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## CHAPTER 7

*Democracy and the good life in  
Spinoza's philosophy**Susan James*

One of the features of Spinoza's philosophy that makes it attractive to many twenty-first-century readers is its defence of democracy as the constitutional form of an ideal state. Although the *Tractatus Politicus* breaks off before spelling out the details of a democratic constitution, other texts encourage the reader to envisage a free way of life as most fully realizable in an inclusive polity, where subjects advance their understanding and liberty by following laws they have made themselves. The view that human beings have the potential to live most freely in democratic states<sup>1</sup> is exceptional among seventeenth-century writers, and Spinoza is the best-known of a small group of Dutch authors who are justly celebrated for defending it. Focusing on this claim, a range of commentators of various ideological persuasions have hailed him as the initiator or inspiration of the modern democratic tradition. According to Jonathan Israel, for example, "Spinoza was the first major European thinker in modern times – though he is preceded here by Johan de la Court and Van den Enden – to embrace democratic republicanism as the highest and most fully rational form of political organisation, and the one best suited to the needs of men."<sup>2</sup>

This is indeed one way to read Spinoza and, as I shall argue, it draws on a central and inspiring strand of his thought. There are, however, other strands, perhaps less straightforwardly susceptible to celebration, but equally pertinent to an understanding of his assessment of democracy.

<sup>1</sup> While many writers defended the view that one can only be free if one lives in a free state, i.e. a republic as opposed to any form of monarchical regime, comparatively few authors regarded democracy as a form of state conducive to freedom.

<sup>2</sup> Israel 2000: 259. Israel's claim is part of a broader debate about the history of democratic thought, which embraces not only Spinoza but also his predecessor Thomas Hobbes. See Matheron 1997. See also Tuck 2006: 171, where Hobbes is described as "a sophisticated and deep theorist of democracy." Perhaps the most influential advocate of Spinoza as a theorist of democracy is Antonio Negri, according to whom Spinoza develops a novel conception of the multitude, and articulates "the democracy of the multitude as the absolute form of politics" (see Hardt and Negri 2000: 77). See also Negri 1997.

My aim in this chapter is to explore one of them, namely Spinoza's view of the role played by imagination in the exercise of sovereignty. Successful sovereigns, as he describes them, need to deploy the skills of prophets in order to devise legal systems that their subjects will obey. (All politics, one might say, is in this sense prophetic.) While Spinoza gives us reasons for concluding that the ends of the state are in principle best realised under a democratic constitution, the art of creating and sustaining a democracy depends on the imaginative ability of sovereign and subjects to legitimate and realize a democratic way of life. To achieve this, they have to be able to interpret the bare definition of democracy as a state in which the law is made by the body of the people, by working out, for example, who is to be included in this body and what it takes for such a body to make laws.

As Spinoza himself allows us to see, these questions can be answered in a variety of ways. His own unfinished account of a stable, democratic constitution begins by listing several classes of people who are to play no part at all in government: aliens, on the grounds that they are not bound by the law; women, servants, children and wards, on the grounds that they are not independent; and criminals and others on the grounds that they are dishonourable (TP II.3). In the context of seventeenth-century political thought, these exclusions are not surprising, and it would be pointless to criticise Spinoza for advocating them. Nevertheless, I shall suggest, they serve to draw attention to a limitation in his imaginative power – a limitation he would himself describe both as a lack, and as the effect of some obstacle standing in the way of his ability to imagine a fully inclusive form of freedom. More generally, the gap between the democratic ideal Spinoza offers us and his own imaginative grasp of what a democratic society would be like inadvertently exemplifies one of the problems with which he is explicitly concerned. Because the pursuit of freedom is held back by the imaginative limitations of communities, part of the task of the sovereign is to cultivate the kind of insight possessed by prophets, and make a free way of life imaginatively accessible.

In the past generation, our understanding and appreciation of Spinoza has been transformed by Ed Curley. His outstanding textual scholarship, together with his profound insight into the problems Spinoza was trying to solve, has opened up numerous invigorating lines of enquiry; and the care and acuity of his own philosophical writing has set a high standard for others to reach. One of Curley's central aims has been to examine the interconnections between Spinoza's works and those of Descartes and Hobbes, and in doing so he has helped us to gain a fuller picture of the way Spinoza draws on and transforms the doctrines of his great

predecessors. Curley's invaluable research has, among other things, enlarged our understanding of the theologico-political debates in which Hobbes and Spinoza were both engrossed, and revealed the subtler similarities and differences in their respective political positions. Democracy is, of course, one of the issues on which these two giants disagree,<sup>3</sup> and in attempting to clarify the nature of Spinoza's commitment to a democratic society this chapter aims to follow out Curley's philosophical approach, as well as one of his many philosophical interests.

#### I SOVEREIGNS AND PROPHETS

Sovereignty, according to Spinoza, can be held equally well by an individual or by a collectivity, and to make it easier to keep this fact in mind I shall always refer to the figure of the sovereign as "it." However, regardless of whether the sovereign is an individual or a group, its task is always the same: to promote peace and security by ensuring that its subjects obey the law; and to counteract vices which, whilst they are not contrary to law, nevertheless diminish the state. For example, when a long-lasting peace makes citizens slack and slothful, sovereigns must find ways of redirecting their energies into activities that enhance security (TP 10.6). A sovereign therefore bears responsibility for creating both a legal structure and a broader way of life that successfully reconcile the diverse desires of individuals, and for inducing its subjects to promote harmony and co-operation within the state.

