

Political Freedom in a Deterministic World: Spinoza on Freedom of the Will and the Freedom to Philosophize

“If it were as easy to command men’s minds as it is their tongues, every ruler would govern in safety and no rule would be violent.” *TTP* 20. 1, GIII/239:

“Human affairs would be conducted far more happily if it were equally in man’s power to be silent and to speak. But experience teaches all too plainly that men have nothing less in their power than their tongue, and can do nothing less than moderate their appetites.” E3p2s; GII/143:

I

In the final chapter of the *TTP*, Spinoza produces what looks like a very traditional modern argument for freedom of conscience that bars the sovereign from trying to impose beliefs. The ruler does not have the power to command men’s minds and therefore has no choice but to tolerate the freedom to philosophize. There are two possible reasons one could give for this limitation. First, the sovereign cannot command thoughts because minds are beyond the reach of coercion. Means and ends are maladjusted when one tries to coerce belief. Thinking is just not the kind of thing that can be coerced. We have inalienable rights to think as we like. “Tyranny is most violent where individual beliefs, which are an inalienable right, are regarded as criminal” (18/208).

But there is good reason to doubt that that could be Spinoza’s meaning. In spite of my epigram from *TTP* 20 and my quotation from chapter 18, it’s hard to see how there could be inalienable rights in a world in which rights and powers are identical, in which obligation is grounded in utility. Inalienable rights are more comfortable in a world of free will and inviolable consciences. It’s hard to see how inalienable rights could co-exist with a contract in which “everyone transfers all the power that he possesses to the community” (16/177). “There is no absurdity in conceiving men whose beliefs, love, hatred, contempt and every single emotion is under the sole control of the government” (17/186).¹

The epigram from *Ethics* 3 above leans towards the other line of argument for justifying toleration: the ruler cannot command men’s minds because men cannot command their own minds and tongues either. Far from a zone of free will, privacy and

autonomy, Spinoza's metaphysics implies that minds cannot be controlled by the sovereign because minds, like every other particular mode, is a part of an infinite chain of causation and therefore not subject to control at all. Therefore that natural power to use my own judgment, while an inalienable right, is only a natural right to do whatever I in fact do. Others cannot control my thinking, because I cannot either. My inalienable right against the sovereign isn't based on my power but on my weakness.

But this latter argument is too strong for Spinoza. If the order and connection of ideas is the same as the order and connection of things, why shouldn't tongues and thoughts be equally easy or hard to command, whether by individual or ruler? Any account of why the ruler either cannot or should not command people's thinking has to be able to explain why the ruler *can* command actions. The arguments against compelling thought cannot be so strong that they would show that action cannot be compelled either, which this second line of argument seems to do.

One can either justify toleration and the freedom to philosophize on the grounds that such freedom is an inalienable right, rooting the freedom to philosophize in the fictional freedom of the will, or justify it on the grounds that since we don't control our own beliefs, it is even more unlikely that someone else could control them, giving up the freedom to philosophize along with freedom of the will. Both lines of argument are problematic for Spinoza. The first depends on an impossible premise; the second does not reach the desired conclusion. The first runs afoul of the idea that rights and powers are identical, and measured by utility, and the second applies as much to actions as to thoughts.

Spinoza wants to argue that the freedom to philosophize is not only consistent with the ruler commanding all actions, but actually enhances such power in the ruler. Freedom of thought does not mean being able to think as one likes, since there is no freedom of the will.² The freedom of thought of the rational man of the *Ethics* is the freedom to have one's ideas determined by other ideas of one's own, and not by the ideas of another, but the freedom to philosophize belongs to all men, rational or not. "In a free commonwealth every men may think as he pleases, and say what he thinks" (20/222). Thus the problem: how can we have the freedom to philosophize in a deterministic

world? How can Spinoza in the *TTP* distinguish thought from action in a way that doesn't make man a "dominion within a dominion" (*E3* Preface)?³

The *TTP* presents a challenge to conventional liberalism. While his conclusion looks conventional to us—the wise ruler will guarantee freedom of thought—in fact his way of arriving at such a conclusion should make him as upsetting to us as he was to his contemporaries. While the unrestricted power of the sovereign paradoxically leads to toleration, the optimal personal strategy of unconditional obedience leads to freedom of thought. The ruler can safely allow freedom of thought to the extent that he is confident that it will be accompanied by obedience. This is toleration without neutrality. There are no rights here to violate or respect. There is no detached mind, since the mind is nothing but the idea of a certain body. For Spinoza, then, freedom is not a right of subjects but a prudent policy of rulers.⁴ This is negative freedom.⁵ Without freedom of the will for subjects, freedom is simply another word for restraint on the part of the rulers. If my inalienable right to judge is a manifestation of weakness, not power, understanding the ruler's policy of toleration is not a similar admission of weakness: he doesn't simply allow freedom of thought because he cannot coerce it but because it increases his power.⁶

I want temporarily to set aside the argument from inalienable rights until section V, and note a further difficulty with the argument from impotence. Just because thoughts are either impossible or at least difficult to control, it does not follow that the ruler should therefore tolerate subjects' freedom to think as they like. With regard to compelling thought, the ruler and subject are both impotent. But that lack of power does not, in the individual case, imply toleration: I cannot tolerate myself. Nor, for the same reason, can I coerce myself. While I cannot will to have good thoughts or moderate my appetites through will-power, I can have adequate ideas and can desire those goods that increase my power and my sociability. Some further premise is therefore needed here to get to toleration in the political case but not in the individual case. Because the ruler cannot command thoughts, Spinoza argues, he should leave men free to think as they like. But because I cannot command my own thoughts, nothing parallel follows. It doesn't follow, in particular, that I should think as I like. Instead I should try to think truly. But the sovereign should not try to engage in a similar task for his subjects. Instead he should aim

at stability, restricting his attention to temporal goods rather than salvation or increasing his subjects' rationality.

