cause. On encountering rhetoric (notably,
religious exhortation), individuals might be more inclined to act well than they would in
its absence;\footnote{This is certainly one important function for political theory. For instance, Sharp argues
that reflection on Spinoza's account of the force of ideas engenders a critical perspective
on one's own ideological investments and political convictions. She recommends that
individuals cultivate ideas that help them to desire community rather than isolation.
Sharp, 'The Force of Ideas in Spinoza', 746-50.} although this effect may be small, due to inattention, alternative
convictions, or the pressure of other passions. However, if we are free to consider
variations in background conditions, then the independent causal influence of rhetoric
fades into insignificance. For not only the sociable conduct itself but also even the
rhetorics through which the appropriateness of that conduct is understood are largely
determined by other more concrete causes. Rhetoric and moral education may have
effects on human conduct, but they cannot be considered autonomous causal forces
capable of significantly countering the pressure material circumstances place on the
passions.
Spinozist realism and contemporary political theory

In this dissertation, I have provided an interpretation of Spinoza's political philosophy that centres on his conception of political realism. I have argued that Spinoza's realism lies in constraining normative ideals by a requirement of sociological plausibility, by which I mean that normatively recommended models of politics must promise to function resiliently, given what we know about the determinate causes of human behaviour. By analysing the realist credentials of an absolutist model of politics compared to an institutionally mediated model, I have illustrated the powerful consequences that a commitment to realism has within Spinoza's own political theory.

Even though early modern absolutism no longer finds favour in the present, I have suggested that Spinoza's realist rejection of absolutism does pose a contemporary lesson: in crafting an ideal model of politics, it is essential to consider the determinate causes of the behaviour of all parts of the political order, not exempting any one part from scrutiny. Contemporary democratic theory violates this realist requirement whenever it celebrates the will of the mass democratic subject without considering what causes might bring it to have more or less antidemocratic or exclusionary passions. But nor is it enough to say, for instance, that the people would be more public spirited if only politicians were less divisive, because that simply obscures the question, what makes politicians behave well or not? What is required is a thoroughgoing modelling of the complex institutional forms required for a political order taken in its entirety to function resiliently in support of human sociability.
Of course, insofar as normative political theory advances ideals, it does ultimately appeal to human agency. For the point of writing normative theory is that it might persuade people to act to change the actual circumstances under which they live to be closer to the ideal; the institutional determination of human action is not so seamless that rhetoric and argument might not (under certain conditions) make a difference. However, the key is for the normative theorist not to overestimate the potential effectiveness of normative rhetorical appeal to bring about population-wide behavioural change when other more concrete determinants of human behaviour push against it: a reliance on individuals' supererogatory and constant moral responsiveness and vigilance is doomed to failure. Normative theorists should be cognisant of what concrete and institutional conditions tend to help or hinder a populace's sociability; the role of persuasive argument and rhetorical appeal is for those occasions of special moral effort of setting such institutions in place.

Nonetheless, contemporary normative theorists might still be unconvinced. Hobbes and Spinoza may aspire to offer a realist normative theory of politics, but contemporary ideal theory (I take Rawls's work as exemplary)1) self-consciously considers an idealised account of human conduct. Why would the goal of realism be applicable to this venture? Indeed, Estlund argues that it is neither necessary nor

desirable for political theory to be realist in my sense.² In the body of the dissertation, I offered two Spinozist arguments against unrealistic ideal theory.³ First, it is a bad guide for those considering how a political society should be ordered. However, this argument has no purchase if ideal theory is not being promoted as a guide to institutional design. Second, putting forward an ideal which flies in the face of sociological analysis serves no purpose but to allow the philosopher a shallow glory in his or her superiority over a fallen humanity. (TP 1.1) This second argument relies on there being no countervailing benefit from utopian theory, for instance, increasing our knowledge or revealing truth. Indeed, for Spinoza, no such benefit exists, because he understands norms not as truths adequately known, but as fictions. Any knowledge of the best political arrangements for the coexistence of counterfactually virtuous human subjects remains merely imaginative and inadequate; it is valuable not as truth but rather in accord with the usefulness of its effects.⁴ And for Spinoza, its effects are clearly negative: pursuing such counterfactuals inflames the sad and hostile passions, and thereby imperils the ethical goal of achieving blessedness. However, this second argument will not persuade any contemporary normative theorists who do not share Spinoza's controversial metaethics, or who disagree with his conception of blessedness.