At one point in the *Tractatus Politicus*, Spinoza contrasts security with liberty, and seems to suggest that sovereigns need only concern themselves with the first. The virtue of the state, he writes, is security, whereas liberty is a private virtue (TP 1.6). Elsewhere, however, he is adamant that security and liberty are so closely intertwined that the one cannot exist without the other. As the *Tractatus Theologico-Politicus* is largely designed to show, states are most secure when their subjects are not coerced into obeying the law, but obey willingly because they realise that it is in their interest to do so (TTP Pref. 12). Furthermore, subjects who understand the benefits of co-operating by obeying the law are freer than those who do not. The ultimate purpose of the state (*res publica*) "is not to exercise dominion nor to restrain men by fear and deprive them of their independence, but on the contrary to free every man from fear so that he may live in security as far as

<sup>3</sup> This claim has recently been challenged by Tuck 2006. Responding to Tuck, Kinch Hoekstra has offered a thorough defence of it. See Hoekstra 2006.

possible . . . It is not, I repeat, to transform men from rational beings into beasts or puppets (*automata*), but rather to enable them to develop their mental and physical capacities in safety, to use their reason without restraint and to refrain from the strife and vicious mutual abuse that are prompted by hatred, anger or deceit. Thus the purpose of the state is, in reality, freedom” (TTP 20.6).<sup>4</sup> Sovereigns should therefore aim to cultivate circumstances in which individuals have enough security and freedom to appreciate the advantages of a co-operative form of existence, and to be in a position to enhance it. Although it would be too much to hope that such a policy will eliminate conflict completely, it can nevertheless minimize threats such as faction, corruption and civil war, any of which can undermine the sovereign’s power and ultimately destroy the state.

Abstracting from the merits and disadvantages of specific constitutional forms, Spinoza provides a general account of the problems a sovereign confronts and the means by which it can ameliorate them. The root of its difficulties lies in the inadequate ideas that constitute human imagination, and specifically human passion (E 4p37s2). Affects such as desire, sadness and joy are part of our everyday way of responding to the world; but because they reflect our disposition to imagine ourselves as singular things, and obscure our understanding of the extent to which we depend on other parts of nature, they give us a partial and sometimes distorted view of what will damage or benefit us. Furthermore, it is hard to recognize and avoid the harms to which our affects expose us. For one thing, the phenomenology of freedom – the sense that, when we experience and act on our affects, we are in control of ourselves and what we are doing – obscures the need to take stock of individual passions and get some critical distance on them. In addition, we are in Spinoza’s view naturally prone to certain patterns of feeling and action which have a strong hold over us. Some of these dispose us to productive affects such as love and compassion; but others incline us to negative passions such as hatred or fear, which tend to inhibit co-operation. (E 3p33–5; p55s). Together with the causal sequences in which they are embedded, these latter passions habitually feed insecurity, and left to themselves are liable to undermine the effectiveness of the state. The first task of the sovereign is therefore to contain them.

<sup>4</sup> Against this interpretation, Balibar believes that there is a marked shift in Spinoza’s view. Whereas Spinoza argues in the TTP that the end of political society is freedom, in the TP “freedom is no longer the declared ‘purpose’ of the state. The central preoccupation now is civil peace or security.” See Balibar 1998: 116.

One way to achieve this end is to terrorize subjects into obedience, but while threats and force are essential tools of government, Spinoza joins many of his contemporaries in urging that they should be used sparingly. Quoting Seneca, he repeatedly reminds his readers that sovereigns who resort to strong-arm tactics rarely survive for long, because subjects who obey the law only out of fear will do what they can to resist (TTP 5.8; 16.9). However fiercely they are oppressed, they always constitute a formidable threat.<sup>5</sup> Sovereigns therefore do better to ensure that their subjects' devotion to the law is stronger than their desire to pursue illegal goals. Even when this strategy succeeds, individuals may still find themselves torn between an inclination to obey and a desire to break the law, or between a desire to conform to standards of civic virtue and a longing to satisfy their private interests. But the mixture of encouragements and threats implicit in legal and other institutions and practices will on the whole guarantee that co-operation wins out. Passion will counter passion, and subjects will experience the decision to abide by the law as a choice they have made willingly, albeit sometimes reluctantly (E 4p7).