A successful argument for toleration then must be very narrow. It must show that the ruler should allow freedom of thought without also implying that I should allow myself freedom of thought. It must show that the ruler should allow freedom of thought without also implying that he should allow freedom of action. Finally, the freedom of thought allowed to subjects must not interfere with the right of the sovereign to interpret natural justice and define justice and piety for his subjects. The sovereign's right to give content to the religious habits of obedience separates Spinoza's idea of the individual's free judgment from any claims to a religious conscientious objection to the ruler's commands. "If someone who is quarreling with me wants to take my coat, it is an act of piety to give him my cloak as well; but when it is judged that this is detrimental to the preservation of the state, then it is a pious act to bring him to justice, even though he must be condemned to death" (19/215). Setting off the power of the ruler from the freedom of the individual is thus not equivalent to separating politics from religion, state from church.

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There is a difference between controlling tongues and thoughts only if one can distinguish between thought and action.

Since there is a considerable diversity in the free judgment of men, each believing that he alone knows best, and since it impossible that all should think alike and speak with one voice, peaceful existence could not be achieved unless every man surrender his right to act just as he thought fit. Thus it was only the right to act as he thought fit that each man surrendered, and not his right to reason and judge. (20/224).

It is imperative to grant freedom of judgment and to govern men in such a way that the different and conflicting views they openly proclaim do not debar them from living together in peace (20/227)

In a democracy... all the citizens undertake to act, but not to reason and judge, by decision made in common. That is to say, since all men cannot think alike, but agree to a proposal supported by the majority of votes shall have the force of a decree, meanwhile retaining the authority to repeal the same when they see a better alternative (20/227-8).

All cannot think alike, but all can act alike. Therefore coercing actions is possible, while coercing beliefs, at least successfully coercing the beliefs of an entire people, is not.

While his distinction between thought and action does not erect a realm of the private in the modern sense, it still is a distinction that is hard to make out, either for Spinoza—or in general. Such a distinction requires a principle of individuation for actions so that we can talk about the “same” action done from different motives, the same effect, that is, from different causes. In the *Ethics*, it is true, Spinoza can talk about the same action being caused by passion or by reason, but that is the same action done by a single person (e.g., E4p59, E5p4). That *your* just act done out of fear of punishment and *my* act just done from true piety are the same action needs more argument.⁷

The crucial distinction in the *Ethics* is between action and passion, not action and thought. “Desires which...are those that are related to the Mind insofar as it is conceived to consist of adequate ideas...are rightly called actions....Our actions—i.e. those Desires that are defined by man’s power or reason—are always good; but the other [Desires] can be both good and evil” (E4appII, III, Curley 588). We act on our strongest emotion. There is no gap between thought and action to be filled in by the will. “I say that we are active when something takes place, in us or externally to us, of which we are the adequate cause; that is, (by preceding Def.), when from our nature there follows in us or externally to us something which can be clearly and distinctly understood through our nature alone.” (E3d2). Twice in that definition Spinoza says “in us or externally to us.” There is no distinction between thought and action. There can be a conflict between an adequate idea and a more powerful emotion, so in that sense there is akrasia (E4p15), or knowing the better yet desiring the worse, but the relation between strongest emotion and action is a determinate one. Political freedom, though, depends on distinguishing thoughts from actions, and eventually the idea that actions can be coerced, but thoughts cannot. Ideas cause other ideas; motions cause other motions. Therefore thoughts do not cause actions, not for the Humean reason that thoughts are inert—they aren’t—but because saying that thoughts cause actions is a category mistake.

For thought and action to be distinct, we need criteria to identify a thought independent of the actions it leads to, and actions apart from the thoughts that generated them. Thoughts then have to be inert, and not intrinsically tied to desire and action. Thoughts in general certainly are not inert, but the *TTP* recognizes two kinds of such thoughts: there are the true thoughts presented in the *Ethics*. “The intellectual knowledge

of God which contemplates his nature as it really is in itself—a nature which men cannot imitate by a set rule of conduct nor take as their example—has no bearing on the practice of a true way of life, or faith, or on revealed religion” (13/156-157). And the false ideas of theologians are inert too, for a different reason: their empty speculations are merely weapons of domination not connected to virtuous deeds: “There can be no doubt that these differences between the Apostles in the grounding of their religion gave rise to many disputes and schisms to vex the Church continually right from the time of the Apostles, and they will assuredly continue to vex the Church until the day comes when religion shall be separated from philosophic speculation and reduced to the few simple doctrines that Christ taught his people” (11/144).⁸ On the other side, actions distinct from thoughts make sense only when the state becomes concerned with mere compliance, and distinguishes itself from religion by refusing to look within at the conscience.

To make matters worse, it isn't just that strictly and philosophically speaking, it is hard to see a distinction between thought and action, while in speaking to the vulgar in the *TTP*, one can make such a distinction. The true religion of the *TTP*—unlike many varieties of Protestantism with which Spinoza is often identified—denies any distinction between thought and action. “We should reject the view that anything of piety or impiety attaches to beliefs taken simply in themselves without respect to works. A man's beliefs should be regarded as pious or impious only insofar as he is thereby induced to obey the moral law, or else assumes from them the license to sin or rebel” (13/157). The method of interpretation of chapter 7 deletes from the meaning of the Bible both speculative opinions that are not connected to virtuous actions. Spinoza's earlier discussion of law similarly discounts any ritual actions disconnected to piety. The distinction between thought and action is a strictly political distinction.

