



SPINOZA ON FREEDOM, INDIVIDUAL
RIGHTS AND PUBLIC POWER

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Abstract

This paper aims at contributing to a better understanding of Spinoza's most conspicuous political doctrines: his rejection of classical contractualism, his doctrine of the equivalence of right and power; his description of the limits of government either as logical limitations or as restrictions, not of power, but of impotence, and his defence of democracy as the most natural and most rational form of the state. Also, two alleged paradoxes that permeate Spinoza's political thought are solved: the conflict between a naturalistic approach and a discourse whose purpose is to shed light on the grounds of political legitimacy, and the tension between the dynamics of freedom and the dynamics of power. Far from obsolete, Spinoza's political philosophy comes to light as able to meet the demands of the contemporary world.

Keywords: *Democracy; Freedom; Hobbes; Natural Rights; Public Power*

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Libertad, derechos individuales y poder público de acuerdo con Spinoza

Resumen

El objetivo de este artículo es arrojar luz sobre las doctrinas políticas más significativas de Spinoza: su rechazo del contractualismo clásico, la tesis de la equivalencia de derecho y poder, la descripción de los límites del gobierno bien como limitaciones lógicas o como medios para garantizar la independencia y el poder del estado, y su refrendo de la democracia como la forma más natural y racional de constitución política. Además, se resuelven dos paradojas que, supuestamente, amenazan con desarticular su pensamiento político: el conflicto entre una perspectiva naturalista y un discurso que pretende alcanzar los fundamentos de la legitimidad política, y la tensión entre la dinámica de la libertad y la del poder. El resultado es una vindicación de la relevancia de la filosofía política de Spinoza para el mundo contemporáneo.

Palabras clave: Democracia; derechos naturales; Hobbes; libertad; poder público.

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Introduction

The now prevailing lack of interest in Spinoza's political philosophy stems from two pervasive misconceptions: (i) the belief that he was a thinker whom practically no one read, understood or was influenced by, namely, that Spinoza was a thoroughly isolated and lofty thinker, a spider who carefully weaved a web of abstract concepts detached from experience and unconcerned about practical questions; and (ii) the entrenched view of him as a «revisionist Hobbesian» (Curley, 1996: 318), that is to say, as a reactive thinker who came accidentally (as it were, after second thoughts) to politics and whose political opinions are minor discrepancies within a general framework borrowed from Hobbes. Consequences are obvious: Spinoza is a second-order political thinker, one who doesn't stand comparison with the members of the so-called «great tradition»: Hobbes, Locke and Rousseau.

The first misconception came to obscure the reality that he was actually a socially and politically highly engaged thinker, a philosopher concerned with human self-fulfilment from the early phase of his philosophical career (*Treatise on the Emendation of the Intellect*),¹ who not without reason

¹ Practical concerns are core constituents of the Rationalist tradition rooted in Descartes. The therapeutical aims of the Cartesian method are to force the exercise of uncorrupted reason (both in the arenas of intellectual and practical affairs), and to overcome every sort of personal disintegration and self-alienation, be it an epistemic divorce between the subject and his beliefs or an ethical division between the subject and his actions. It makes sense to

entitled his mayor work *Ethics*, and who was both an active participant in the religious and political turmoil which led to the murder of the brothers De Witt and to the overthrow of the Dutch Republic, and a tactical and strategic ally of fringe Christians (especially Collegians and Socinians) and Cartesians.² Moreover, this misunderstanding plays down the importance of Spinoza in shaping the characteristic values of modernity. It obscures the facts that he was the silent inspirer of radical Enlightenment from Bayle and Toland to Condillac,³ and the founder of secular Bible's hermeneutics. In the *Theological-Political Treatise* (which provoked a strong reaction and was condemned together with the works of Hobbes), he distinguished sharply between reason and faith, denying that the Bible is the source of truth, arguing that it is a text among others, a document compiled from different authors with incompatible beliefs and world-views, and disparaging prophets as men gifted, not with a sound intellect, but with a powerful imagination able to present in a vivid form moral truisms.

At least, the second misunderstanding is plausible. Not only was Spinoza an attentive reader of Hobbes, but there are unquestionable similarities between them: (i) an unflinching advocacy of the mechanical philosophy which results in the ambitious programme of explaining man and society in terms of motion and power (according to natural causes), that is to say, in the project of creating a true science of politics; (ii) a shared rejection of the entire scholastic understanding of the will as one of the faculties of the human mind, the faculty which enables us *freely* to will and thereby freely to act, and which gives us «an absolute power to determine ourselves» (Spinoza, 2000: 39; G III: 277); (iii) the use of contractual terminology which, in the case of Spinoza, is conspicuous in the *Theological-Political Treatise*, although not completely absent from the *Political Treatise*; (iv) a pessimistic attitude regarding the function of reason in human affairs and the role played by private virtues in the political arena; and (v) the description of the commonwealth as the exclusive bearer of *absolute power*, a power which Hobbes concentrated in one point (the juridical person of the sovereign), and which Spinoza extended to the political body as a whole.⁴ Spinoza himself seems to minimize his divergences with Hobbes when addressing this very issue. He writes to Jarig Jellis:

view Spinoza's political reflections as the natural development of the ethical worries that permeate Descartes's latter writings. For Cartesian therapy, see Marlies, 1978: 89-113. For Cartesian ethics, see Naaman-Zauderer, 2010: 178-204.

² *Cfr.*: Balibar, 1998: 51-56.

³ *Cfr.*: Israel, 2001: 258-274.

⁴ *Cfr.*: Spinoza, 2000: 44; G III: 282.

«As regards political theories, the difference which you inquire about between Hobbes and myself, consists in this, that I always preserve natural right intact, and only allot to the chief magistrates in every state a right over their subjects commensurate with the excess of their power over the power of the subjects. This is what always takes place in the state of nature.» (Spinoza, 1901: 369; G IV: 238-239)

Nonetheless, scholars stress the similitudes between Hobbes and Spinoza at their own peril.⁵ I want to call attention to three facts.