Where this level of co-operation has been achieved, individuals have already begun to identify their interests with those of the polity. In doing so, they have simultaneously begun to think of themselves not merely as singular things, but also as members of a community that is, "as it were, one body and one mind" (E 4p18s3). To realize that the best way to serve one's own interests is to play one's part in maintaining and strengthening the security of the community is, according to Spinoza, to understand an important truth, which in turn strengthens one's desire to resist affects that undermine co-operation. Once one appreciates the social damage that envy can do, one has a reason for trying to control it in oneself and in others by understanding how it comes about and what can be done to prevent it. Equally, once one understands that fear tends to breed hatred, which in turn brings a string of debilitating effects in its train, one has a reason for trying not to cause fear in others, and trying not to succumb to it oneself. Modifying one's passionate dispositions is, however, a complex project and cannot be undertaken in isolation. It depends on the guidance and support of other individuals, and on standards of co-operation encouraged and enforced within a society (TTP 16.5). Part of the sovereign's task is

<sup>5</sup> In the Latin *Leviathan* of 1668, Hobbes brings this general point to bear on the history of the Netherlands. "For the common people are the strongest element of the commonwealth . . . The sedition of those in Holland, called the Beggars, ought to serve as a warning how dangerous it is in the commonwealth to scorn citizens of modest means" (Hobbes 1994: 227–28 (ch. 30)).

therefore to use its power to sustain an environment in which subjects can, so to speak, co-operate in increasing their ability to co-operate. As they do so, they protect themselves from the destructive effects of their own passions, thereby increasing the security of the state.

This process is an eminently practical one, requiring not only a more or less philosophical understanding of the laws of nature, but also a flair for applying them to particular situations (TTP 5.9). A sovereign may know, for example, that one passion can be used to control another, and have a rough grasp of our disposition to imitate one another's affects. However, while general knowledge of this sort is helpful, it will not be enough. To motivate its subjects to obey its commands, a sovereign will also need to take account of their own particular affective dispositions, and will need to pose questions such as "Are these people susceptible to shame, or are they too alienated to care what others think of them?" or "Will fear of divine anger weigh with these subjects, or are they so scared that they will break the law to worship a golden calf?" (E 3p39). To arrive at answers, sovereigns must possess the sort of local knowledge that Spinoza classifies under the heading of imagination, and must be able to enter into the imaginative business of devising laws with which their subjects will be in sympathy. In the process they may make use of education, civil associations or religion to create a climate of co-operation, but it is up to them to find effective ways of deploying these resources.

This imaginative aspect of the sovereign's task bears comparison with the role of the prophet. In the *Tractatus Theologico-Politicus*, Spinoza characterizes prophets as individuals whose exceptional powers of imagination enable them to perceive the vital importance of a co-operative way of life, and to express their insights in a manner accessible and persuasive to a particular community (TTP 1.27). When philosophers explain the value of co-operating with others by arguing from premises about the nature and circumstances of human beings, their audiences may or may not be convinced. Individuals or groups who are wrapped up in their own passionate interpretations of themselves will not always find this kind of reasoning persuasive. By contrast, the genius of a prophet lies in the ability to employ images or stories that appeal to the situation and temperament of a specific people, thus offering them a compelling account of the benefits of living co-operatively, or of resolving a current problem in a co-operative fashion. In giving meaning to a situation, a prophet suggests a way of dealing with it that is both acceptable and more or less within reach.

There are, Spinoza stipulates, no longer any prophets to whom the divine law is revealed (TTP 1.7). Nevertheless, the integrity of a political



society depends on civil laws that re-enact the precepts of their divine counterparts in the form of commands imposed by the sovereign. Like the God of the prophets, the state commands obedience, and the need to make its laws acceptable remains as pressing as ever. Communities still need to build harmonious ways of life, and subjects still have to be encouraged to resolve the tensions between their civic and private interests in favour of the law. In the state, the task of achieving these ends falls to the sovereign. Like prophets, sovereigns must offer subjects empowering accounts of their situation and prospects, so that the courses of co-operative action specified by the law will strike them as desirable and attainable. However, whereas the narratives of prophets centred on the relation between a community and God, a sovereign's narrative focuses on its own law. Explicating and justifying the law is therefore a means of explaining a community to itself by interpreting its needs and possibilities in terms that it can accept and put into practice.

The parallel between sovereign and prophet is confirmed in a note to the *Tractatus Theologico-Politicus* which points out that, rather as a prophet's authority rests on a revelation that an audience cannot experience for itself but has to accept, so the sovereign's authority cannot be derived from the law but must be accepted as its source (TTP I n. 2). In each case, authority stems from the very act of giving meaning, whether in the form of revelation or law, and in each case survival or power depends on the ability to perform this action in a way that is compelling and practically efficacious. The prophet who cannot convince his people that the divine law has been revealed to him, thereby persuading them to do as he says, ceases to be a prophet; and the sovereign who cannot impose his authority by getting subjects to obey the civil law ceases to be a sovereign (TTP 17.4).

In many states, past and present, politics largely proceeds in imaginative terms. Sovereigns legitimate the law by means of narratives and images that they and their subjects find compelling, thus uniting individuals whose passions are otherwise conflicting and disparate. Spinoza evidently believes this strategy can work extremely well; for example, the success of the Jewish state under Moses was primarily due to his imaginative power, which far outstripped his understanding of nature. However, there are also cases in which the efficacy of imagination and the demands of philosophical understanding conflict, and have to be reconciled. This problem is explored at an individual level in Book IV of the *Ethics*, where Spinoza outlines the characteristics of the free man, who does his best to live as his understanding dictates, and cultivates the two key virtues of *animositas* (the determination to live in accordance with his understanding) and *generositas*

(the determination to co-operate with others) (3p59s). Nevertheless, in the course of his everyday life he has to deal with people whose understanding is less extensive than his own, and who are therefore apt to engage with him in passionate and potentially destructive ways. Building on Spinoza's own account of this situation, we can imagine a free man who has been given special treatment by a merchant and expects the favour to be returned. The free man knows that partiality can generate envy and suspicion, and wishes he had been able to avoid the favour; but since it has been incurred, he has to decide how to respond. If he refuses to reciprocate, the merchant will feel angry and resentful, and co-operating with him will become more difficult. So, taking account of what is *utile* as well as what is in line with *ratio*, the free man concludes that the best course will be to return the favour in some way that is legal (and so does not undermine the authority of the law) yet acceptable to both parties (4p70).

