

POLITICAL TREATISE

in which it is shown how a community governed as a Monarchy or as an Aristocracy should be organised if it is not to degenerate into a Tyranny, and if the Peace and Freedom of its citizens is to remain inviolate.

CHAPTER I [Introduction]¹

[1] Philosophers look upon the passions by which we are assailed as vices, into which men fall through their own fault. So it is their custom to deride, bewail, berate them, or, if their purpose is to appear more zealous than others, to execrate them. They believe that they are thus performing a sacred duty, and that they are attaining the summit of wisdom when they have learnt how to shower extravagant praise on a human nature that nowhere exists and to revile that which exists in actuality. The fact is that they conceive men not as they are, but as they would like them to be. As a result, for the most part it is not ethics they have written, but satire; and they have never worked out a political theory that can have practical application, only one that borders on fantasy or could be put into effect in Utopia or in that golden age of the poets where there would naturally be no need of such. Therefore, while theory is believed to be at variance with practice in all practical sciences, this is particularly so in the case of political theory, and no men are regarded as less fit for governing a state than theoreticians or philosophers.

[2] Statesmen, on the other hand, are believed to aim at men's undoing rather than their welfare, and they have a reputation for cunning rather than wisdom. No doubt experience has taught them that there will be vices as long as there are men.² So while they seek to anticipate human wickedness, employing those arts which they have learnt from long experience and which men habitually practise when guided by fear rather than by reason, they appear to be the enemies of religion, especially so to theologians, who believe that sovereign powers ought to deal with public affairs according to the same moral principles as are binding on the private individual. Yet there can be no doubt that statesmen have written about political matters much more effectively than philosophers. For since ex-

Notes are by Steven Barbone and Lee Rice (main annotators for this work) and translator Samuel Shirley.

¹ [Chapter titles in brackets were added by the editors of the TP.—S.B./L.R.]

² [Tacitus, *Histories* IV, lxxiv, 2.]

perience has been their guide, there is nothing they have taught that is remote from practice.³

[3] Indeed, I am fully convinced that experience has revealed every conceivable form of commonwealth⁴ where men may live in harmony, and also the means whereby a people may be governed or restrained within fixed bounds. So I do not believe that our researches in this field can lead us to anything not at variance with experience and practice that has not already been discovered and tried. For human nature is such that men cannot live without some common code of law,⁵ and such codes have been instituted and public affairs conducted by men of considerable intelligence, both astute and cunning. So it is hardly credible that we can conceive anything of possible benefit to the community that opportunity or chance has not already suggested and that men engaged in public affairs and concerned for their own security have not already discovered.

[4] Therefore in turning my attention to political theory it was not my purpose to suggest anything that is novel or unheard of, but only to demonstrate by sure and conclusive reasoning such things as are in closest agreement with practice, deducing them from human nature as it really is. And in order to enquire into matters relevant to this branch of knowledge in the same unfettered spirit as is habitually shown in mathematical studies, I have taken great care not to deride, bewail, or execrate human actions, but to understand them. So I have regarded human emotions such as love, hatred, anger, envy, pride, pity, and other agitations of the mind not as vices of human nature but as properties pertaining to it in the same way as heat, cold, storm, thunder, and such pertain to the nature of the atmosphere. These things, though troublesome, are inevitable, and have definite causes through which we try to understand their nature. And the mind derives as much enjoyment in contemplating them aright as from the knowledge of things that are pleasing to the senses.

[5] For this much is quite certain, and proved to be true in our *Ethics*, that men are necessarily subject to passions, and are so constituted that they pity the unfortunate, envy the fortunate, and are more inclined to vengeance than to compassion. Furthermore, each man wants others to live according to his way of thinking, approving what he approves and rejecting what he rejects. Consequently, since all men are equally desirous of preeminence, they fall to quarrelling and strive their utmost to best one another; and he who emerges victorious is more elated at having hindered someone else than at having gained an advantage for himself. And although all are convinced that religion, on the other hand, teaches that each should love his neighbour as himself, that is, that he should uphold another's right just as his own, we have shown that this conviction is of little avail

³ [The allusion is to Machiavelli, who also argued that the principles of public morality are not the same as those of individual ethics.]