(i) In the text just quoted Spinoza implicitly repudiates the very foundations of Hobbes's political system: the description of the political covenant as a *transference of power*, and the subsequent equivalence between nominal power (power *de iure*) and real power (power *de facto*) in which is grounded the Hobbesian identification of absolute and personal power. According to Spinoza, concentrated power is equivalent to weakness (individual power). In other words: Spinoza accuses Hobbes of smuggling moral notions and transcendental elements into his naturalistic approach.

(ii) Spinoza's political philosophy stems from the key conceptions of his metaphysics: the definition of God's freedom as *freedom from constraint*, that is, the equivalence between free actions and actions which follow solely from the *internal laws* of the nature of the thing which acts;⁶ the rejection of conventional moral concepts from physics and thereby from the physics of the commonwealth (what we could dub *robust atheism projected to politics*); and the notion of *conatus*, namely, the impetus or striving to persevere in its being which constitutes «the actual essence of the thing» (Spinoza, 1992: 3p7; G II: 146).

(iii) If we paid attention to Spinoza's political works we'd see that they are peppered with approving comments to and implicit quotations of Livy, Sallust and, over all, Tacitus. If we took into account that these historians traced the subversion of the republican *civitas libera* (free commonwealth) and its collapse into the servitude of the empire, that they were concerned about the long-term psychological consequences of abject servitude, and that they proposed a theory of political liberty which was one of the most powerful theoretical weapons used by the English Parliament against the King and which Hobbes successfully tried to discredit and supersede, we'll be able to identify the true affiliations of Spinoza and, of course, the sources of his deep rejection of Hobbes.

⁵ Cfr: Della Rocca, 2008: 210.

⁶ Cfr: Spinoza, 1992: 44-46; G II: 61-63.

What I'm suggesting is that Spinoza's political system stands on its own, that it is a coherent development of his metaphysical and methodological principles, and that Spinoza's confrontation with Hobbes is at the very best accidental. But insofar as Hobbes's conception of liberty has risen to present prominence, I think that the English philosopher is the perfect foil to Spinoza too. The objective of this paper is to identify the deepest root of Spinoza's most conspicuous political doctrines: his rejection of contract and individualism, his doctrine of the equivalence of right and power, his identification of rights and laws, his description of the limits of government either as logical (physical) limitations or as restrictions, not of power, but of impotence, and his defence of democracy as the most natural and most rational form of the state. His whole politics develops in an intelligible and coherent way from his concept of freedom, a notion closely related to Nietzsche's *will to power*.

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I want to be clear from now, including a disclaimer. Although I'm not attempting to conceal my sympathy for Spinoza, I'll try to avoid confrontation as far as possible. My motto will be: «not to laugh at or lament over or despise, but to understand» (Spinoza, 1992: 102; G II: 138). Obviously, I'll try to win a case, but not a case against the truth of Spinoza's claims, but against their importance. This is rooted in a firm conviction that Spinoza's strategies are effective for clearing the current muddle which political theory has become, a muddle brought about by a motley collection of dualisms. At the very least we could learn from him that the metaphor of social contract offers no real payoff.

Hobbes's Concept of Freedom

Hobbes's revolutionary approach to liberty surfaces as soon as he considers situations in which we are *forced to choose*, that is, those situations in which we feel that we are acting under duress. His favourite instance of such a predicament, one which he cites both in *The Elements of Law* and in *Leviathan*, and which he borrows from Aristotle, is the case of a man who, to save his person, «throweth his goods into the Sea» (Hobbes, 1985: 262). Contrary to the scholastic philosophers represented by Bramhall in his debate with Hobbes, who defended that free agents are moved to act by reason as opposed to passion and that to act out of appetite (including fear) was not to act as a free man, and thereby that in the cited case the action was not altogether voluntary, Hobbes states that this action is «altogether voluntary» (Hobbes, 2008: 71), and that the man acted «very willingly» (Hobbes, 1985: 262).

At first sight Hobbes's answer is deeply counter-intuitive. Let us consider, for instance, questions related to equivalent situations: Is it a voluntary action for a Muslim minor to marry a man when the alternatives are prison or death? Is it a free decision for a nation to surrender territory when the alternative is total destruction and annihilation? Nonetheless, it stems from a subtle and detailed analysis of the conditions of freedom, one whose objective is to demonstrate that *fear and freedom* and that *subjection to political power and freedom* are compatible. The first thesis validates a covenant out of fear. The latter attempts to undermine the claim that being a subject and being a slave are the same condition under two different descriptions. According to Hobbes, the advocates of this opinion were men «that in their youth having read books written by famous men of the ancient Grecian and Roman commonwealths concerning their polity and great actions; in which books the popular government was extolled by the glorious name of liberty (...); they became thereby in love with their forms of government» (Hobbes, 2007: 3).

In order to circumscribe the problem faced by Hobbes, and to be fair to the minute arguments deployed by him, it is apposite to make some preliminary distinctions:

(i) Hobbes's object of scrutiny is *law*, its nature, function and limits. Laws constitute a *prescriptive or normative* framework, a framework that enforces subjects to do or not to do certain things. But «law» is an ambiguous term, which applies with different meanings to the fixed rules governing nature and to the conventional norms regulating a commonwealth. Natural laws are inescapable, but, because of this, they are not restrictions of freedom: as omnipotence is not limited by God's inability to make something to be and not to be at the same time, human freedom is not limited by natural or logical contradictions. But conventional laws are traditionally conceived as *impediments that take away freedom*, as restrictions akin to chains or physical obstacles that prevent us of doing (against our will) what we could otherwise do. Hobbes's goal is to demonstrate that conventional laws are not external impediments of freedom. Which means that he must show how laws can be enforced at all, and, over all, what is this freedom that allegedly laws take away.

(ii) The analysis of freedom is thus required by the very question faced by Hobbes: Are freedom and law compatible? The first step towards its solution is Hobbes's celebrated distinction between *ability (power)* and *freedom*.⁷ In order to illustrate this point, let us consider an example. Had prevented a

⁷ Cfr: Hobbes, 1985: 261-262.

blizzard my reaching Madrid and my taking a flight to England, my will to be this night in Eastbourne had been frustrated. In such a case, I hadn't been free to be reading this paper. But if English were «all Greek to me», to say that I wasn't free to read this paper would be absurd: in this latter case, I would lack the capacity of reading English, something very different from being impeded to do it. «Free» and «unfree» are thus adjectives that only apply to actions *within my power*. Lack of freedom must be distinguished from lack of ability: we lack freedom only when an action within our powers has been rendered impossible, when we cannot do what we are able to do.