In working out what to do, the free man does not insist on standards of behaviour that he knows to be virtuous, but bends to the passions he encounters. Rationality, and thus freedom, does not consist in sticking to the norms of virtue come what may, but lies in maintaining a co-operative way of life, thus keeping open the possibility of enhancing understanding. So although he feels the tension between the demand of understanding and the demand of his total situation, the free man resolves it by giving priority to maintaining harmony in the community of which he sees himself as a part (4p73). Moreover, his capacity to solve the problem in this way depends on his sensitivity to the imaginations of those around him, and on his appreciation of the passionate consequences of different courses of action. As individuals become more free, they lose some of their affective investment in practices that have grown up around passionate dispositions they no longer share, but they cannot turn their backs on the imagination. It is, after all, one of their objects of study, as well as an unavoidable aspect of their lives.

In the *Ethics*, Spinoza suggests that retaining a sensitivity to other people's passions while refraining from responding to them in passionate terms is a continual demand upon the wise. As he explains, "It requires a singular power of mind to bear with each one according to his understanding, and to restrain oneself from imitating their affects" (4 Appendix 13). Nonetheless, as he had earlier pointed out, it is a good rule "to speak according to the power of understanding of ordinary people (*vulgi*), and to do whatever does not interfere with attaining our purpose. For we can gain a considerable advantage if we yield as much to their power of understanding as we can. In this way, they will give a favourable hearing to the

truth" (TdIE, Introduction, 17). Unless the wise accommodate themselves to the less wise by speaking and acting in terms that the latter can understand, the less wise will not find the claims of reason appealing, and their *animositas* will be held back. This in turn will impede their understanding of the value of co-operation, with the result that the freedom of the community as a whole will suffer. To avoid this outcome, the free man will do his best to enhance the *animositas* of those around him by cultivating the qualities of the prophet, and interpreting and implementing his knowledge in a manner that makes it attractive and accessible. Freedom, as Spinoza conceives it, is therefore always dependent on the extent to which particular individuals and communities are able to imagine ways of life that embody the general truths revealed by reasoning, thereby bringing co-operation within reach.

Spinoza's sketch of how the free man negotiates with others offers us an insight into the way that reason and imagination can work together to enhance co-operation and liberty. If we now return to the sphere of government, we see that a sovereign who has some understanding of the nature and purpose of the state needs to pursue a comparable policy. Just as free men aim to accommodate the passions of the people with whom they have dealings, sovereigns do best to accommodate the passions of their subjects, while simultaneously doing all they can to encourage an appreciation of the benefits of obeying the law. As Gatens and Lloyd put the point, "the best authority structures are ones which are realistic about the need to regulate human passions without cancelling the capacity for all to develop reason."<sup>6</sup> There is, however, an important difference between the individual and political cases. Whereas a free man's pursuit of freedom is shaped by his obedience to the law, the main arena in which sovereigns aim to marry imagination and understanding is precisely that of legislation. In exercising their legal authority, they are guided by whatever knowledge of nature they possess; but they will only succeed in making the law acceptable and effective if they take account of their subjects' imaginative grasp of their own condition. And for this, as we have seen, they need a share of the skills pre-eminently possessed by prophets.

## II SECURITY, FREEDOM AND DEMOCRACY

If we accept this account of the sovereign's task, we can move on to consider whether there are reasons for thinking that democratically

<sup>6</sup> Gatens and Lloyd 1999: 120.

organized societies are better adapted to the cultivation of security and freedom than states with other kinds of constitution. To put the question in the terms we have been examining, is there any reason to think that, when sovereignty rests with all the people, the law can be imaginatively represented in a way that is particularly compelling, and therefore moves subjects to obey it more willingly than otherwise? One way to reach an answer is to continue to pursue the implications of Spinoza's account of the free man. To begin with, we need to put aside the limiting case of a community made up of individuals who are so perfectly co-operative that they no longer have a use for coercion, and therefore in a sense have no need of the state. Following Spinoza's lead, we can view this condition as the unrealizable culmination of a schematically represented process in which human beings who are passionate and prone to conflict (and who therefore need a sovereign with power to coerce them) create ways of life in which they can be progressively more free. The question then is whether there is anything in this process that inclines them in the direction of democracy.