Thus, even if I have shown that ideal theory can be realist whilst not ceasing to be ideal and whilst still promoting challenging normative goals, I have not yet provided a compelling argument for why contemporary normative theory cannot simply deny the

³ See especially Chapter 2 §2.2.
⁴ See my Chapter 2, §2.1.
requirement of realism, nor why it might profit from a more systematic reflection on sociological causation. It is beyond the scope of this dissertation to show the necessity of the realist approach for contemporary normative theory. However, I hope to provide a defence of its attractiveness. The dissertation has attempted to do so primarily in the context of early modern texts; but in this Epilogue I provide further support to this defence by demonstrating that Rawls, the exemplary contemporary normative theorist, imposes a very similar limitation on his own political theory under the rubric of a concern with stability.

§1

David Estlund denounces the 'utopophobia' which he finds prevalent in contemporary political theory: its fear of offering highly ideal theories, its excessive concern for realism. He grants that it is proper that political theorists recognise some constraint on their theories: they should not propose standards that are impossible, because just as in moral theory, ought implies can. But how to understand impossibility? Throughout this dissertation, I have put forward a social scientific standard of possibility. However, for Estlund, the social scientific perspective provides an account merely of probability; possibility needs to be understood more broadly. Possibility is closer to physical possibility: a course of action counts as possible if an individual would have the capacity to perform it, if only they chose to do so. Thus, there is a large class of actions that are possible but improbable. Estlund insists that improbable proposals are entirely permissible. It is no defect of a normative theory that it advances proposals that are highly unlikely to happen, or even are certain never to happen. Just because we know

5 Estlund, Democratic Authority, 12-15, 263-275.
with a high degree of certainty that individuals will not take a certain moral course of action in no way diminishes from its validity as a moral standard; the same applies for normative standards in political theory. To be sure, if the proposal is unduly harsh or demanding, this may count against it. But there are many standards of behaviour which are not harsh, yet are certain never to be met. As a corollary, although it may well be pernicious for practical institutional design to be sociologically utopian, this has no bearing on ideal theory. Its function lies elsewhere: in clarifying moral intuitions. Consequently, its model of politics can freely and counterfactually stipulate general compliance with a moral standard of behaviour.

Estlund endorses the approach of Rawls, the canonical contemporary ideal theorist. I now turn to consider whether in fact Rawls would support Estlund's opposition to realism. Rawls's *A Theory of Justice* (TJ) takes the form of a model of political society whose basic structure is just. (TJ 7) That is, the theory proposes principles to regulate the basic structure of society, but it also encompasses an account of how the society built upon that structure functions. The society is well-ordered, or in other words, 'effectively regulated by a public conception of justice. That is, [it is] a society in which (1) everyone accepts and knows that the others accept the same

\[\text{\textsuperscript{6} Ibid.}, 13-14, 264, 267.\]
\[\text{\textsuperscript{7} Ibid.}, 268.\]
\[\text{\textsuperscript{8} Ibid.}, 271.\]
\[\text{\textsuperscript{9} Ibid.}, 40-64. Indeed, Rawls is a primary target for realists Geuss's and Williams's criticisms of political moralism. Raymond Geuss (2008), *Philosophy and real politics* (Princeton: Princeton University Press), 1-9, 70; Bernard Arthur Owen Williams and Geoffrey Hawthorn (2005), *In the beginning was the deed: realism and moralism in political argument* (Princeton, N.J.: Princeton University Press), 1-3.\]
\[\text{\textsuperscript{10} Rawls's theory advances two principles of justice, which concern rights and liberties, as well as fair distribution of the benefits of social cooperation. (TJ 60-65)}\]
principles of justice, and (2) the basic societal institutions generally satisfy and are
generally known to satisfy these principles.' (TJ 4-5)\textsuperscript{11} Acceptance is understood
strongly: everyone does not merely acknowledge principles of justice, but they also act as
the principles demand: '[e]veryone is presumed to act justly and to do his part in
upholding just institutions'. (TJ 8-9) Insofar as the theory thus stipulates the total
compliance of citizens with a proposed moral pattern of conduct, it is an ideal theory of
justice. (TJ 145, 245-6)

Nonetheless, even firmly within ideal theory, Rawls places a restraint on the kind
of conduct that can permissibly be stipulated. He requires that an acceptable theory of
justice must offer a scheme of social cooperation that will be stable: 'it must be more or
less regularly complied with and its basic rules willingly acted upon; and when
infractions occur, stabilizing forces should exist that prevent further violations and tend
to restore the arrangement.' (TP 6)\textsuperscript{12} This is a requirement of sociological plausibility: a
stable theory must have an account of the sociological causality sustaining its own
functioning. To be sure, stability does not require that citizens here and now in an unjust
society would necessarily act to uphold the scheme of cooperation envisaged. Rather, it
requires that if the scheme were instituted, citizens living within that just society would
act to uphold it, where this counterfactual claim is established through consideration of
empirical social science. Rawls argues that individuals in a society already well-ordered
by his principles of justice will themselves develop an effective commitment to these
principles; (TJ 461, 576-7) he establishes this through a lengthy discussion of