(iii) But «freedom» is an ambiguous word, a term which can refer either to the suspension of judgment (and of action) previous to the end of a deliberation (liberty as the weighting of reasons or appetites which defines the action of deliberating) or to the decision that brings deliberation to an end and that it is free insofar as it is *voluntary*.⁸ It is important to note this difference, since *freedom of judgment* is a capacity that, whatever could be the relation between the law and voluntary action, the sovereign is unable to take away, an ability that cannot be suppressed or surrendered and which constitutes one of the basic conditions of liberty. The question of political freedom does not arise here. In other words, laws are *external* impediments (restrictions of action) or no impediments at all. The divide between the internal (freedom of judgment) and the external (freedom of action) is common ground for Hobbes and Spinoza. But while Hobbes interprets it as an argument for arbitrary power, Spinoza reads it as a severe check on power: since freedom of judgment cannot be suppressed in the civil state, liberty of thought makes *judges* of subjects. According to Spinoza, our will can be won by power, but it cannot be *convinced* by force. And a commonwealth whose foundations are not «the trust which is the first essential of a state» (Spinoza, 2007: 255; G III: 243) and the «obedience» which is «the steadfast will to carry out orders enjoined by the general decree of the commonwealth» (Spinoza, 2000: 62; G III: 296), is not a commonwealth at all.

We are in position now to appreciate the ingenious analysis of freedom provided by Hobbes, and to understand the inescapable political conclusions that it entails:

(i) Insofar as one is not free (or unfree) for contradicting natural laws or for suppressing his nature, actions will be free if they are within our power and if they are voluntary. Whether or not externally impeded, voluntariness of action is what makes *agents* of individuals. In other words, all free actions are voluntary but not every act of volition is *per se* free. Freedom can be

⁸ Cfr: Hobbes, 2008: 12.1.

taken away in two senses: either because action is not voluntary or because a willing act is impeded by external causes. I wouldn't be free for arriving here under a blizzard, but the blizzard doesn't take away my will to be here.

(ii) What is the meaning of «being an agent»? What are the sufficient conditions of a voluntary act? First of all, *deliberation*, namely, the exercise of the capacity of weighting alternative courses of action that, according to Hobbes, is shared by humans and animals. Actions that don't proceed from deliberation, either because they are out of blind impulse or because they are mechanical responses, are involuntary and thereby they are *acts* beyond the proper scope of freedom or its negation. In second place, *will*, that is to say, «the last appetite» (Hobbes, 2008: 12.2) which brings deliberation to an end, and which makes of a given course of action something decided by me.

It is important to pay attention to some aspects of this description: (a) According to Hobbes, the will is not a ghost faculty independent of particular acts of volition, a metaphysical faculty able to keep decisions in suspense and to terminate deliberation out of nothing. In this respect he subscribes a compatibilist view of freedom, claiming that «liberty and necessity are consistent» (Hobbes, 1985: 263). (b) Antecedents of action are always constituted by passions, which take the form either of appetites that induce us to act or of fears that hold us back from acting. We could say that for Hobbes reason is never a *motive* for action, that reason is a lieutenant of passions, a thwarted dwarf which, on the shoulders of a blind giant, cannot move on its own. This doesn't mean that it doesn't have a role. After all, it makes available different alternatives. But this role is ancillary: the final action stems from appetites. (c) Insofar as voluntary actions proceed from passions and fear is a passion, one is not acting against his will when acting out of fear. Moreover, since the ultimate fear (fear of violent death) is always the last movement of deliberation, the aversion which cancels the entire chain of appetites, those who act out of this overwhelming weight are acting «very willingly» indeed. Therefore, contracting out of fear of violent death and submitting to law out of fear of punishment are paradigmatic voluntary actions. Laws don't take away agency. Laws are brought about voluntarily.

(iii) But are laws external impediments of voluntary action? Are they external constraints on motion, which prevent us from acting in agreement with our will? Insofar as fear is clearly not an example of an external impediment, and that laws are not physical chains, but norms enforced by *fear of the consequences* of wrongdoing, they do not take away freedom to act, namely, they are in no way analogous to «banks, or vessels» (Hobbes, 1985: 262) impeding water to flow at liberty. Laws take away neither our capacity to transgress the law nor the actual power to perform the

transgression: this is why one always can act against the law. A citizen only is a slave insofar as he is actually deprived of movement by physical impediments, that is, insofar as he is acting under compulsion. Hobbes treats as a sufficient condition of being a free-man that we should be free from interference as *a matter of fact*, a condition met by a commonwealth where the sovereign keeps his subjects unchained and where he rules by fear, that is to say, by law. A subject is not a slave, since he is not impeded to do or not to do. Subjection to arbitrary power is not servitude, since the actions of every honest citizen always are voluntary and free.

I would like to finish this point correcting a common mistake. Since Hobbes described the political covenant as a covenant of *authorization*, the effect of which is to turn every subject into the author of all the actions performed by the sovereign in their names, it is usual to hold that for Hobbes it would be self-contradictory to disobey or resist the sovereign in any way, since no one can act *against his own will*. I think that the last expression is ambiguous, and that it would be wise to replace it by «No one can *freely* act against his will».