We learn in the *Ethics* that freedom grows with rational understanding, which brings with it an appreciation of the need for co-operation. Free men co-operate, or join themselves to others in friendship (E 4 Appendix 11) because they realize that this is the best way to foster a community capable of developing the kind of knowledge that enables individuals to limit the damaging effects of their passionate dispositions. To some extent their undertaking is a matter of extending a community's shared understanding of universal laws of nature; but as we have seen, it is also a matter of creating circumstances in which local knowledge can be brought to bear on the task of harmonizing the desires of particular, historically situated individuals (TP 3.7). What, though, are the political implications of this project? According to Spinoza, the only systematic way to moderate the destructive effects of passion, and harmonize individual interests, is to live under a sovereign in a state (4p73). So what sort of sovereign will free men favour? Since their ultimate aim is to include each individual in the collective enterprise of devising a co-operative way of life, and since an absolutely crucial element of such a *modus vivendi* is the law, free men will presumably regard as optimal a system that gives every member of the community a voice in making legislation. Democracy will have the benefit of allowing each individual to raise the quality of political debate by contributing relevant items of knowledge. Furthermore, it will enable each individual to play a part in the imaginative task of formulating laws that make sense, and are therefore effective.

Given that each embodied human being differs from every other and has a history of their own, each imagines to some extent in their own way, and can bring a different experience to bear on the collective project of creating a way of life that is secure and free. Under a democratic constitution, a state therefore increases its chances of devising laws, and indeed other institutions, that are responsive to the values and desires of its subjects and are consequently likely to be willingly obeyed. (To put this point the other way round, excluding subjects from the task of contributing to legislation endangers the security of the state by increasing the risk that its laws may turn out to be unacceptable to some sections of the population, who will therefore have to be forced to conform to them.) In addition, a democratic state can use the imaginative capacities of all its subjects to articulate the benefits of its own particular form of co-operation under the law, and to work out ways of extending the liberty of subjects. To settle for a less inclusive form of constitution would therefore be to deprive the state of the very insights it needs in order to sustain and develop a secure and harmonious way of life. Subjects who appreciate the force of this argument will recognize that democratically made laws reflect both the rational and imaginative resources of the community, and are liable to be well adapted to its needs. They therefore have a general reason for obeying them. Furthermore, as members of the community, who share some aspects of its outlook and are comfortable with the terms in which law is justified and made intelligible, they are likely to find its particular laws relatively easy to accept and follow.

Spinoza encourages us to understand his account of the free man and the life he leads as an exemplar or model (E 4 Pref.). While it sets a moral standard that human beings may not be able fully to attain, it nevertheless provides a norm of perfection against which individuals and communities can measure and assess their own conceptions and enactments of the good life.<sup>7</sup> If we now consider what sort of political constitution would enable a community to approach this condition, we arrive at a complementary model of a democratic state. It holds out an image of a perfectly inclusive polity that is, like its moral counterpart, beyond human reach;<sup>8</sup> but in spite

<sup>7</sup> I am indebted here to a magisterial discussion of the role of this exemplar in Spinoza's ethics by Moira Gatens. See "Imagination, Religion and Morality: the Vicissitudes of Power in the *Tractatus Theologico-Politicus*" (unpublished). The view that the image of democratic society implicit in the *Ethics* functions as an exemplar offers a response to Verbeek's claim that democracy is for Spinoza a nostalgic ideal. See Verbeek 2003: 141.

<sup>8</sup> See Matheron 1994: 164.

of this, it serves as a means of thinking critically and creatively about politics.<sup>9</sup>

Although Spinoza does not explicitly advance the view that we should think about democracy in this manner, his account of the free man's way of life undoubtedly incorporates a strong pull towards a democratic state. In addition, the *Tractatus Theologico-Politicus* contains a different argument for democracy, not as the kind of state consonant with the rich forms of freedom that emerge out of the collective pursuit of understanding and co-operation, but rather as the type of constitution it would make sense to choose if one were in a state of nature. This argument follows the lines laid down by Hobbes, who had contended in *De cive* that "when men have met to erect a commonwealth, they are, almost by the very fact that they have met, a *Democracy*."<sup>10</sup> As soon as individuals in the state of nature come together to form a polity, they must agree to be bound by the will of the majority in choosing a sovereign to represent them; but in agreeing to this rule they have already in effect set up a democracy. Echoing this thought, Spinoza explains that, when individuals in the state of nature transfer their right to the community, "such a community's right is called a democracy, which can therefore be defined as a united body of men which corporately possesses sovereign right over everything within its power" (TTP 16.8). Moreover, a democracy is "the most natural form of state, approaching most closely to that freedom which nature grants to every man. For in a democratic state, nobody transfers his natural right to another so completely that thereafter he is not consulted; he transfers it to the majority of the entire community of which he is a part. In this way all men remain equal, as they were before in a state of nature" (TTP 16.11).

Here the emphasis is not so much on the collective benefit of giving all subjects a voice in the process of making the law as on the individual

<sup>9</sup> This interpretation offers a way to understand Spinoza's claim that "absolute sovereignty, if such a thing exists, is really the sovereignty held by the whole people." (TP 7.3). Compare Negri 1997. In keeping with the interpretation offered here, Balibar describes democracy as "the 'truth' of every political order, in relation to which the internal consistency, causes and ultimate tendencies of constitutions can be assessed" (Balibar 1998: 33).