\textsuperscript{11} Also TJ 454
\textsuperscript{12} Also TJ 457
developmental psychology and moral education. Rawls insists that the stability requirement is indispensable; a theory that is unstable must be rejected, no matter how compelling it may be in other respects. (TJ 6, 455)

That is, for Rawls, idealisation in political theory in no way makes consideration of sociological plausibility irrelevant. So central is this requirement of stability to Rawls's philosophical project that it forces a major shift in his political theory in his subsequent texts. In Political Liberalism (PL), Rawls becomes dissatisfied with his earlier theory explicitly because of its failure to achieve stability. (PL xvii-xviii, xlii) The disposition to uphold the principles of justice might be supported in a general sense by normal moral development within a just society. But this general support is not the same as plausible sociological determination. Specifically, 'a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a democratic regime.' (PL xviii) The 'burdens of judgment' (the sources of reasonable disagreement) include the complexity of evidence, different weightings of pieces of evidence, conceptual indeterminacy, and the plurality of normative considerations. (PL 55-7) Consequently, no amount of moral education can eliminate the diversity of conceptions of the good. Insofar as TJ relies on convergence on a conception of justice, it is unrealistic: 'it is inconsistent with realizing its own principles under the best of foreseeable conditions.' (PL xix)

13 TJ Chapters VIII and IX; especially 514-5, 580
14 Also PL xlii
Rawls's solution is to make a distinction between comprehensive moral doctrines of the good life, and a political conception of justice which limits its claims to political matters. The diversity of reasonable comprehensive doctrines will persist, but they will form an 'overlapping consensus' on a single political conception of justice: each individual will have their own comprehensive explanation of why this political conception is morally compelling. (PL xx-xxi, 35-40) Reasoning carried out in terms of the political conception of justice is 'public reasoning'. By restricting themselves to public reason, citizens will be able to debate and argue together about political matters despite their enduring disagreement regarding larger questions of the good life. Citizens do not always need to use public reason, but it is appropriate for deliberation regarding matters of basic justice, most especially in fora such as government and official institutions. (PL 212-254)

Nonetheless, this solution has not yet fully answered the concern about stability. What accounts sociologically for a convergence even on a political conception of justice? Might not the burdens of judgement also prevent reasonable citizens from converging on a single political conception? Rawls's later account allows that there will enduringly be 'a family of reasonable liberal political conceptions of justice'. (PL xlviii; also PR 133) Citizens still bridge their disagreement by discussion through public reason, but public reason is correspondingly modified. No longer simply defined by a single public conception of justice, public reason now involves offering one's view in a way that

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15 PL xvii-xix, xl-xliv, 11-22, 252
16 I contrast the original edition of PL with the later texts the 'Introduction to the paperback edition' (PL xxxvii-lxii) and PR. The contrast is particularly clear between PL xx-xxi and PL xlviii.
reasonable others might recognise as reasonable; in so doing, citizens demonstrate 'civic friendship' and 'reciprocity' with their fellow citizens who are thereby respected as free and equal. (PL l-li)

Finally, in this late account Rawls considers himself to have met the requirement of stability. But the question might remain for Estlund, why does Rawls consider stability to be so essential to an ideal of politics? Rawls does not devote much space to addressing this question; he simply claims that ideals that by wide acknowledgement will never be met are politically pernicious, because they promote a defeatism of the sort that allowed the Weimar Republic to fall. (PL lxii) The obviousness of this point to him shows that one does not need to subscribe to Spinoza's contested conception of reason and blessedness to recognise that aspirational political standards can be pernicious.

§2

The most urgent and compelling element within Estlund's anti-realist polemic is the claim that utopophobia leads to complacency. 'We sometimes expect too little precisely because we have no normative standard that forces the question of whether more can realistically expected.'17 A preoccupation with realism seems to undermine normative theory's capacity vigorously to denounce present injustices. For instance, rather than imagining a society effectively regulated by a single and demanding conception of justice as in his early view,18 instead Rawls's later view hopes for a society