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What I'm meaning is that, although we have conceded for the sake of the argument that it is possible to transgress the law freely, namely, that, since the law is not an external impediment of whatever action, lawless actions are free because unimpeded, it is important to note that *lack of impediment* is a *necessary but insufficient* condition for freedom. Freedom is a predicate only of *voluntary actions*. Which means that, since voluntary actions stem from deliberation, and the ultimate fear is that which brings deliberation to an end, lawful actions are the only ones that are voluntary and free. Criminals and rebels think that they are acting in agreement with their wills, but they are acting *out of impulse*, unimpeded but unfree. In the name of a fictional freedom they have debased themselves to a condition worse than that of animals. This is why one can act against his will without contradiction (according to a sense of «acting» or «doing» where one is acting without being a genuine agent),⁹ but it is self-contradictory to act *voluntarily* against one's will, namely, against the sovereign's will. It is relevant to note that reason (understood as the capacity of judgment) is quite important for Hobbes. *No judgment, no freedom*: the controversy between Spinoza and Hobbes is rooted in this motto. Curiously, such an extreme «rationalist» as Spinoza accused Hobbes of putting on the shoulders of deliberation a weight it cannot carry or throw away: the entire commonwealth.

⁹ In the case of functionally assessable states (such as the reflex kick under the doctor's mallet where the patient kicks the nurse), it makes sense to say that the patient does something even if it is not a voluntary doing, one attributable to him as *his* doing.

Spinoza's Conception of Liberty

It would be a mistake to detach Spinoza's political theory from his contribution to ethics. It would be a much bigger mistake to think of his ethics as a paradigmatic example of Stoicism, namely, to hold that Spinoza was an advocate of a higher will presiding *like a king* over his appetites, of a external principle of control or will to refrain set above nature and able to bring spiritual anarchy to an end. A coherent atheist to the end, Spinoza clearly stated that «repentance is not a virtue» and that «he who repents of his actions is doubly unhappy or weak» (Spinoza, 1992: 4p54; G II: 250). Enemy of every kind of dualism, his rejection of a political body held together by a king external to it stems coherently from his repudiation of unnatural and autonomous psychological faculties.

In order to make clear what are for Spinoza the necessary conditions of political liberty and to understand why he entirely subverts the foundations of Hobbes's political system, I'm going to briefly comment some of the key concepts pertaining to his metaphysics and to his ethics:

(i) The *nature of a thing* is the *collection* of appetites and aversions that constitute its *internal essence*, namely, those affections with which one (if he is a sentient being) is *internally and intimately related*, that one is not free for supressing without also supressing his individuality. The thing considered in its nature is an exemplary thing, one that acts as it acts because it is its nature to do so. When it is a human, the exemplar expresses and discloses himself in his actions. He is, in short, *one with himself*, one whose most natural state is to obey a thousand fold internal laws that precisely on account of their hardness and determination defy all formulation through concepts. Let us pay attention to this point: complexity doesn't entail fragility; on the contrary, it is the very fabric of nature and the very source of enrichment and power.

(ii) *Conatus* is the striving to welfare that constitutes the nature of all things whatever. *Conatus* and essence are equivalent because power (*conatus*, welfare) is nothing else that *faithfulness to oneself*. The term *conatus* is ambiguous, since it refers to the striving to power and to the power defined as being one with oneself. But this ambiguity is only apparent: one who acts out of *conatus* is acting out of himself; *conatus* is not the cause, but the symptom or expression of welfare (a expression whose weight can decrease or increase according to circumstances, but which, insofar as one is still alive, cannot be suppressed): «We call 'good' and 'evil' that which is useful to, or harmful to, preserving our being, that is, what increases or decreases, aids or represses, our power of acting» (Spinoza, 1992: 4p18s; G II: 222).

Striving is something that *a thing always does*, whether it meets interference or not. A thing's contribution to any effect of which it is a

partial cause can be understood in terms of its striving to remain in the same motion. Likewise, for Spinoza's metaphysical doctrine, a given singular thing's contribution to any effect of which it is a partial cause, even a harmful effect, can be understood in terms of its striving to persevere in being. As, when a rock in fact moves in a circle, we should nevertheless conceive of its contribution to that motion as a tendency to proceed in a straight line, so when a person does something selfless or self-destructive, we should nevertheless conceive of that person's contribution to that action in terms of striving for perseverance.

(iii) *Reason* is not a repressive or unnatural faculty whose function is to impose an external order on chaotic instincts, a stronger counter-tyrant opposed to the tyranny of affections. On the contrary, it is one element *among others* in the sum of natural drives which constitutes the essence of the individual, an element whose function is not to suppress, but to *integrate* those very instincts in such a way that they don't oppose each other and thereby that they don't put in jeopardy the whole for which they are indispensable. Reason is thus the capacity of instincts for *self-organization*, the principle able to produce a totality whose multiplicity is nonetheless the converse of chaos. It is not opposed to *conatus*, but *conatus* itself. It is not opposed to power, but power itself.¹⁰ In short, reason is the drive to health.¹¹ Obviously, wise men consciously following the path of reason for self-creation are rare. Nonetheless, since the goals of nature and the goals of reason are the same, nobody goes against reason when acting out of his nature. Common men do not act out of self-knowledge, but, following their instincts, they always act *in accordance with reason*. On the other hand, wise men regulate their lives paying attention to pleasure and discomfort.

(iv) *Freedom* is obedience to oneself, namely, a way of life defined by harmony between who we are and what we do. One who is free is one who has become what he is. The criterion of freedom is perfect welfare, that is, *blessedness*. And blessedness entails an *affirmative attitude*, a hearty *assent*

¹⁰ According to the early Rationalists, degrees of reality and degrees of rationality are commensurate. To be irrational means for a contradiction not even to be a candidate to existence. At the other end of the scale, that God's inexistence is impossible means that God is the paradigm of *ens rationalis*. It is not therefore surprising that for Spinoza increasing of power and independence is tantamount to increasing of rational status, and inversely, that the weaker the organism (and society is an organism of sorts) the lower its rational evaluation. For this point, see Lebuffe, 2010: 222-224.

¹¹ The application of this model to those negative passions that decrease our power, and that under the general label of "pain" (*tristitia*) Spinoza defines as the passive transition of the mind to a state of less perfection, is more restrictive. Reason's role regarding these passions is one of disalienating therapy.

to life and to oneself. On the contrary, hatred and resentment are a symptom of servitude, impotence and self-alienation (one who is in bondage is one who is an empire within an empire).