⁴ [The Latin *civitas* is usually rendered "commonwealth" in what follows.]

⁵ [*extra commune aliquod jus*. This is the first time Spinoza uses the term *jus*, a very difficult term to render into the modern idiom. In what follows, *jus* is usually rendered as "law" or "right" depending on the sense and context of the passage in which it is used.]

against the passions. It is effective, no doubt, at death's door, that is, when sickness has subdued the passions and a man lies helpless; or again in places of worship where men have no dealings with one another; but it has no weight in law-court or palace, where it would be needed most of all. We have also shown that reason can indeed do much to control and moderate the passions; but at the same time we have seen that the path taught by reason is a very difficult one, so that those who believe that ordinary people or those who are busily engaged in public business can be persuaded to live solely at reason's behest are dreaming of the poets' golden age or of a fairy tale.

[6] So if the safety of a state⁶ is dependent on some man's good faith, and its affairs cannot be properly administered unless those responsible for them are willing to act in good faith, that state will lack all stability. If it is to endure, its government must be so organised that its ministers cannot be induced to betray their trust or to act basely, whether they are guided by reason or by passion. Nor does it matter for the security of the state what motives induce men to administer its affairs properly, provided that its affairs are in fact properly administered. Freedom of spirit or strength of mind is the virtue of a private citizen: the virtue of a state is its security.

[7] Finally, since all men everywhere, whether barbarian or civilised, enter into relationships with one another and set up some kind of civil order, one should not look for the causes and natural foundations of the state in the teachings of reason, but deduce them from the nature and condition of men in general. This I propose to do in the next chapter.

CHAPTER 2

[Natural Right]

[1] In our *Tractatus theologico-politicus* we dealt with natural right¹ and civil right,² and in our *Ethics* we explained what is sin, what is righteousness, what is justice, what is injustice,³ and what is human freedom.⁴ But to save the readers of this treatise the trouble of consulting other works for things that are most closely concerned with this treatise, I have decided to explain them here once more, presenting logical proof.

⁶ ["State" here translates the Latin *imperium* (from *imperare*, "to command"), which in principle refers to the administration of civil power. In Hobbes it is often translated as "sovereign" or "sovereignty," but the latter is preferable, since for both Hobbes and Spinoza the sovereign power is not a person, though its administration may be vested in one person or many.]

¹ [See TTP16/526–535.]

² [See TTP16/535.]

³ [See E4P37Schol2.]

⁴ [This is the general topic of E5.]

[2] Any natural thing can be adequately conceived, whether it actually exists or not. Therefore, just as the coming into existence of natural things cannot be concluded from their definition, so neither can their perseverance in existing; for their essence in the form of idea is the same after they have begun to exist as it was before they existed. Therefore, just as their coming into existence cannot follow from their essence, so neither can their perseverance in existing. The same power⁵ that they need in order to begin to exist, they also need in order to continue to exist. Hence it follows that the power of natural things by which they exist, and consequently by which they act, can be no other than the eternal power of God. For if it were some other power, itself created, it would not be able to preserve its own self, and consequently it would not be able to preserve natural things; it would itself stand in need of that same power to persevere in existing as it needed to be created.

[3] So from the fact that the power of natural things by which they exist and act is the very power of God, we can readily understand what is the right of Nature. Since God has right over all things, and God's right is nothing other than God's power insofar as that is considered as absolutely free, it follows that every natural thing has as much right from Nature as it has power to exist and to act. For the power of every natural thing by which it exists and acts is nothing other than the power of God, which is absolutely free.

[4] By the right of Nature, then, I understand the laws or rules of Nature in accordance with which all things come to be; that is, the very power of Nature. So the natural right of Nature as a whole, and consequently the natural right of every individual, is coextensive with its power.⁶ Consequently, whatever each man does from the laws of his own nature, he does by the sovereign right of Nature, and he has as much right over Nature as his power extends.