17 Estlund, Democratic Authority, 269. Estlund also defends highly ideal theory on the grounds that there is 'intrinsic value in philosophical inquiry if it is done well'. (Ibid., 269) However, this begs the question of whether highly ideal theory is defensible.
18 Cohen criticises the realism of even TJ's theory of justice for making undue concession to empirical facts (the fact of some citizens requiring unequal incentives). G. A. Cohen
effectively regulated by a diverse public reason, where securing agreement across diversity may well dilute the vigour with which the claims any particular conception of justice is pursued. (PL xlix) The public reason which governs the ideal social order finds its content reduced to a barely moralised version of actual public discussion at a given point in time;^{19} actual judges are its exemplars. (PL 231-230, PR 132-138) Rawls recognises that this concession to reality may strike some readers as regrettable. (PL xxvi-xxvii)\(^{20}\)

However, I argue this apology is not necessary. While sociologically plausible normative theory no longer denounces certain aspects of present reality, it draws critical attention to others; this different normative focus is not necessarily less morally demanding. My discussion of Rawlsian stability to this point has focussed on the degree to which the diversity of moral views can realistically be minimised. But this is far from the only consideration relevant to stability: it now faces other threats. The ideal of a society ordered by public reason calls for citizens not merely to hold a reasonable political conception of justice, but also actually to engage with one another in public reason where appropriate. If the model of politics is to be stable in Rawls's sense, it is necessary to check the sociological and psychological supports of this behaviour, and whether they are accounted for within the model of politics. Public reasoning cannot be

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\(^{19}\) As convictions in the background culture shift, so too will the boundaries of public reason. (PL liii)

\(^{20}\) As it happens, Estlund himself doesn't appear to find the change from the earlier view regrettable, because he considers Rawls's later view, grounded in equal respect for reasonable participants in public reasoning, to be itself morally grounded. Estlund, *Democratic Authority*, 40-64.
expected to sustain itself on good moral education alone, but instead requires material and institutional supports.

Rawls explicitly notes that excessive inequality makes a disposition of citizens to treat one another with reciprocity impossible; correspondingly it renders public reason impossible. For Rawls, this is a matter of 'common sense political sociology'. (PL lvii) He lists five 'essential prerequisites' for public reason to have any likelihood of functioning. These are public financing of elections, fair equality of opportunity, a reasonable degree of income equality, society as an employer of last resort, and basic healthcare for all citizens. (PL lviii-lix, also PR 139) Only if these essential preconditions are in place will people be able to engage in public reasoning in a relation of civic friendship despite their differences of religion, ethnicity, gender and class. (PL lx) In this way, even as the concern with stability rules out the permissibility of the implementation of a particular conception of justice when it cannot pass muster of public reason, it also opens up to normative scrutiny the whole domain of concrete social arrangements which might jeopardise the relation of reciprocity and civic friendship on which public reason rests. 21 Even though it is no longer permissible to insist that a liberal society must be

21 I draw attention particularly to the first of public reason's five prerequisites: the public financing of elections. Rawls comments that this merely stands in for whatever is needed 'for representatives and other officials to be sufficiently independent of particular social and economic interests'. (PL lviii, also PR 140) If this question is not addressed, not only will political officials be less likely to use public reason, but even worse, they may dismantle or neglect the other prerequisites of public reason. Pursuing this concern might usefully lead political theorists to consider more broadly the empirical causes of greater or lesser dependence on money, including institutional causes. This is especially important in the American context, which (perhaps because of a history of American exceptionalism) tends not to have a cross-country comparative perspective on the functioning and effects of its own institutions. For instance, Pettit suggests that different institutional systems of representative democracy have a different vulnerability
ordered by Rawls's difference principle, what is lost on the one hand is gained on the other: any sociological factor which significantly undermines civic friendship is now fair game. It is true that this 'common sense political sociology' is treated in less detail than his ideal of public reason. However, it remains an essential part of the structure of Rawls's theory, to which a Spinozist realism would encourage more attention.

§3

Estlund suggests that highly ideal theory that is unrealistic in my sense is useful as a clarifying aspirational standard; by contrast, realism's mixing of empirical and normative analysis can result in a muddle. Estlund observes that moral theory does not make concession to empirical facts: just because someone is an inveterate liar does not mean they are excused from the moral obligation to tell the truth. He argues that by analogy, the same should hold for political theory. Spinoza agrees that the theorist should not take uncivil behaviour as a fixed state of affairs. However, on my

I do not propose to bind normative reflection too firmly to the contemporary state of social science, for its results are incomplete and contested and each discipline may have its own blind spots. However, my point is the larger one, that political theorists need to take an interest in these sociological causalities.

22 Joshua Cohen offers a very similar argument to counter G. A. Cohen's criticisms of unequal incentives (footnote 18). A social ethos (such as the demand for unequal incentives) is in part a product of the basic structure of society. If the basic structure of society causes excess inequality, then Rawls's theory criticises it, even if this causality is mediated by social ethos. Joshua Cohen (2001), 'Taking people as they are?', Philosophy and Public Affairs, 30 (4), 363-86.