(v) *God* is equivalent to Nature and to Life itself. The voice of God within us is nothing else than the voice of our essence, the voice of the power which, in a limited way, is part and parcel of the infinite power of God. Discomfort means alienation from nature and from God. Welfare is, on the contrary, beatitude. A most extreme repudiation of Christian morality cannot be found in Western philosophy before Nietzsche. It is not by chance that the latter, after reading Spinoza, had exultantly wrote: «I have a precursor, and *what* a precursor!» (Nietzsche, 1969: 89).

What are the political consequences following from this metaphysical framework?

The main result is the distinction between a *voluntary action* and an *action out of freedom*, namely, the introduction of a second concept of freedom: freedom as «acting from the necessity of his own nature» (Spinoza, 2000: 41; G III: 279) or as self-realization, and the resultant redefinition of what it means to be an agent. The entire *Political Treatise* is entailed by this thesis.

It is important to note that, according to Spinoza, freedom doesn't require *deliberation*. In other words, that deliberation is not a *necessary condition* of freedom. God, lacking a personal mind but acting from the sole laws of his essence (thoroughly unimpeded), is the paradigmatic case of absolute freedom of action. A rock acts with complete liberty insofar as it follows its natural tendency to move in a straight line. In this sense, to be an agent is not equivalent to act voluntarily, but to act according to internal necessity.

Neither is deliberation a *sufficient condition* of freedom. One can act «very willingly» and still be a *partial cause* of his action, namely, and still be only partially free. It is important to remember here that, insofar as it exists, striving is something that a thing always does. Which means that there is a *common ground* in all happenings: the striving of the thing to persist in its being; and thereby that freedom (nature, agency) always contributes to any effect, whether the natural movement of the thing is impeded or not.

The ethical and political consequences of this doctrine are obvious:

(i) Suicide does not stem from a drive to self-annihilation. On the contrary, it is the response of the striving to be to overwhelming interference, the consequence of a predicament where the individual is forced by unbearable circumstances to choose between two forms of personal disintegration: physical or psychological (and so painful) self-annihilation.

(ii) He who is acting under duress is able to act against his *long-term* interests insofar as he is fighting to persevere. In this sense, the action of

the man who, to save his person, threw his good into the sea, is altogether voluntary, but not altogether free. His action stems from *impotence*, and not from internal necessity. Better expressed: his action is the result of essence adapting itself to impediments. And impediments bring about *short-term interest*, namely, willing actions. Willing actions are accidental, fragile, unstable and conditional. Free actions are constitutive, «eternal», stable and unconditional.

(iii) It is irrelevant whether impediments are external or internal. The man acting out of fear is not less bound (and impotent) than the slave kept in chains. The important thing is that, since there is a gap between who he is and what he does, since he is not acting out of hearty consent, since he is compelled by an alien power to do or not to do, since «human life» is not «just the circulation of the blood and other features common to all animals» (Spinoza, 2000: 62; G III: 296), since *possible interference* is as restrictive as interference as a matter of fact, he is a slave. This is why ideology, namely, abstract moralism as opposed to a morality highly sensitive to the texture and quality of human behaviour, is a constitutive element of the political mechanism of repression.

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(iv) A human being does have the capacity of submitting to force, but he is unable to give himself away. We are not free for choosing our nature. This is why, although power can force us to acquiesce, it is unable to force us to love or to revere; why, when Hobbes and Spinoza talk about liberty of judgment, their meanings are different. For Spinoza liberty of judgment is liberty to consult our long-term interests, that is, the human capacity to become detached from a repressive political power, to be, through decrease or increase of power, the true measure of legitimacy. In this respect, arbitrary power always alienates his subjects, from itself and from themselves. It creates a gap between public performance and private judgement, a chasm where contempt, discomfort, protest and rebellion find their most congenial surroundings. «It is far from possible to make everyone speak according to a script» (Spinoza, 2007: 255; G III: 244). It is enough a cursory glance on Gibbon for understanding why a state unsupported by his people is doomed. Obedience is the most reliable criterion of a just commonwealth, of a commonwealth that holds *absolute power* insofar as his subjects have not become powerless by fear. The power of the commonwealth is equivalent to the power of its subjects. The most stable commonwealth is that where freedom cannot be suppressed.

(v) Contractual theories are wrong because: (a) power (essence) can't be transferred (a man is not free for giving himself away); (b) fear, which is the cause of the overthrowing of states, cannot be the cause of

the their formation; (c) a man who acts out of fear is the enemy of the man of whom he is afraid, and the latter (the arbitrary sovereign) is in state of war with his subjects: which means that a commonwealth such as the one described as Hobbes is as impossible as Hobbes's natural state; (d) insofar as when causes of fear disappear men return to their «natural motion», if Hobbes's description of the origins of the commonwealth were correct, the overthrowing of a tyrant would entail the dissolution of society; but societies are not dissolved by revolutions, and commonwealths don't follow the fate of their governments: which means that the origins of society must be rooted in nature, and not in convention, that is to say, that if internal necessity (hearty consent, assent as agreement with oneself) is that which keeps bound the political body, it is also the very root from which it stems.

In short: too ephemeral, the causes ascribed by Hobbes to the commonwealth *under-determinate* their effects. If the striving to power rules Nature, if men cannot survive and cannot flourish alone, if security is the result of living by common law, if life is preserved and enhanced by common power, the commonwealth cannot be an external impediment of freedom. It has to be our destiny, one of the laws inscribed within our hearts. This is why, although civil society does not proceed from explicit reasoning, it is in agreement with reason. Laws are the voice of reason when reason is idle. This is true naturalism: the abolition of dualisms projected to politics.

Hobbes didn't pay attention enough to the distinction made by the ancient Pyrrhonians between two kinds of assent: external approval and full consent. He also forgot that, in order to avoid be detached from themselves, in order to have a live of their own, human beings don't repress their beliefs.

Hobbes's political theory is naturalized Platonism: good for automata, harmful for men.