[5] So if human nature were so constituted that men lived only as reason prescribes and attempted nothing other than that, then the right of Nature, insofar as that is considered as specific to man, would be determined solely by the power of reason.⁷ But men are led by blind desire more than by reason, and therefore their natural power or right must be defined not by reason but by any appetite by which they may be determined to act and by which they try to preserve themselves. I do indeed admit that in the case of those desires that do not arise from reason, men are not so much active as passive. But since we are here discussing the universal power or right of Nature, we cannot acknowledge any difference between desires that are engendered in us by reason and those arising from other causes. For in both cases they are the effects of Nature, explicating the natural force whereby man strives to persist in his own being.⁸ Whether a man be wise or

⁵ [*potentia*.]

⁶ [This is probably a veiled critique of Hobbes, who distinguishes natural right from natural law (*De cive* XIV, 3), and argues that the latter, in contrast to the former, is prescriptive (*De cive* II, 1).]

⁷ [Another veiled critique of Hobbes, for whom natural right is defined in terms of 'right reason' (*De cive* I, 7).]

⁸ [*in suo esse*: The *conatus*, or drive for self-preservation, is the actual essence of the human individual, according to E3P7, and the source of both action and passion (E5P4Schol)]

ignorant, he is a part of Nature, and everything whereby a man is determined to act should be referred to the power of Nature insofar as this power is expressed through the nature of this or that man. For whether a man is led by reason or solely by desire, he does nothing that is not in accordance with the laws and rules of Nature, that is (Section 4 of this Chapter), he acts by the right of Nature.

[6] Yet most people believe that the ignorant violate the order of Nature rather than conform to it; they think of men in Nature as a state within a state. They hold that the human mind is not produced by natural causes but is directly created by God and is so independent of other things that it has an absolute power⁹ to determine itself and to use reason in a correct way. But experience teaches us only too well that it is no more in our power to have a sound mind than to have a sound body. Again, since each thing, as far as in it lies, endeavours to preserve its own being, we cannot have the slightest doubt that, if it were equally in our power to live at reason's behest as to be led by blind desire, all would be led by reason and would order their lives wisely, which is by no means the case. For everyone is drawn by his own pleasure.¹⁰ Nor do theologians remove this difficulty by maintaining that the cause of this weakness in human nature is the vice or sin whose origin was the fall of our first parent. For if the first man, too, had as much power to stand as to fall, and if he was in his right mind and with his nature unimpaired, how could it have come about that knowingly and deliberately he fell? Their answer is that he was deceived by the Devil. But who was it who deceived the Devil?¹¹ Who, I ask, caused the one who was the most outstanding of all intelligent creatures to become so insane that he willed to be greater than God? Did not he, who had a sound mind, endeavour to preserve himself and his own being, as far as in him lay? Again, how could it have come about that the first man himself, being of sound mind and master of his own will, allowed himself to be led astray and beguiled? If he had the power to use reason aright, he could not have been deceived, for, as far as in him lay he must have endeavoured to preserve his own being and his sound mind. But, by hypothesis, this was in fact within his power; therefore he must have preserved his sound mind and could not have been deceived. His history, however, shows this to be false; and so it must be admitted that it was not in the power of the first man to use reason aright, and that, like us, he was subject to passions.

[7] Now it is undeniable that man, like other individual things, endeavours to preserve his own being as far as in him lies. For if there could here be any possible difference, it would have to arise from man's having a free will. Yet the more free we conceived man to be, the more we were compelled to maintain that he must necessarily preserve himself and be of sound mind, as will readily be granted

⁹ [*potestatem.*]

¹⁰ [Vergil, *Eclogues* II, 65.]