The distinction between thought and action does not exist in the nature we learn about in the *Ethics*. It doesn't exist in religion either. It is a strictly political distinction which follows from the nature of the state and society.⁹ Putting the thought vs. action distinction in its place in this way is far from trivial. Spinoza does not relate the freedom to philosophize to an immortal soul and its salvation, or its secular equivalent in personal identity or privacy. There is no inviolable realm of the spirit. There is no God who is pleased only by voluntary beliefs or even adequate ideas. Rather, prudent rulers will

distinguish thought from action, and aim at controlling only actions. Rulers should not coerce thoughts—except when they should—because letting subjects think for themselves increases their power and the power of the state. Without metaphysical grounding, there is no grounding in natural, inalienable, rights either.

The modern definition of the state in terms of the means of coercion and the distinction between thoughts and actions go together, and cannot be understood independently of each other. Neither was intelligible to the ancients. We understand what coercion means in part by calling those operations that can work on actions and not thoughts coercive. We understand the difference between thought and action in part by identifying as actions those parts of human experience that respond to civil sanctions.¹⁰

The distinction of thought and action used in the *TTP*, as a political distinction, is a distinction of the imagination, not reason. Within the inadequate ideas of the imagination, it is true that thoughts are free while actions are not, that actions are subject to coercion and the tools the ruler has at his disposal, while thoughts are not. People resent being told what to think more than they resent being told how to act. Seeing this as a distinction of the imagination—which doesn't make it false, only inadequate—makes sense of the fact that Spinoza at the same time says that thoughts cannot be controlled and that sovereigns shouldn't do it. Just as rights are determined by utility, so necessities are the necessities of prudent judgment.

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There is no distinction between thought and action in either ethics or religion. However, both the *Ethics* and the religious part of the *TTP* provide materials for the political separation of thought from action and the advocacy of toleration. Ethically, I should be agreeable and useful to others rather than trying to convert others to my truths. We can work together and be useful to each other by coordinating our actions and not trying to coordinate our thoughts. When it comes to actions, I only need worry about whether your and my actions agree; when it's a question of thoughts, I become concerned in addition about whether they are true, and find it harder to be agreeable.

And there is religious precedent for the separation too. The preface to the *TTP* condemns theologians because their attitude toward the Bible is, in Elwes translation,

“formal assent rather than a living faith,” or, as Shirley has it, “abject servility rather than belief” (p. 5). Such servility consists in beliefs that have no connection to action. Positively, the method of interpretation creates a distinction between thought and action within the Bible itself in its interpretation of prophecy. The prophets themselves combined and confused speculative opinions with moral injunctions. The method of interpretation separates them. Such separation is possible because, just as in the case of the theologians of the Preface, the speculative opinions are useless.

The secular ruler should imitate the method of interpretation, and separate speculation from opinions that bear on virtuous conduct. But the ruler’s job cannot be reduced to method, as the meaning of the Bible can, because the opinions that will be left free at the end of the *TTP* contain not only useless speculations, but opinions about all objects of desire. That the distinction between thought and action cannot have any methodical meaning is clear from chapter 20:

The most tyrannical government will be one where the individual is denied the freedom to express and to communicate to others what he thinks....However, it is also undeniable that words can be treasonable as well as deeds; and so, while it is impossible to deprive subjects completely of this freedom to grant it unreservedly could have the most disastrous consequences. Therefore it is our present task to enquire to what extent this freedom can and should be granted to all without endangering the peace of the commonwealth and the right of the sovereign (20/223).¹¹

Therefore, while he argues that freedom of thought is compatible with obedience, there are some thoughts that should be punished, not, though, because they are false but because they are by their nature disobedient:

If anyone holds the opinion that the sovereign is not possessed of full power, or that promises need not be kept, or that it behoves everyone to live as he pleases, or if he holds other such views as are directly opposed to the said covenant, he is guilty of sedition, not so much because of his judgment and belief as because of the action that is implicit therein. For merely to hold such beliefs is to violate the pledge tacitly or expressly given to the sovereign” (20/225).

The religious section of the *TTP* provides another transition from the ethical action/passion distinction to the political action/thought distinction. The thought/action distinction emerges in the *TTP* in chapter 3 as part of his argument that the Hebrews cannot be a chosen people. Spinoza explains the difference between God’s internal and external help. “Whatever human nature can effect solely by its own power to preserve its

own being can rightly be called God's internal help, and whatever falls to a man's advantage from the power of external causes can rightly be called God's external help" (3/36).¹² He applies that distinction to the list of three kinds of "worthy objects of desire" (3/37):

All worthy objects of desire can be classified under one of these three general headings:

1. To know things through their primary causes.
2. To subjugate the passions, i.e., to acquire the habit of virtue.
- 3 To live in security and good health.

The means that directly serve for the attainment of the first and second objectives, and can be considered as the proximate and efficient causes, lie within the bounds of human nature itself, so that their acquisition chiefly depends on human power alone.... But the means that serve for the attainment of security and physical wellbeing lie principally in external circumstances, and are called the gifts of fortune, because they mainly depend on the operation of external causes of which we are in ignorance.