Two supposed paradoxes

Taken out of context, some highly charged expressions of the *Political Treatise* are prone to make the reader to shiver. «The law of Nature forbids nothing at all except that which is not within anyones's power to do» (Spinoza, 2000: 45; G III: 282). «The right of the state (...) is determined by the power not of each individual but of a people which is guided as if by one mind» (Spinoza, 2000: 48; G III: 284-285). «The individual citizen does nothing and posses nothing by right beyond what he can defend by common decree of the commonwealth» (Spinoza, 2000: 48; G III: 285). These catchwords could easily be picked out of a Totalitarian treatise written by an advocate of an omnicompetent and omnipresent state whose only

limitations are the limits of its power to enforce laws. They seem too close to Rousseau's notions of «social compact» and «General Will» for comfort, namely, too close to the proposal of a power not the least absolute, total, and penetrating for its declared roots in the people, a power capable to curtail anything resembling free associations and spontaneous social ties, and whose function is mainly a *transcendental* one: to purify people, to cleanse them of the false wills, desires and attitudes which history has implanted in their minds and personalities, to psychologically reconstitute them.

Spinoza viewed as an irregular pioneer who goes in front of the regular forces of revolution, as the first defender of permanent revolution: it is enough to remember that he coherently divorced the private virtue of «freedom of spirit or strength of mind» (Spinoza, 2000: 36; G III: 275) from the state's virtue of security; that he considered it was ill-advised to change the form of the state (regicide as an invitation to tyranny); that he was a staunch supporter of liberty of thought, of speech and of press; that he defined a repressive law as that which inhibits spontaneous feelings and actions; and that he designed a minute system of checks and balances in order to avoid the concentration of power either into a Church, a party, a dictator, a corporation or an enthusiastic rabble; for exposing as a caricature whatever Rousseauian account of Spinoza we could be in love with.¹²

In this sense, the texts just cited mean something very different from what they seem to mean. The first text reminds us that, since one cannot give his nature away, the law of Nature is unable to prevent freedom of judgment, and hence that «love» and «reverence» cannot be compelled. In this respect, he is fixing the *absolute and natural limits* of the state: hearty consent on the part of its subjects. The second quotation stresses the same fact, stating that a commonwealth is the most powerful the most it is supported by common assent, namely, that a state whose actions «arouse general indignation» (Spinoza, 2000: 52; G III: 288) is doomed. Finally, the last remark states that men can never enjoy the rights of an uncivil state, and therefore that they have power (rights) insofar as they count on the common power. Private property is not a natural right that sets the fixed limits of public interference. On the contrary, since common power is the very condition of property, no one can be a proprietor without being a subject to law too. Because the proprietor owes everything he possesses to the commonwealth, his refusal to pay taxes is an invitation to self-destruction: trying to minimize the state he is undermining the very structure

¹²For an early and highly influential Marxist reading of Spinoza's political philosophy, one that is the paradigmatic example of what is usually called "Red Spinozism", *cf.*: Matheron, 1969: 612.

that makes his rights possible at all; acting out of short-term interest he is conspiring against himself.

This notwithstanding, scholars¹³ never fail to point to two alleged paradoxes weaved into the very fabric of Spinoza's political theory:

(i) He obviously designed a system of checks and balances in order to prevent tyranny, but it's equally obvious that he was a staunch supporter of a commonwealth whose power was *absolute*. Moreover, he explicitly defended that «the completely absolute state» is that «which we call democracy» (Spinoza, 2000: 135; G III: 358). The questions are: How is it possible without contradiction to establish a cunning layout of obstacles and hindrances in order to restrict power, and yet to be an advocate of unlimited power? How is it possible to conciliate two opposite principles: republicanism and absolutism?

(ii) Spinoza's political thought endeavours to maximize individual liberty under the state, in such a way that he considers that «the true purpose of the state is in fact freedom» (Spinoza, 2007: 252; G III: 241). Nonetheless, he is also an extreme naturalist, a philosopher who considers that the notion of «natural inalienable rights» is absurd, that the only limits of political power are physical contradictions, namely, those things that a sovereign is *unable to do* (the only thing that the sovereign is forbidden to do is that which he is incapable to do: abstract and rule-like moral impediments are not impediments at all), and thereby that, unconcerned about questions of legitimacy, he seems to give full rein to coercing power while complaining of it. The dynamics of freedom seems the converse of the dynamics of power. Apparently, Spinoza wanted to follow both paths to reach the same point.

Spinoza's claims about freedom and power seem hopelessly confused and contradictory. Two main strategies seem available: to show that the contradiction is only apparent, or to admit the contradiction but to argue that its presence in Spinoza's work teaches us something important about both concepts. Edwin Curley has advocated the latter procedure, supporting a Hobbesian (bowdlerized) version of Spinoza. The first strategy has been deployed by those scholars who, underlining the difference between *potentia* (power) and *potestas* (authority), try to convince us of the fact that, although for Spinoza power constitutes the essence of every state, he defended that only commonwealths based on authority are legitimate. The problem is that, while Curley breaches the basic law of a reasonable interpretation: to attribute to a text the best position compatible with the relevant evidence about its meaning; Spinoza's defenders introduce a *moral* concept into a political

¹³ Cf: Balibar, 1998: 103-105.

theory whose aim is to eliminate moralism from the study of politics. It is clear that Spinoza uses the notion of «authority», but expunged of a moral sense: as power supported by people, that is, as absolute power.

My aim is to show that there is no contradiction, but not because Spinoza superimposed prescriptive terms onto the language of power. On the contrary, the dynamics of freedom and the dynamics of power are equivalent.

My objective is to demonstrate: (i) that the main obstacle to understanding Spinoza is the fact that moral concepts permeate our political beliefs, thus fostering the opposition between individual rights and public power; (ii) that Spinoza's language must be interpreted within a naturalistic framework: legitimacy as absolute power, absolute power as power supported by people, system of checks and balances as obstacles against impotence, and not as hindrances of power, and so on; (iii) and that, since *limits of power never are limitations*, namely, since the power of the sovereign is only curbed either by *physical impossibilities* or by facts which stem from *physical impossibilities*, civil state, absolute state, and state of freedom are three descriptions of the same condition.

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What I mean is that Spinoza's political thought endeavours to maximize individual liberty under the state by demonstrating the positive interaction between man's individual and collective interests and the power of the sovereign, that, in Spinoza's view, the state's true strength and stability depends on the willingness of citizens to identify with, participate in, and support it. A commonwealth out of freedom is an absolute commonwealth.