¹¹ [On belief in the Devil and Spinoza's rejection of it, see KV2/25. For more on the story of Adam, see E4P68Schol; TTP4/430–433, Ep19.]

by everyone who does not confuse freedom with contingency. Freedom, in fact, is virtue or perfection; so anything that signifies weakness in man cannot be referred to his freedom. Therefore a man can certainly not be called free on the grounds that he is able not to exist, or that he is able not to use his reason; he can be called free only insofar as he has the power¹² to exist and to act in accordance with the laws of human nature. So the more free we consider a man to be, the less we can say that he is able not to use his reason and to choose evil before good; and so God, who exists, understands, and acts with absolute freedom, also exists, understands, and acts necessarily, that is, from the necessity of his own nature. For there is no doubt that God acts with the same freedom with which he exists. Therefore, as he exists from the necessity of his own nature, so he also acts from the necessity of his own nature; that is, he acts from absolute freedom.

[8] We therefore conclude that it is not in every man's power¹³ always to use reason and to be at the highest pitch of human freedom, but yet he always endeavours as far as in him lies to preserve his own being and (since every man has right to the extent that he has power), whether he be wise or ignorant, whatever he endeavours and does, he endeavours and does by the sovereign right of Nature. From this it follows that Nature's right and established order, under which all men are born and for the most part live, forbids only those things that no one desires and no one can do; it does not frown on strife, or hatred, or anger, or deceit, or on anything at all urged by appetite. This is not surprising, for Nature's bounds are set not by the laws of human reason whose aim is only man's true interest and preservation, but by infinite other laws which have regard to the eternal order of the whole of Nature, of which man is but a tiny part. It is from the necessity of this order alone that all individual things are determined to exist and to act in a definite way. So if something in Nature appears to us as ridiculous, absurd, or evil, this is due to the fact that our knowledge is only partial, that we are for the most part ignorant of the order and coherence of Nature as a whole, and that we want all things to be directed as our reason prescribes. Yet that which our reason declares to be evil is not evil in respect of the order and laws of universal Nature, but only in respect of our own particular nature.¹⁴

[9] Furthermore, it follows that every man is subject to another's right for as long as he is in the other's power,¹⁵ and he is in control of his own right to the extent that he can repel all force, take whatever vengeance he pleases for injury done to him, and, in general, live as he chooses to live.

[10] One man has another in his power if he holds him in bonds, or has deprived him of the arms and means of self-defence or escape, or has terrorised him,

¹² [*potestatem*]

¹³ [*potestate*. Contrast *potestas* with *potentia* which is the 'power' Spinoza speaks of at the end of this sentence.]

¹⁴ [Perhaps a veiled criticism of Grotius, for whom natural right includes the sense of moral justice.]

¹⁵ [Here and in the next paragraph the phrase is *sub potestate habere*—to have or gain control over something or someone]

or has so attached the other to himself by benefit conferred that the man would rather please his benefactor than himself and live as the other would wish rather than at his own choosing. He who holds another in his power in the first or second way holds only the other's body, not his mind; in the third or fourth way he has made the other's body and his mind subject to his own right, but only as long as fear or hope endures. When one or the other is removed, the man remains in control of his own right.¹⁶

[11] The faculty of judgment, too, can be subject to another's right to the extent that one man can be deceived by another. Hence it follows that the mind is fully in control of itself only to the extent that it can use reason aright. Indeed, since human power should be assessed by strength of mind rather than robustness of body, it follows that those in whom reason is most powerful and who are most guided thereby are most fully in control of their own right. So I call a man altogether free insofar as he is guided by reason, because it is to that extent that he is determined to action by causes that can be adequately understood solely through his own nature, even though he is necessarily determined to action by these causes. For freedom (as I have shown in Section 9 of this Chapter) does not remove the necessity of action, but imposes it.

[12] If a man has given his pledge to someone, promising only verbally to do this or that which it was within his right to do or not to do, the pledge remains valid for as long as he who made it has not changed his mind. For he who has the power¹⁷ to break faith has in reality not given up his right; he has given no more than words. Therefore, being by natural right judge of his own case, if he judges rightly or wrongly (for to err is human) that the loss resulting from the pledge he has given outweighs the advantage, his own belief will lead him to conclude that the pledge should be broken, and it is by natural right (Section 9 of this Chapter) that he will break his pledge.¹⁸

[13] If two men come together and join forces, they have more power over Nature, and consequently more right, than either one alone; and the greater the number who form a union in this way, the more right they will together possess.