The realm of fortune and external circumstances is the realm of politics: "Reason and experience have taught us no surer means [to achieve security] than to organize a society under fixed laws, to occupy a fixed territory, and to concentrate the strength of all its members into one body, as it were, a social body." However, we are still not at toleration or the freedom to philosophize. Spinoza has deduced a limited *purpose* for the state. It does not follow that the state's *means* are similarly limited, limited to coercion, and coercion of actions, rather than something that can make people believe.¹³

IV

While both the *Ethics* and the religious part of the *TTP* provide some materials to construct a thought/action distinction, the political part of the *TTP* is different. The transition from the first fifteen chapters of the *TTP*, the religious section, to the final five, the political part, distinguishes the categorical nature of freedom of thought in religion, due to the method of interpretation, from the prudential nature of freedom of thought in politics:

Up to this point our object has been to separate philosophy from theology and to show that the latter allows freedom to philosophize for every individual. It is therefore time to enquire what are limits of this freedom of thought, and of saying what one thinks, in a well-conducted state (16/173).¹⁴

In spite of that difference, the method of interpretation is a model for toleration. The method of interpretation separates speculative opinions from the moral teachings of the prophets. Similarly, I should look to your actions and regard all your opinions—except as they are manifest in your actions themselves—as useless speculations. It’s not that thoughts are useless or harmless. It is instead simply that the ruler should regard thoughts as useless, harmless and so not usefully controlled. To call them useless is equivalent to saying that the ruler’s control over them is useless. That is, I think, the crucial step in the argument. “Laws enacted concerning speculative matters are quite useless” (20/229).

In the religious part of the *TTP* Spinoza takes away with one hand and gives back with the other in a way that the political ruler should follow. The method of interpretation imposes a separation of thought and action on the statements of the prophets and the entire Bible. Only opinions that are equivalent to actions are included in the articles of faith to which he reduces the teaching of the Bible.¹⁵ On the other hand, to be obedient to God, each must interpret the articles of faith in a way most useful to that individual. That is, each of us adds those opinions which are useful to him and harmless, negligible and even meaningless to others. In this way religious obedience and freedom go together.

Something similar happens in politics. The commands of the sovereign are reduced to the determination of justice, good, right, and piety. Spinoza removes from the sovereign superfluous justification and beliefs, which are merely theoretical and do no practical work. There is no reason for the ruler to be a philosopher-king, or a prophet. Once the ruler’s commands are reduced to statements of what justice, etc., are, the subject gets to add any such opinions as increase his identification with the state. These are theoretical and private but useful in identifying the increase in power of the state with increase in the power of the individual.¹⁶

Earlier I noted that while the ruler should tolerate my opinions and allow me the freedom to form my own opinions, I cannot tolerate myself. I must think of my opinions as true, or at least as aiming at truth. Ethically, I should tolerate others by seeking agreement rather than truth, and by trying to coordinate our actions rather than reach propositional agreement. By separating thought from action, I can tolerate your opinions. They are useless to me. I am not interested in whether you have true opinions. I don’t care whether you have true or adequate ideas. The sovereign should do the same. But I do

not tolerate myself. I want to have true opinions and adequate ideas. Therefore what are to you useless speculative ideas are for me ideas that I believe will increase my power of action. It is useful, sociable, and sometimes even pious for me to regard your opinions as useless.¹⁷ That way I can be sure that they aren't harmful. Thus Spinoza's separation of ethics and politics makes my self-love quite different from my love towards a neighbor. A friend is not then for Spinoza as it is for Aristotle another self. I want true ideas for myself. I want harmony with others. When I act with justice and charity I help others become more powerful, which is not equivalent to giving them more adequate ideas. I don't treat myself with charity but with self-love. Self-love implies that I aim at true understanding, not just agreement.

The *TTP*'s distinction between thought and action comes from the discovery in the *Ethics* and in the religious part of the *TTP* that people can live together peacefully and be useful to each other in spite of diverse opinions. Agreeing on actions is easier to achieve than agreement on opinions. People can be useful to each other while having different goods in mind, and therefore different opinions, one aiming directly at increasing his own power, another at a reputation for good deeds, a third at wealth. For others to be maximally useful to me, I should keep my attention on their actions and not their opinions. And the sovereign should do the same.

It is imperative to grant freedom of judgment and to govern men in such a way that the different and conflicting views they openly proclaim do not debar them from living together in peace (20/227).

V

The distinction between thought and action, then, is political, not metaphysical. Actions and thoughts are equally subject to control and coercion, but the wise ruler will only command actions and not make opinions subject to obligation. But if that is the case, then why does Spinoza talk about inalienable rights? Such language suggests a domain of autonomy and privacy. Spinoza said that "tyranny is most violent where individual beliefs, which are an inalienable right, are regarded as criminal" (18/208). And, he argues at greater length:

If minds could be as easily controlled as tongues, every government would be secure in its rule, and need not resort to force; for every man would conduct himself as his rulers wished, and his views as to what is true or false, good or bad, fair or unfair, would be governed by their decision alone. But we have already

explained at the beginning of chapter 17 that it is impossible for the mind to be completely under another's control; for no one is able to transfer to another his natural right or faculty to reason freely and to form his own judgment on any matters whatsoever, nor can he be compelled to do so....All these are matters belonging to individual right, which no man can surrender even if he should so wish (20/222).¹⁸

The anomaly of Spinoza talking about inalienable rights is matched here by an odd feature of this passage. Chapter 17 does not show what Spinoza here claims it shows. That chapter begins by distinguishing theory and practice. In theory, and in chapter 16, the individual transfers all his natural rights to the sovereign power. In practice, "nobody can so completely transfer to another all his rights, and consequently his power, as to cease to be a human being." Chapter 16 shows that unless individuals transfer all their rights, there can be no secure covenant, while chapter 17 states that such absolute alienation of rights is impossible and unnecessary: the chapter heading revealingly begins: "It is demonstrated that nobody *can, or need*, transfer all his rights to the sovereign power." I add the italics to emphasize the conjunction between arguments about necessity and arguments from prudent policy. The gap between theory and practice indicates the odd status of the thought/action distinction.¹⁹

Spinoza's examples used in making that demonstration are not about inalienable rights, but about rights to do the impossible, what I earlier called the argument from weakness rather than power. One cannot "command a subject to hate one to whom he is indebted for some service, to love one who has done him harm, to refrain from taking offence at insult, from wanting to be free of fear, or from numerous similar things that necessarily follow from the laws of human nature" (17/185). No one can command any of those things because no subject can himself do any of them. There is no reserved sphere of inalienable rights which allow the subject to do some things, such as to reason freely, without anyone else being allowed to do them. Yet that is what the beginning of chapter 20 alleges. Indeed the first paragraph of chapter 17 ends with something quite similar: "It must therefore be granted that the individual reserves to himself a considerable part of his right, which therefore depends on nobody's decision but his own." (17/185).