This position is not too far from Chomsky's: «When you eliminate the one institutional structure in which people can participate to some extent – namely the government- you're simply handing over power to unaccountable private tyrannies that are much worse» (Chomsky, 2011: 263). And we could add: that are much worse *because they are much weaker*. Nevertheless, there is an important dissimilarity: for Spinoza to ultimately aiming at the elimination of the state (something which constitutes the final objective of an anarchist such as Chomsky) is both harmful and preposterous. In this matter he is much closer to the old English motto: *liberty under the law*. As a matter of fact, no other liberty is possible.

The limits of political power

Two theories of rights are prominent in the contemporary landscape of political philosophy. On the one side, the *moral* theory of inalienable natural rights rooted in the metaphysical nature of human beings and which fix the absolute limits of political power, a theory that goes back to Suárez

and Locke, is still widely accepted, whether as a true account of the human condition or for utilitarian reasons. On the other side, authors of a most naturalistic frame of mind who want to conserve rights and yet to keep uncommitted about their metaphysical foundations, are prone to define rights as «demands of recognition», that is, to state that rights are forms of life, desires and interests that are accepted by the whole society insofar as a particular creed, race, lobby or sexual orientation is *powerful enough* to gain freedom from the state. This conception, forcefully defended by James Fitzjames Stephen (Stephen, 1991: 118), stems from a view of the state as a conflict of forces that implies the negation of absolute liberty insofar as each force restrains the others. According to this view, a commonwealth is nothing else than the fragile *equilibrium* of conflicting interests, the delicate balance between common law and particular rights.

It is obvious that Spinoza's position is incompatible with the moral conception of human rights. But he also had fiercely rejected the second account. For, at least, two reasons: (i) because it shares with the moral theory of rights the assumption that rights and laws are *necessarily in conflict* (a new form of dualism concealed within a secular language); and (ii) because it makes a state of war of the state, thinking of the commonwealth as a true *miracle* always about to collapse into nothingness. Unlike Rousseau, Spinoza was not a puritan attempting to impose a common and austere morality. Demands of recognition are not the problem. The problem is that they are not snatched from law, but implied by law. Absolute liberty is not impossible because men tend towards opposing each other, but because they tend towards living together. Spinoza's point is that absolute liberty (the supposed liberty of a tyrant) is not power, but impotence. Men are not forces restricted by law. They become forces insofar as they live under the law.

This point brings us into the very core of this topic: Why are individual freedom and public power logically co-dependent concepts, concepts that come *in tandem*?

The solution is entailed by Spinoza's naturalistic conception of the limits of civil law. They are limits that are not limitations, namely, they are not restrictions impeding actions that the sovereign is able to do, but physical and logical contradictions that, insofar as nobody has the capacity to do, nobody feels restrained for not doing. One of these physical limits is the capacity of judgment, which nobody is free for surrendering, «for what rewards and threats can induce a man to believe that the whole is not greater than its parts, or that God doesn't exist, or that the body, which he sees to be finite is an infinite being, in short, to believe something that is contrary to what he perceives or thinks?» (Spinoza, 2000: 51) A second limit is our «affective

equipment», namely, the objects that we will or avoid: compelled by force or moved by interest, everyone is able to pretend a feeling, but no one is able to feel *at will*, to feel what he is not feeling. The basic principle of political power stems from these two impossibilities: ultimately the governors can only rule if they get the support of *public opinion*, no matter how many guns and armies they rely on. This is true of the most despotic societies and of the freest. If the majority of the population don't accept things, the rulers are finished. This third impossibility could be dubbed *impossibility of ruling without general consent*. Spinoza was the first political thinker in paying minute attention to the power of public opinion, the first to identify the deepest source of power and the deepest cause of impotence.

30 But that general consent is the essential requirement of power means that, whatever could be the form of the state, *people are the true depository of power*. A fourth impossibility follows from this fact: *power is inalienable and incapable of being usurped by or transferred to a private citizen (or to a conglomerate of private citizens)*. Which means that, insofar as sovereignty and power are equivalent, people always are the true sovereign, and that rulers only are the administrators of the power of the commonwealth (which is the power of people), and not the logical subjects of power. It is important to note that, according to Spinoza, people are never free for giving power away, and not because they could not will to commit political suicide, but because private judgement and public opinion are imperishable: one cannot change his nature at will. People are unable either of willingly transferring power to a private citizen or of voluntarily contracting in such a way that they renounce future judgement, accepting as their «eternal will» the will to surrender their opinions to the «General Will» and to purify themselves from their human condition. Nothing is more alien to Spinoza than Rousseau's transcendental utopia of community.

It is usually said that Spinoza was a factualist, namely, that he defended that power is a self-justificatory concept, that power is legitimate insofar as it is power. As far as it goes, this remark is correct. Nevertheless, this thesis doesn't make of Spinoza a supporter of tyrants. Not because tyrannies hold power, but are lacking of authority, but because they are both the effect and the cause of weakness, because, attacking people, tyrants isolate themselves from the source of power. As human beings acting out of impotence and resentment make a virtue (humbleness) of a necessity (weakness), arbitrary «sovereigns» make a virtue (display of force) of a vice (lack of consent). In this sense, every commonwealth that is not supported by people is powerless, and hence its right decreases in direct proportion to the increasing of its

violence. Display of force is the illusion of power and the reality of impotence. In short, one can be a full-fledged naturalist and yet to show that, since a government alienated from its subjects is like a house of cards which is going to collapse under the slightest pressure, factual government is not the same as factual power, and therefore that the king who is seating on a vulnerable throne is always about to fall down. Power is self-justificatory, but it cannot be confounded with violent reaction out of fear. Usurpers are forbidden by natural law. Because it is inalienable, true power never is illegitimate.