[14] Insofar as men are assailed by anger, envy, or any emotion deriving from hatred, they are drawn apart and are contrary to one another and are therefore the more to be feared, as they have more power and are more cunning and astute than other animals. And since men are by nature especially subject to these emotions (as we said in Section 5 of the previous Chapter), men are therefore by nature enemies. For he is my greatest enemy whom I must most fear and against whom I must most guard myself.

¹⁶ [The Latin phrase is *sui iuris*, one of the most difficult seventeenth-century juridical phrases to translate adequately.]

¹⁷ [*potestatem*.]

¹⁸ [*fidem solvendam*, i.e., a breaking of faith or pledge. Spinoza does not use either *pactum* (contract) or *contractum* (treaty) here because these imply the presence of sanctions. Here he differs markedly from Hobbes, for whom the *civitas* arises by *pactum*.]

[15] Now (by Section 9 of this Chapter) every man in the state of Nature¹⁹ is in control of his own right just as long as he can guard himself from being subjugated by another, and it is vain for one man alone to try to guard himself against all others. Hence it follows that as long as human natural right is determined by the power of each single individual and is possessed by each alone, it is of no account and is notional rather than factual, since there is no assurance that it can be made good. And there is no doubt that the more cause for fear a man has, the less power, and consequently the less right, he possesses. Furthermore, it is scarcely possible for men to support life and cultivate their minds without mutual assistance.²⁰ We therefore conclude that the natural right specific to human beings can scarcely be conceived except where men have their rights in common and can together successfully defend the territories which they can inhabit and cultivate, protect themselves, repel all force, and live in accordance with the judgment of the entire community. For (by Section 13 of this Chapter) the greater the number of men who thus unite in one body, the more right they will all collectively possess. And if it is on these grounds—that men in a state of Nature can scarcely be in control of their own right—that the Schoolmen want to call man a social animal, I have nothing to say against them.

[16] When men hold their rights in common and are all guided, as it were, by one mind,²¹ it is certain (Section 13 of this Chapter) that each of them has that much less right the more he is exceeded in power by the others collectively. That is to say, he has in reality no right over Nature except that which is granted him by the communal right. For the rest, he is bound to carry out any command that is laid on him by communal consensus, or else (Section 4 of this Chapter) he may be rightly compelled to do so.

[17] This right, which is defined by the power of a people,²² is usually called sovereignty,²³ and is possessed absolutely by whoever has charge of affairs of state, namely, he who makes, interprets, and repeals laws, fortifies cities, makes decisions regarding peace and war, and so forth. If this charge belongs to a council composed of the people in general, then the state is called a democracy; if the council is restricted to certain chosen members, the state is called an aristocracy; and if the management of affairs of state and consequently the sovereignty is in the hands of one man, then the state is called a monarchy.

¹⁹ [*in statu naturali*. A more literal rendering would be “in the natural state,” but this may suggest to the modern reader a reading of presocietal conditions more close to Rousseau or Locke. The translation “state of Nature” has been used consistently in what follows.]

²⁰ [So Spinoza conceives the natural state as one of almost total bondage, in contrast to Hobbes, who regards it as a state of human freedom.]

²¹ [The Latin—*una veluti mente*—denotes a counterfactual condition, because civil society itself does not have a mind in the theoretical sense of this term deployed by Spinoza in the *Ethica*.]

²² [*potentia multitudinis*. In what follows, *multitudo* is usually rendered as “people,” the English term “multitude” having a somewhat pejorative connotation more akin to Spinoza’s term *vulgus*. The phrase is common in seventeenth-century juridical writings.]

²³ [*imperium*.]