Moreover, if people have a "natural right or faculty to reason freely and form his own judgment on any matters whatsoever" (20/222), then they cannot give up the right,

“nor can they be compelled to do so.” The implication is this: If I cannot voluntarily give up a right, then I cannot be compelled to give it up. If I can’t do something voluntarily, then I can’t be compelled to do it. But this conclusion is slight. I may not be able to give up the right to reason freely, but in every case, my judgment can be caused by the words and deeds of the ruler, as Spinoza concedes in the next paragraph. “I admit that judgment can be influenced in numerous ways...and to such an extent that, although it is not directly subject to another’s command, it may be so dependent on another’s ways that it can properly be said in that respect to belong to his right” (20/222).²⁰

Evidence for this interpretation of the natural right comes at the next point in Spinoza’s argument: “So however much sovereigns are believed to possess unlimited right and to be the interpreters of law and piety, they will never succeed in preventing men from exercising their own particular judgment on any matters whatsoever and from being influenced accordingly by a variety of emotions” (20/222-23). At first it looks like Spinoza is claiming that people have an inviolable right and power to think as they like, but that is immediately undercut when he adds “and from being influenced accordingly by a variety of emotions,” which indicates that rulers cannot make people think according to commands, not because thought exists in a realm of autonomous judgment but people are necessarily part of nature and subject to natural laws which the sovereign cannot supercede, such as commanding “a subject to hate one to whom he is indebted for some service.” A subject cannot give up the inalienable right to think freely because he cannot himself think freely. Some inalienable right! The sovereign should tolerate the freedom to philosophize because he can’t prevent it anyway. Some toleration!

I think we can straighten out this confusion by looking more closely at the idea of an inalienable right. The right and power of judgment can be taken away in any particular case, and belief consequently coerced. But I cannot voluntarily alienate the right to judge because I cannot want to. The ruler can make me believe as he likes, just as he can make me act as he likes, but I cannot desire that my thoughts be determined by someone else. I can think that my power to persist will increase if someone else governs my actions. I cannot think that that power will increase if someone else determines my thoughts. Such a desire and thought would be parallel to a desire not to exist. Suicide, Spinoza, says, is a

sign of weakness, not power. The intellectual suicide of giving up my power to think as I like would similarly be a manifestation of lack of power, not of power.

Therefore an inalienable right is one that I cannot give up, not one that cannot be taken from me. Inalienable rights are powers that are necessary consequences of the conatus. But so long as I remain a part of nature, all my powers are liable to be overcome (see E4p4). Therefore the sovereign can coerce belief, while I cannot give up my power, limited as it is, to form my own judgments. I can be coerced into believing, but I cannot desire that my ideas be caused by another. Therefore the right and power of thinking for oneself is inalienable—I cannot choose to alienate it—but it is not inviolable—someone else can diminish the power.²¹ Only in a democracy will the rights I cannot waive and the rights that the sovereign cannot take from me be identical. To the sovereign, there is no difference between thought and action. His rights and powers are identical. It is, Spinoza argues, unwise to coerce thought, but not impossible. To the individual subject, though, there is a large difference. In the social contract, I alienate my right to act as I like. However, I cannot alienate my right to think as I like. I cannot alienate that right because rightly or wrongly I cannot see it to be in my advantage to do so.

VI

Men, I repeat, can wish for nothing more excellent for preserving their own being than that they should all be in such harmony in all respects that their minds and bodies should compose, as it were, one mind and one body, and that all together should endeavor as best they can to preserve their own being, and that all together they should aim at the common advantage of all (Ep18s).²²

The policy of toleration—and it is the purpose of the *TTP* to demonstrate its wisdom—faces a final obstacle. Allowing the freedom to philosophize means that society is not one body and one mind, but one body with irreducibly plural minds. Living together by coordinating actions and leaving opinions alone seems to mean abandoning the ideal of one body and one mind. Our passions drive us apart; reason, *pace* Hobbes, makes men agree. “Now (although Hobbes thinks otherwise) reason is entirely in favor of peace.” The more rational people are, the more useful they are to each other. Consider the context in which Spinoza claims that nothing is more useful to man than man, and that the best way of preserving their own being is that they combine with others to form one body and one mind. “If two individuals of completely the same nature are combined, they

compose are individual twice as powerful as each one singly. *Therefore* nothing is more advantageous to man than man.” While I can be more rational while living with other people than living alone, I could live more rationally still if my fellow citizens were as rational as I. “In so far as men are subject to passive emotions, to that extent they cannot be said to agree in nature” (E4p32). “In so far as men live under the guidance of reason, to that extent they always necessarily agree in nature” (E4p35).²³ The more all of us are guided by reason, the more we are indeed one body with one mind.

There are two issues here. First, which is it: Is nothing is more advantageous to man than man, or is nothing is more advantageous to man than a rational man? Second, which comes to the same thing, although it may be easier to aim at a harmony of actions than a harmony of opinions, wouldn't it be better to make everyone's opinions the same in order to promote a society that is truly one body with one mind?