<sup>10</sup> "When men have met to erect a commonwealth, they are, by the very fact that they have met, a *Democracy*. From the fact that they have gathered voluntarily, they are understood to be bound by the decisions made by the agreement of the majority. And that is a democracy, as long as the convention lasts, or is set to reconvene at certain times and places. For a convention whose will is the will of all the citizens has sovereign power. And because it is assumed that each man in this convention has the right to vote, it is a Democracy . . ." Hobbes 1998: 94 (ch. 7, sect. 5). Kinch Hoekstra points out that Hobbes is talking here about the origin of "commonwealths by institution" and not "commonwealths by acquisition," and is therefore not claiming that all commonwealths start out as democracies. See Hoekstra 2006: 207–09.

disadvantage of being excluded from this process. The argument invites us to address the issue in the light of our natural inclination to conceive of ourselves as separate individuals, and to focus on the question of how best to maintain our right or power. When we view ourselves in this light, we are led to see that democracy is in a sense the most minimal form of state, where individuals retain as much right as possible. And from the perspective of the state of nature, this is the state to choose. "In a community where sovereignty is vested in all the citizens, and laws are sanctioned by common consent," each person can bind themselves to follow the law, and in a sense no one need obey it, "since obedience consists in carrying out orders simply by reason of the authority of one who commands" (TTP 5.9). If we put this argument together with the case for democracy as a political ideal, democracy emerges, conceptually speaking, as the first and last form of state. It marks the most natural transition from the state of nature because it best preserves our natural right; and it is also most consonant with the forms of freedom that emerge from the shared understanding and mutual co-operation of subjects.

Why, then, are there any non-democratic states? When Hobbes addresses this question in *De Cive* he outlines the various transfers of power through which democracies can be transformed into aristocracies or monarchies.<sup>11</sup> Spinoza approaches the problem from a different angle by dwelling on the gap between a principled defence of democracy and the qualities that are in practice needed to create and sustain a democratic sovereign. As we have seen, it takes a certain imagination and understanding to realize a democratic way of life, and in communities where this is lacking the form of life will be unsustainable. So even if we allow Hobbes's point that some political societies start out as democracies, a democratic constitution will only endure if a particular community is able to maintain it. Although the potential benefits of democracy militate in its favour, they do not by themselves ensure that a given political society will be attracted by them, or guarantee that existing democratic states will be successful. Everything will depend on the history and circumstances of the relevant community and its members.<sup>12</sup> Spinoza illustrates these points

<sup>11</sup> Hobbes, *On the Citizen*, ch. 7, sects. 8 and 11 (Hobbes 1998: 95–96).

<sup>12</sup> Matheron argues that obstacles to democracy are always external to the power of the multitude. "The existence of every non-democratic regime is explained by the conjunction of two factors: on the one hand, the power of the multitude, which desires to live in common agreement, which consequently attempts to find a terrain of understanding among all its members, which thus attempts to organise itself into a democracy; and on the other hand, external causes that prevent it from directly realising this tendency and obligate it to satisfy it by diverted paths and by resorting to a mediator" (Matheron

by appealing to various historical cases. First, democracies are not always stable. For instance, when the Jews escaped from slavery they proved psychologically unequal to self-government and, out of fear, abandoned their attempt to form a democracy in favour of a kind of theocratic monarchy under the rule of Moses (TTP 17.7). Or to take another example, this time mentioned in the *Tractatus Politicus*, a democracy may turn itself into an aristocracy by deciding to exclude a class of aliens from government (TP 8.12).<sup>13</sup>

In neither of these cases is it clear that Spinoza regards the movement away from democracy as a turn for the worse. He praises the Jewish state as exceptionally peaceful, and long-lived; and, judging from the *Tractatus Politicus*, he is also convinced that well-designed aristocracies can be stable and harmonious (TP 8.9). Transitions from a more to a less inclusive form of constitution are therefore not necessarily to be deplored, and in some circumstances a non-democratic form of government may be better able to guarantee security, and thus a degree of liberty, than a democratic one. Equally, transitions in the other direction are, in Spinoza's view, not always beneficial. For example, when the English executed their king and set up a republic in 1649, they turned out to lack the understanding and imagination needed to make their new constitution stable, and after a short time reverted to a monarchy (TTP 18.8).<sup>14</sup> On the whole, then, "every state must necessarily preserve its own form, and cannot be changed without incurring utter ruin" (TTP 18.10).

In assessing a state of any type, we therefore need to consider how successfully its sovereign is fulfilling its task. (How far is it managing to make laws that are obeyed, and how lively is its subjects' sense of the benefits of co-operation?) As a claim about security, this view makes a certain amount of sense; but as a claim about the freedom with which security is supposed to be yoked, it may be harder to accept. Surely, one might object, the subjects of an absolute ruler such as Moses, who play no

1997: 217). I think this interpretation underestimates the extent to which the obstacles that prevent states from moving towards a freer way of life can in Spinoza's view be constitutive of what Matheron calls the power of the multitude, rather than external to it.

<sup>13</sup> The Aristotelian view that different constitutions suit different societies was not uncommon in seventeenth-century Holland. For example, it was advocated in the 1640s at the University of Leiden by Franco Burgersdijk, who argued that, although democracy is by nature the most imperfect form of state, there can be conditions where it is preferable to the alternatives. The same view was defended a decade later by Boxhorn, who held that no particular form of government was the best in all circumstances. See Burgersduik 1686: 189–90 (cited by Blom 1995: 97). See also Boxhornius 1657: 4 (cited by Wansink 1981: 100).