This account is capable of reconciling the dynamics of power and of freedom, transforming Spinoza's political system into a coherent theory. Nonetheless, attentive readers could legitimately raise two strong objections: (i) Maybe it is true that private governments are, according to a possible interpretation of the word, «powerless»; but as a matter of fact they hold power, that is to say, they are able to abuse their subjects, to plunder at will, to trample on civil rights, to break laws with impunity, and «to make a wasteland, and call it peace» (Spinoza, 2000: 62; G III: 296). Is not Spinoza compelled by his own logic to state that, insofar as the only things that a government is forbidden to do are those that it is unable to do, governments acting out of violence are acting out of right? Is not he trying to smuggle prescriptive notions into a naturalist framework whose inescapable consequence is the cult of naked force? (ii) Maybe it is true that public opinion is the source of power, but public opinion is easily controlled and manipulated. In other words, governments and corporations too easily can either divert the rage and the frustration of people to convenient scapegoats or create a situation where subjects are all equal, equally lacking in the right to control their own fate, all capable of being passive, apathetic, obedient consumers and workers. This explains why the population submits to private rulers, even although power is always in the hands of the governed. It is enough a cursory glance to well-known military interventions under the banner of democracy (as a matter of fact, acts of aggression) to see how easily a population whose fears are cunningly aroused can bless the very hand of those who are the scourge of their fatherland. Was Spinoza an idealist, a utopian, an armchair philosopher blind to real politics?

In order to meet the first objection it is necessary to distinguish the *limits of doing* from the *limits of ruling*. Public opinion is not an external impediment of doing, but of ruling. A private governor (like a private citizen) is able to transgress a written or an unwritten law. In this sense, he is acting by right insofar as he is doing that which he is free to do. But a private government is unable (unfree) to keep power when it is acting against the general feeling of the commonwealth: this is a logical impossibility,

something forbidden by the laws of nature. Governments act out of violence at their own peril. In other words, a government has the right (the power, the capacity) to keep power insofar as they are supported by general consent, and it is this capacity, and not the capacity of acting out of physical force which is common to governments and criminals, what constitutes the criterion of political legitimacy: invulnerable power is not something that one is free for getting. Let us remind that the right to power is nothing else that capacity to keep absolute power. This is why rulers always try to control and to shape public opinion: because they know that, lacking popular support, they become private citizens, that is, they are rulers any more.

In order to meet the second objection it is apposite to pay attention to the laws governing the development of private tyrannies. Spinoza was fully aware of the means deployed by private governments to manipulate public opinion,¹⁴ but he thought that sooner or later these strategies undermine the very conditions of political power, leading to the collapse of the system. In this sense, he anticipated Marx's analysis of the paradoxes involved in a political structure based on possessive individualism.

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What I mean is that, according to Spinoza, private governments are incapable to gain the unflinching support of the population without losing their condition of private governments. When common fear ceases, common judgment returns, and no one can rule or can be ruled by permanent fear. What private governments whose biggest fear is fear of the power of people acting by common accord («guided as if by one mind») are able to do is to keep people away from the political arena, to keep them divided, entertained, closed in a private world, in short, to lock free associations and to restrict spontaneous social ties in order to keep population unaware of their common power. This is the only kind of consent that private governments can gain from their subjects: the consent of a herd. The only problem of this procedure is that, lacking the common power that they have destroyed, private tyrannies stand on their own, that they are doomed to be toppled in front of the indifferent eyes of a rabble unwilling and unable to support them. Whether meek or violent, private sovereigns only are able to delay their fate. This is their only right.

If we add that states that surrender to corporations whose only objectives are short-term benefits corrode the very fabric of civil society (general welfare), and hence that they undermine the very root of their power, we'll be able to appreciate why liberty, welfare and civil power are co-dependent notions. If we thought of Spinoza as too naive, let us think again: up to now,

¹⁴ *Cfr.* Spinoza, 2007: 256; G III: 245.

the best politics for the individual have being the politics of democracy and common welfare.

«The real agitators are those who attempt to do away with freedom of judgment in a free republic—a freedom which cannot be suppressed» (Spinoza, 2007: 258; G III: 246).

Conclusion

Along this paper I have suggested that it would be wise to apply a theory that Spinoza designed in order to raise robust safeguards against religious zeal and intolerance to our current predicament. Had Spinoza lived today, his main enemy had been corporations, not Churches. Corporations affect the cohesion, stability and orderliness of the state as well as individual liberty and freedom of thought. Nowadays they mark the difference between slavery and citizenship.

I also was anxious to underline that Spinoza's political thought cannot be claimed by the right or by the left. I am convinced that these notions are completely useless, and that they don't apply to Spinoza. On the one side, social democrat thinkers are too in love with the opposition between rights and laws and with notions taken from Rousseau to pay close attention to Spinoza. On the other side, true conservatives (those who, far from being supporters of unaccountable corporations, are rank and file members of Burke's commonwealth) could feel at ease with his political thought: his affection for the proliferating variety of human existence, the importance he concedes to obedience and reverence, his design of a system of balances in order to control arbitrary power, his reluctance to tamper with the forms of the state, his rejection of *international powers* independent of the commonwealth, and a closet Aristotelism of sorts that prods him to stress the positive, strong, and non-liberal claim that human beings are natural political animals, that is, that we are beings that achieve our full realisation only in terms of each other, -these aspects are things that a conservative is able to appreciate. In this respect, I would like to stress that for Spinoza the form of the government is irrelevant to democracy. Monarchy, aristocracy and popular government are susceptible of being democratic. Republicanism is the converse of arbitrary and private power, not the converse of a constitutional monarchy.

Making explicit the paradoxes of classical contractualism, the dualisms on which traditional theories of rights are based, and the intellectual delusions whose results are both aggressive individualism and transcendent utopias of a communism of minds, Spinoza bursts a conceptual framework that

only replaces the alienation of prejudices by the alienation of abstract and un-historical reason, making of academic political philosophy a useless and hermetic activity. Curiously, Spinoza's main teaching is that, insofar as essence and existence cannot be severed, the roots of a rational politics are necessarily particular and historical. His political thought does not fall under the attitude aptly described by Oakeshott as "rationalism in politics" (Oakeshott, 1991: 5-42), and so it may prove equal to the task of understanding the multifarious conflicts of a post-Enlightenment's world.

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