I would resolve these questions this way. For the social body to be of one mind does not require uniform ideas. Harmony of opinions is not the same as unison. The body politic is in this way just like the human body. “The idea which constitutes the formal being of the human mind is not simple, but composed of very many ideas” (E2p15). “Whatsoever increases or diminishes, assists or checks, the power of activity of our body, the idea of the said thing increases or diminishes, assists or checks the power of thought of our mind” (E3p11). Therefore immediately before E4p40 asserts that “whatever is conducive to man's social organization, or causes men to live in harmony, is advantageous, while those things that introduce discord into the state are bad,” are two propositions about the individual body and mind:

That which so disposes the human body that it can be affected in more ways, or which renders it capable of affecting external bodies in more ways, is advantageous to man, and proportionately more advantageous as the body is thereby rendered more capable of being affected in more ways and of affecting other bodies in more ways. on the other hand, that which renders the body less capable in these respects is harmful (E4p38)

Whatever is conducive to the preservation of the proportion of motion-and-rest, which the parts of the human body maintain towards one another, is good; and those things that effect a change in the proportion of motion-and-rest of the parts of the human body to one another are bad (E4p39).

I suggest that these propositions indicate that the ideal social organization has no more unity than the individual mind and body. Unison is not the ideal; harmony is. A body able

to affect external bodies in many ways in a body whose parts move differently. Such a body is liable to harmful passions, passions that give pleasure or pain to a part rather than a whole. Therefore uniformity is always tempting. Therefore Spinoza needs proposition 39 as well as 38. The increased power of the parts of the body have to be in harmony, that is, must preserve the proportion of motion-and-rest. Similarly for the social body. Diversity of opinion is a good thing, since it increases the power of each individual. However, that diversity leads to stasis for the same reason that powers of parts of the body lead to disabling passions, when they destroy the harmony and proportion of motion-and-rest. Common action with diverse opinions, like the common articles of faith with diverse opinions, is the appropriate and empowering middle ground between an enervating uniformity of belief and a disabling diversity.

Confirmation of this interpretation of the idea of society as one body and one mind comes from the *Political Treatise*, where the social contract of *TTP* 16 is replaced by an account of one mind emerging out of common passions, not common reason:

Since men...are led more by passion than by reason, it naturally follows that a people will unite and consent to be guided as if (*tamquam*) by one mind not at reason's prompting but through some common emotion, such as...a common hope, or common fear, or desire to avenge some common injury. Now since fear of isolation is innate in all men as in isolation no one has the strength to defend himself and acquire the necessities of life, it follows that men by nature strive for a civil order.²⁴

Therefore Spinoza's ethical and the political ideals are different. Ethically, the best condition we could find ourselves in would be a society in which everyone was rational, and consequently not only agreed, but agreed by sharing adequate ideas. "Those things that are common to all things and are equally in the part as in the whole, can be conceived only adequately" (E2p38). While ideas can be coerced, adequate ideas cannot, since by definition an adequate idea is one whose cause is the mind of the person having the idea.²⁵ Ethically, living in a society is better than living alone, but living with other rational people would be better still. But this is not an appropriate political ideal. The ethical ideal is a rational society. The political ideal is a democratic society. As aims, these two are practically distinct, although the two outcomes finally approach each other. The difference between ethics and politics is not the liberal one in which a state is limited to providing security, leaving individuals to flourish as they like. Instead the ruler defines

justice, and individuals are empowered by being sociable. Freely formed opinions make the parts of a society more powerful. Those parts make the whole more powerful if their actions are coordinated. Therefore a society in which the ruler commands actions but lets thoughts alone is the most powerful society. The freedom to philosophize is the only interpretation of freedom consistent with obedience, piety and morality.²⁶

Throughout his discussion of politics and the relation of sovereign to subject, Spinoza gives with one hand and takes away with the other. The sovereign power is absolute, but it is not unlimited. Thoughts cannot be compelled, but of course, indirectly, they can.

Although command cannot be exercised over minds in the same way as over tongues, yet minds are to some degree under the control of the sovereign power, who has many means of inducing the great majority to believe, love, hate, etc whatever he wills (17-186).

However much sovereigns are believed to possess unlimited right and to be the interpreters of law and piety, they will never succeed in preventing men from exercising their own particular judgment on any matters whatsoever....It is true that sovereigns can by their right treat as enemies all who do not absolutely agree with them on all matters... (20-222-3).

Democracy is the most natural form of government, but it never really exists. In signing on to the social contract, we subject our passions to reason, but rulers are always human and liable to the same passions as the rest of us. Religion and politics never conflict, since both are consistent with reason, but when religion and politics do in fact conflict, we are bound to obey our temporal rulers. This style of argument represents the vicissitudes of fortune. The *TTP* shows how such fluctuations are inevitable, but also shows how they can be manageable. This is not only political freedom in a deterministic world, but in a world experienced as one in which we are always liable to be overpowered.

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¹ James D. Gordon, III, “Free Exercise on the Mountaintop,” *California Law Review* 79 (1991): 92, no. 10: “In totalitarian regimes, you can also believe whatever you want. How can the government stop you?” This isn’t much comfort to people living under such regimes. Similarly, see Charles Fried, pp. 100-101: “What would it mean to take [the freedom and responsibility for my judgments] away from me? if this is a right that is inviolable because it is hard to imagine how anyone could violate it, no progress has been made toward a secure argument for liberty, toward an argument for a secure liberty. But of course governments violate this right regularly.”

² Recall the first sentence of Mill’s *On Liberty*: “The subject of this essay is not the so-called ‘liberty of the will,’ so unfortunately opposed to the misnamed doctrine of philosophical necessity, but civil or social liberty.”

³ This question is distinct from the question of why one who is convinced he is in possession of the truth should advocate freedom of thought rather than try to convert others to his ideas. For that question, see my “Agreement vs. Truth: Spinoza’s *Tractatus* vs. His *Ethics*.”