23 Ibid., 13-14, 264, 267.

24 Ibid., 1-2.
reconstruction of his political theory, there is an important difference in how one ought to approach the uncivil behaviour of any particular individual compared to the uncivil behaviour of a population of people.25

Because Spinoza views humans as a part of the deterministic order of natural causes, in his view it is always an error to treat moral and rational conduct as something that could freely be produced at any time if only people chose to do so, and correspondingly to treat vice and ignorance as things people fall into through their own fault. (E IIP48, IIIPref; TTP 17/174; TP 1.1, 1.4, 2.5) However, in most individual cases, we do not know the causes of the individual's behaviour, nor whether it is possible that that individual might one day behave well. And within any population, it is sociologically plausible that some individuals might be inspired by moral reflection to follow a supererogatory standard of moral behaviour. Consequently, it still might be useful to offer highly ideal theory as a guide to individual ethical conduct: for instance, Spinoza's exemplar of the free virtuous man.26 That is, we allow highly ideal moral theory to make no concession to empirical facts not because we deny the relevance of empirical facts, but only because we do not have enough knowledge for those facts to impose limitations. Indeed, as soon as we do have such knowledge, for instance, when an individual is deemed to be mentally or morally incapacitated or mad, we no longer apply the moral ideals to their conduct.

This deficiency of knowledge in individual cases is greatly attenuated on the level of an entire population. For careful social scientific analysis can provide empirically

25 As I foreshadowed in Chapter 2 §2.2.
26 Chapter 2 §2.1.
grounded models of how a population will behave under a variety of political and institutional conditions: 'if wickedness is more prevalent and wrongdoing more frequent in one commonwealth than in another, one can be sure that this is because the former has not done enough to promote harmony and has not framed its laws with sufficient forethought'. (TP 5.2)  

Correspondingly, we can know that some ideals of politics rely on a degree of supererogatory conduct from the population that could not be plausibly achieved or maintained, regardless the institutional or material conditions. In this case, we have the relevant empirical knowledge to impose a limitation on normative ideals.

In this way, Spinozist realism proposes a principled connection and mutual limitation of empirical and normative levels of analysis, not some confused 'muddle' between them. A moral standard of politics might be developed and advanced through a highly normative analysis, but then it is properly subjected to the test of sociological plausibility; if it fails that test, it needs to be recast (as we saw in the development of Rawls's and Spinoza's own political models across their texts). The causes of human behaviour are profoundly complex, but if we accept that they can be investigated and their broad regularities known, then Estlund's analogy between ideal moral and political theory fails. Ideal theorists can and should critique uncivil behaviour on a political scale, but only from the point of view of realistic political ideals.

Rawls considers one of political theory's functions to be to expand the boundaries of political possibility; he calls for political theorists to 'start with the assumption' that

27 Also TTP 3/38, 17/200
28 This is the lesson of my argument against absolutism through Chapters 3 to 5.
human beings 'have a moral nature, not of course a perfect such nature, yet one that can understand, act on, and be sufficiently moved by a reasonable conception of right and justice to support a society guided by its ideals and principles.' (PL lxii) However, this is not to grant theorists free rein to imagine this moral nature as they please. Rather, as his concern with stability shows, it lays down the challenge to articulate the concrete conditions under which a political order could sustainably generate moral conduct; if no such conditions can be specified, then the moral ideal needs to be modified. In this dissertation, I have argued that Spinoza's political realism offers a principled defence of such quasi-empirical limitation on normative ideals of politics without thereby giving rise to a 'muddle' of normative and empirical levels of analysis. To be sure, cunning statesmen may use their familiarity with empirical human behaviour to establish institutions aimed 'at men's undoing rather than their welfare'; (TP 1.2) to be sure, some theories of politics may illicitly appeal to realism to justify their cramped moral imagination. However, in Spinoza's hands, realism serves not as an excuse for cynicism or for a pessimistic view of human nature; rather, it is keenly interested in the complex pathways by which a better or worse human nature is brought about.
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Abbreviations

B = Hobbes, *Behemoth*

DC = Hobbes, *De Cive*

E = Spinoza, *Ethics*

EL = Hobbes, *Elements of Law*

L = Hobbes, *Leviathan*

PL = Rawls, *Political Liberalism*

PR = Rawls, 'The idea of public reason revisited'

TJ = Rawls, *A theory of justice*

TP = Spinoza, *Political Treatise*

TTP = Spinoza, *Theological-Political Treatise*

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