<sup>14</sup> The harm purportedly done by the English civil war is even more vividly portrayed by De la Court: 1662: Part III, Book III, ch. 6.



role in making the law, are bound to be less free than those of a democratic sovereign. Still worse, didn't the prophetic basis of the Jewish state encourage utter subservience to God and Moses, thus holding back the growth of understanding? To appreciate Spinoza's response, we need to distinguish his model of ideal democracy from the particular democratic societies that have been, and might be, established in the course of human history. Subjects whose way of life approaches the standard of the first will indeed possess more freedom than is possible under an absolute monarchy or indeed any other form of non-democratic constitution; but Spinoza's examples, together with his warnings about the way that passions such as fear and the need for admiration can undermine political stability, remind us that democracies can also fail. Where a democratic sovereign and subjects cannot between them create basic forms of security, and therefore find themselves in a situation that they experience as unacceptably precarious, they may as a matter of fact abandon their constitution for one that is less inclusive. Furthermore, it is possible that, under their new form of government, they may achieve forms of co-operation that were lacking earlier on, and constitute an increase in freedom.

To summarize the arguments discussed so far, there are according to Spinoza two reasons why effective democratic constitutions are in principle desirable: they enable individuals to retain as much of their natural right as possible; and they provide optimal political circumstances for cultivating a free way of life. In practice, however, historically situated polities may or may not be able to realize these potential advantages, because each is shaped by its own history and traditions, which will always play a major part in determining the kind of constitution it can achieve. Appealing to the democratic ideal, we can distance ourselves from these constraints and assess some societies as more free than others. But once we come down to earth, we are bound to recognize that a theocratic, monarchical or aristocratic constitution may deliver all the freedom that a particular community is at that time capable of attaining. To take the starkest of Spinoza's examples, when the Jews emerged from slavery they could only co-operate effectively under threat of divine punishment, and were not in a position to exercise the liberty that comes with voluntarily obeying the law. The form of freedom they enjoyed was limited; but it was nevertheless the most they could manage to achieve (TTP 2.15). If we now extrapolate to less extreme circumstances, where a non-democratic community already has a way of life that gives its members some appreciation of the benefits of co-operation, we can see that its constitution need not be inimical to freedom. Non-democratic constitutions are therefore not

always destructive of liberty. On the contrary, they may protect it, and provide the conditions for its enhancement.

### III THE LIMITS OF FREEDOM

A troublesome feature of this argument is the implicit suggestion that the subjects of any state, however oppressive, can be said to be free. Is there, then, a lower boundary of liberty, below which a political community that has not yet disintegrated is nevertheless so dysfunctional that its sovereign can be described as failing to provide security and freedom for its subjects? To put the point differently, what is it to live under a sovereign and yet be *unfree*? Drawing on a republican discourse stemming from Roman Law, Spinoza couches this question in terms of the difference between subjects and slaves. Will people say, he wonders, that subjects who are bound to obey the sovereign have in effect been reduced to a condition of slavery (TTP 16.10)? A long line of republican writers had defined a slave as someone who is subject to arbitrary power, and had argued that a sovereign exercises arbitrary power when it is in a position to enforce laws to which its subjects have not consented. For example, when a monarch makes use of prerogative powers it turns its subjects into slaves; but when the citizens of a republic are bound by laws to which they have agreed, including laws licensing punishment, they remain free men.<sup>15</sup> Spinoza both appeals to and modifies this position by implicitly reinterpreting its understanding of the distinction between arbitrary and non-arbitrary power. In order to determine whether subjects are free men or slaves, he argues, one must ask whether the law serves the common good. If it does, subjects remain free. Only when the law fails to meet this condition are they enslaved. By implication, then, a sovereign whose laws serve the common good does not exercise arbitrary power, and its capacity to coerce its citizens does not remove their liberty.

This argument is open to more than one interpretation. Concentrating on what they call the democratic *conatus* within Spinoza's philosophical system, commentators such as Negri and Matheron have inferred that only a democratically made law can serve the good of the community as a whole.<sup>16</sup> In order to be a free man, one must play a part in making laws

<sup>15</sup> See Skinner 1998.

<sup>16</sup> See for example Matheron 1997: 216–17, and Negri 1997: 227–28: "In Spinoza the conception of the magistrate and the magistracy . . . is absolutely unitary . . . Just as each subject is a citizen, so each citizen is a magistrate – but the magistracy is the moment of revelation of the highest potential of unity and freedom."

that bind each individual to act “for the common good, and thus for his own good” (TTP 16.10). This reading accords with Spinoza’s image of exemplary democracy, and helps to explicate the rich form of freedom that such a polity can guarantee. However, it neglects a crucial dimension of Spinoza’s discussion. The question concerning him in this stretch of the *Tractatus Theologico-Politicus* is whether the coercive power of the law removes subjects’ freedom, and his answer is that subjects are not enslaved unless the law fails to uphold the common good. If it were the case that the common good is protected only when the law is made by a democratic sovereign, then the only way to escape slavery would be to live in a democracy. But this is not the conclusion Spinoza draws. Instead, he appeals to the analogy between a sovereign and a father to indicate how it is possible for subjects to be free while also being bound to obey laws they have not made. Fathers, Spinoza assumes, have a paternal duty to look after their sons by directing them to act in ways that will benefit them, and sons are correspondingly obliged to obey their fathers’ commands. When a son fails to recognize that it is in his interest to do what his father tells him, his father may force him to obey, and in these circumstances he is subject to coercion. But as long as his father has his interests at heart, he is not enslaved.<sup>17</sup> Similarly, a sovereign may have to coerce individuals into obeying the law; but as long as it enforces laws that protect the welfare of the people, it rules over subjects rather than slaves.