⁴ Arthur J. Jacobson, “Spinoza’s State: Law Without Authority: Sources of the Welfare State in Spinoza’s *Tractatus Theologico-Politicus*,” *Cardozo Law Review* 25 (2003): 669-714. 679. “Spinoza’s natural right insists that government is policy rather than assertions of right.” 697-8. “Spinoza’s transfer, in contrast [to Hobbes’s], does not result in the creation of a new, artificial person, but in an association that holds ‘the potentia and will of all together,’ ‘an assembly of men taken collectively that collegially holds the supreme right over everything that it can.’ This is not at all a juristic act or institution of the possibility of juristic acts altogether; it depends not at all on the force of agreement. It is a fact, the creation of the potentia of an association as a result of the transfer to the association of all the individual potentia of each of its members.”

⁵ In another challenge to modern liberalism, this is negative liberty without the value pluralism that Berlin has necessarily accompanies it. Isaiah Berlin, *Four Essays on Liberty*, Oxford: Oxford University Press, 1969.

⁶ For an argument that reaches the same conclusion by a different path, see Edward C. Halper, “Spinoza on the Political Value of Freedom of Religion,” *History of Philosophy Quarterly* 21 (2004): 167-182.

⁷ The thought/action distinction gets invented around the same time as Pufendorf invents the distinction between perfect and imperfect rights, and to much the same effect. That latter distinction tracks the more traditional Christian distinction between law and love. The Aristotelian distinction between justice and friendship is quite different, and so instead of a thought/action distinction in Aristotle we have the distinction, *among actions*, between doing a virtuous act and acting virtuously.

⁸ On the divisive doctrines of theologians serving ambition, not salvation, see too Locke, *Works* 6: 8. “If anyone endeavor to convert those that are erroneous unto the faith, by forcing them to profess things that they do not believe...it cannot be doubted, indeed, that

such a one is desirous to have a numerous assembly joined in the same profession with himself; but that he principally intends by those means to compose a truly Christian church, is altogether incredible.”

⁹ “Spinoza...played a major role in the shaping of modern law, which rests upon the summa divisio between, on one hand, natural law, embedded in natural reason and discovered more geometrico, and, on the other hand, positive law, which expresses the will of the sovereign power and rests upon its sole authority. This division, I will argue, is neither eternal nor self-evident, but an effect of the strategy followed by Spinoza and a few others in their arduous struggle against traditional powers and religious authorities.” Beniot Frydman, “Spinoza’s Law and Ethics: Divorcing Power and Reason: Spinoza and the Founding of Modern Law,” *Cardozo Law Review* 25 (2003): 607-625 at 608.

¹⁰ Robert Nozick, *Philosophical Explanations* (Cambridge: Harvard University Press, 1981), 170-171: “We strongly feel that the causal determination of action threatens responsibility and is undesirable. It puzzles that what is desirable for belief, perhaps even necessary for knowledge, is threatening for action. Might not there be a way for action to parallel belief, to be so connected to the world, even causally, in a way that is desirable? At the least, it would be instructive to see where and why the parallel fails. If it did not fail, causality of action would be rendered harmless—determinism would be defanged.” The thought/action distinction already exists in Hobbes. “For internall Faith is in its own nature invisible, and consequently exempted for all human jurisdiction.” Thomas Hobbes, *Leviathan*, Richard Tuck, ed., Cambridge: Cambridge University Press, 1991, ch. 42, p. 360. Similarly, in the *de Cive*, XIII.9. p. 146. “It is...a duty of those who administer sovereign power to root these doctrines out of the citizens’ minds and gently instill others. but as opinions are sown in men’s minds not by command but by teaching, not by threat of penalties but by clarity of argument, laws to resist this evil should be directed not against the people in error but against the errors themselves.”

¹¹ For the way Spinoza links freedom of thought with freedom of expression, see Kant, “What is Orientation in Thinking?” reprinted in *Kant: Political Writings*, (Hans Reiss ed.) p. 247. “But how much and how accurately would we think if we did not think, so to speak, in community with others to whom we communicate our thoughts and who communicate their thoughts to us!”

¹² As Lenn Goodman pointed out to me, this idea of the conatus harks back to the definition of providence as conatus in *Short Treatise I v*.

¹³ Spinoza here is once again more ancient than modern, since he defines the state by its end rather than its means, by its aiming at security rather than its having coercion at its disposal. This too is a major difference between Spinoza and Hobbes.

¹⁴ Similarly, he says that the contract to become a democracy has an “exact parallel” in the “common consent to obey only what was revealed by God through prophecy” (19/213).

¹⁵ Edward Curley, “From Locke’s *Letter* to Montesquieu’s *Lettres*,” *Midwest Studies in Philosophy*, 26 (2002): 280-306, p. 285: “Tolerationists like Locke emphasize the importance of works and the unimportance of faith. Persecutionists on the other hand,

like Luther and Calvin, emphasize the importance of faith and dismiss the possibility of achieving salvation by works as mere wishful thinking given our fallen nature.” What Curley says of Locke applies to Spinoza as well.

¹⁶ *Pace* Hobbes, there is no conflict between obligation and freedom. For Hobbes, obligation and freedom are incompatible. When that is the case, then one has to carve out a realm of freedom that limits the power of the rulers to command. But in Spinoza, with the crucial distinction between subject and slave in chapter 17, one can simultaneously act because one is commanded and because one wants to. “Action under orders—that is, obedience—is indeed to some extent an infringement of freedom, but it does not automatically make a man a slave; the reason for the action must enter into account. If the purpose of the action is not to the advantage of the doer but of him who commands, then the doer is a slave, and does not serve his own interest. But in a sovereign state where the welfare of the whole people, not the ruler, is the supreme law, he who obeys the sovereign power in all things should be called a subject, not a slave who does not serve his own interest. And so that commonwealth whose laws are based on sound reason is the most free, for there everybody can be free as he wills, that is, he can live whole-heartedly under the guidance of reason” (16/178). As in Aristotle’s *Politics*, the crucial distinction is not between consent and force but between modes of rule that are designed to benefit the ruled or the ruler. The criterion for legitimacy is not consent but utility. In religion, my acting from obligation does not at all decrease the merit of my actions. Similarly in politics, my obligation does not mean that I sacrifice what I would otherwise do out of self-love. Given that all actions (and thoughts) are determined by an infinite sequence of causes, there is no inconsistency between obligation and love or self-love. Just as we shouldn’t think of freedom as exemption from the laws of natural necessity, as the *Ethics* shows, we similarly shouldn’t think of political freedom as exemption from civil laws either.

¹⁷ This is a more reasonable functional equivalent to Rorty’s strategy of joshing people out of their religious beliefs.

¹⁸ See similarly Hobbes, *Leviathan*, 14: “There be some rights which no man can be understood by any words, or other signs, to have abandoned or transferred. As first a man cannot lay down the right of resisting them that assault him by force to take away his life, because he cannot be understood to aim thereby at any good to himself.”

¹⁹ Therefore Spinoza’s arguments for toleration are in a certain way an inversion of Locke’s. While both religion and politics are works of the imagination rather than knowledge, we should have more confidence in the truth of the articles of faith than in any judgment about particulars that the sovereign might make. In contrast, Locke sees the beliefs involved in politics as more secure and close to knowledge than religious beliefs. “Particular matters of fact are the undoubted foundations on which our civil and natural knowledge is built.” *On the Conduct of the Understanding*,” quoted in Kristie McClure, “Difference, Diversity, and the Limits of Toleration,” *Political Theory* 18 (1990): 375. see too p. 376: “Locke’s *Letter* advances a way of converting sectarian ‘differences’ in religious matters into ‘diversity,’ by constituting a realm of civil facticity to dissolve those hierarchical and intrinsically relationship conscientious ‘differences’ of religious practice into equivalent and independent, that is to say, separate, equal, and diverse,

alternative religious communities. The ‘difference,’ in other words, between terrestrial ‘reality’ and ‘speculation,’ between ‘fact’ and ‘fiction,’ at the core of empiricism is offered in the *Letter* as a way of directing civil power to the care and regulation of things that can be ‘objectively,’ known, at the same time as it relegates religious belief to the status of ‘subjective’ convictions.”

²⁰ Traditional advocates of the coercion of belief—Augustine is the paradigm—argue in just that way, showing that incentives and threats can make the individual receptive to the truth. Spinoza thinks instead that rulers cannot make their subjects better. All he can do is allow them freedom. While freedom of the will is unintelligible, freedom as a political policy is not only intelligible, it makes sense as the best policy for a ruler to increase his own power.

²¹ There is therefore a difference between an inalienable right and an inviolable one. I cannot alienate my right to think as I like, but it can be taken away from me. Inalienability and inviolability do not always go together. I have a right to liberty. I cannot waive it by selling myself into slavery. But I can forfeit it. My right can be taken away from me, as punishment. Thus the Thirteenth Amendment bars slavery and involuntary servitude except as criminal punishment. For the most part, calling a right inalienable does not mean that no one can take it from me. Inalienable rights can be trumped. Inalienable does not mean absolute or inviolable. It just means that I cannot abandon or sell them. On the other hand, there are times when an inalienable right works just the other way. If I am a native-born American citizen, there are no circumstances under which the government may take that citizenship away. But I can give it up voluntarily by becoming a citizen of another country and renouncing my U.S. citizenship. So a right can be inalienable in one respect and not in another. The inalienable right to think for myself in the *TTP* is parallel to the right to liberty above. I cannot renounce it. But the sovereign can legitimately take it away from me.

²² E3p10: “An idea that excludes the existence of our body cannot be in our mind, but contrary to it.” E4p20s: “Nobody, unless he is overcome by external causes contrary to his own nature, neglects to seek his own advantage, that is, to preserve his own being. Nobody, I repeat, refuses food or kills himself from the necessity of his own nature, but from the constraint of external causes....that a man from the necessity of his own nature should endeavor to cease to exist or to be changed into another form, is as impossible as that something should come from nothing, as anyone can see with a little thought.” “The mind is averse to thinking of things that diminish or check its power and the body’s power” (E3p13c). “The mind endeavors to think only of the things that affirm its power of activity” (E3p54). “When the mind thinks of its own impotence, by that very fact it feels pain” (E3p55). E3p10: “An idea that excludes the existence of our body cannot be in our mind, but contrary to it.” In the *Short Treatise*, instead of talking about one body or one mind, he talks about one desire and will. Acting charitably towards my neighbors “brings forth the same desire in them that there is in me, so that they will and mine become one and the same, constituting one and the same nature, always agreeing about everything (26.4), quoted in Noel Malcolm, “Hobbes and Spinoza,” J. H. Burns, ed., *The Cambridge History of Political Thought: 1450-1700* (Cambridge: Cambridge University Press, 1991), pp. 530-559, at 556-7.

²³ E4 app 14: “Although men for the most part allow lust to govern all their actions, the advantages that follow from living in their society far exceed the disadvantages. Therefore it is better to endure their injuries with patience, and to apply oneself to such measures as promote harmony and friendship.”

²⁴ *Political Treatise*, 6.1.

²⁵ This is the Spinozistic equivalent of the religious argument against coercing belief, that beliefs worth having, and/or which are pleasing to God, cannot be coerced.

²⁶ Montaigne, *Essays*, I.39: “There is nothing more unsociable than Man, and nothing more sociable: unsociable by his vice, sociable by his nature.”