This argument secures the possibility that subjects can be free in non-democratic states by setting a minimum standard for what is to count as liberty. It therefore offers a means to characterize the inhabitants of at least some aristocracies and monarchies as free. In addition, however, it provides a way to justify the view that some subjects should be prohibited from contributing to the business of legislation. Spinoza’s analysis of the relationship between fathers and sons presumably also applies to the various classes of people who, even in the democratic constitution broached at the end of the *Tractatus Politicus*, are held to be ineligible to play a part in making the law: servants, minors, wards, women, poor men, aliens, criminals and other dishonourable persons.<sup>18</sup> Individuals who fall into these categories are excluded from politics. Yet as long as the law secures the common good and thus their own good, they remain free. Some of them,

<sup>17</sup> This argument rides on a Latin pun. Sons who are not enslaved remain *liberi*, which can be translated both as ‘free persons’ and as ‘children’.

<sup>18</sup> These exclusions are sometimes glossed over. See for example Israel 2001: 260. Their incongruity with other aspects of Spinoza’s philosophy is powerfully illuminated by Gatens 1996, and discussed by Montag 1999: 83–86.

such as married women and servants, have simultaneous duties to obey other authorities, such as husbands or masters; but although this gives them a distinctive legal status, it does not of itself turn them into slaves.

In defining the lower boundary of a free way of life, Spinoza offers sovereigns and subjects a guiding principle: if slavery is to be avoided, the law must uphold the common good. However, as we have come to expect, this principle stands in need of interpretation. In making the law, a sovereign relies on its imaginative capacity to envisage legal arrangements that it and its subjects can recognize and accept as a credible representation of the common good; and where it is successful, subjects will be able to conceive of themselves as free. Drawing on the *Ethics*, we can envisage an ideal democracy where the sovereign, constituted by the whole body of the people, guarantees its own common good. Not only does each subject participate in making legislation, but because the members of the community appreciate the advantages of co-operation, they do all they can to devise laws that reconcile divergent desires and enhance their collective efforts to enrich their own freedom. In his other works, however, Spinoza offers a more cautious account of what it takes to satisfy his conception of political liberty. The *Tractatus Theologico-Politicus* defends the view that sovereign monarchs and aristocratic assemblies need not enslave their subjects, and may provide them with as much freedom and security as they are capable of attaining. The *Tractatus Politicus* offers us an image of a democratic constitution where only a proportion of male subjects make the law, and represent the voices of politically invisible classes such as women and servants. Here, then, a subset of the population is exclusively invested with the capacity to determine the common good.

So while democracy functions for Spinoza as an exemplar or ideal on the basis of which we can try to enlarge our freedom, he also holds that it can only exist in certain circumstances. The secure freedom that states should aim to create depends on the understandings and imaginations of particular communities, and only some of them are in a position to sustain a democratic way of life. Where the resources needed to manage this are lacking, a community may maximize the freedom and security available to it under a non-democratic constitution. A sensitivity to the imaginative demands of politics therefore shapes Spinoza's view of constitutional forms such as monarchy and aristocracy. But in a different way it also moulds his treatment of democracy itself.

Against the inclusive spirit of his democratic exemplar, the *Tractatus Politicus* defends what is to modern eyes an incomplete form of democracy. This limitation is worth examining; for although, as many commentators

have pointed out, it is unsurprising that Spinoza should hold the view he does, his account of the democratic state nevertheless provides a vivid illustration of the extent to which our freedom depends on our imaginative capacities. As we have seen, Spinoza's philosophical writings contain a subtle and suggestive exploration of the role of imagination in politics. Nevertheless, when he comes to envisage a democracy – a society in which the whole body of the people makes laws that answer to the common good – he excludes a large segment of the population. The body of the people, as he interprets it, just *is* a community of propertied men, and the implication that the common good can be upheld by the laws they make does not appear to cause him any disquiet. Viewed from the perspective of the democratic ideal, this interpretation embodies a grave imaginative failure; it falls short of envisaging the kind of truly inclusive democracy in which, as we learn from the *Ethics*, freedom and security are most fully realized. But it also illustrates one of Spinoza's most central claims: that successful democracies crucially depend on the imaginative abilities of their sovereigns and subjects, and that lack of imaginative power is among the chief factors that hold them back.<sup>19</sup>

<sup>19</sup> I am deeply grateful to Moira Gatens and Quentin Skinner and to Theo Verseeck and his colleagues at the University of Utrecht for their comments on an earlier draft of this paper.