[18] From what we have shown in this Chapter, it becomes quite clear that in a state of nature there is no sin; or if a man sins, he sins against himself, not against another. For no one is bound by the law of Nature to pander to another's humour unless he so chooses, nor to regard as good or bad anything other than what he decides is good or bad from his own way of thinking. And the law of Nature forbids nothing at all except that which is not within anyone's power to do. (See Sections 5 and 8 of this Chapter.) But sin is action that cannot lawfully be done. Now if it were the case that men are bound by Nature's ordinance to be guided by reason, then they would all necessarily be guided by reason; for Nature's ordinances are the ordinances of God (Sections 2 and 3 of this Chapter), which God has established by that same freedom by which he exists. These ordinances therefore follow from the necessity of the divine nature (Section 7 of this Chapter) and are thus eternal and inviolable. But the fact is that men are mainly guided by appetite devoid of reason; yet even so they do not violate Nature's order but necessarily conform to it. Therefore the ignorant or weak-willed man is no more bound by the law of Nature to live his life wisely than the sick man is bound to be of sound body.

[19] Therefore sin cannot be conceived except in a state, that is, where what is good and bad is decided by the common law of the entire state and where (Section 16 of this Chapter) no one has the right to do anything other than what is in conformity with the common decree and consent. For (as we said in the previous Section) sin is that which cannot lawfully be done, i.e., is prohibited by law, while obedience is the constant will to do what by law is good and what the common decree requires to be done.

[20] However, the term 'sin' is also commonly used of that which is contrary to the dictates of sound reason, and the term 'obedience' of the constant will to control the appetites as prescribed by reason. Now if human freedom consisted in giving free rein to appetite, and human servitude to the rule of reason, I would entirely agree with this. But since human freedom is the greater as a man is more able to be guided by reason and control his appetites, it would be incorrect to call the life of reason 'obedience', and apply the term 'sin' to that which is in fact a weakness of the mind rather than an instance of the mind's freedom from its own control, something through which a man can be called a slave rather than free. See Sections 7 and 11 of this Chapter.

[21] However, reason teaches men to practise piety²⁴ and to be calm and kindly in their disposition, which is possible only in a state. Moreover, it is impossible for a people to be guided as if by one mind, as is required in a state, unless its laws are such as are prescribed by reason. Therefore it is not so improper for men who are accustomed to live in a state to apply the term 'sin' to that which is contrary to the dictates of reason. For the laws of a good state (Section 18 of this Chapter) ought to be established in accordance with the dictates of reason. As for my say-

²⁴ [The term *pietas* denotes reverence or respect for law, and does not have an exclusively religious meaning. In classical contexts (Cicero or Vergil) it is often translated as "patriotism," and in Spinoza it is often taken to be the highest form of civil duty.]

ing (Section 18 of this Chapter) that man in a state of Nature, if he sins at all, sins against himself, see Chapter 4, Sections 4 and 5, where it is shown in what sense it can be said that he who holds the sovereign power and is possessed of the right of Nature can be bound by laws and can sin.

[22] As far as religion is concerned, it is also quite certain that the more a man loves God and worships him with all his heart, the more he is free and the more completely obedient to his own self. Still, when we have regard not to Nature's order — of which we are ignorant — but only to the dictates of reason as they concern religion (at the same time realising that these are revealed to us by God as though speaking within us, or that they were also revealed to the prophets in the form of laws) then, speaking in human fashion, we say that he who loves God with all his heart is obedient to God, and he who is guided by blind desire is a sinner.²⁵ But we must always remember that we are in God's hands as clay in the hands of the potter,²⁶ who from the same lump makes some vessels unto honour and others unto dishonour.²⁷ So a man can indeed act contrary to these decrees of God insofar as they have been inscribed as laws upon our minds or the minds of the prophets, but he cannot act against the eternal decree of God, which is inscribed on universal Nature and which takes into account the order of Nature in its entirety.

[23] Therefore, just as sin and obedience, taken in the strict sense, can be conceived only in a state, the same is true of justice and injustice. For there is nothing in Nature that can rightly be said to belong to one man and not another; all things belong to all, that is, to all who have the power²⁸ to gain possession of them. But in a state, where what belongs to one man and not to another is decided by common laws, a man is called just who has the constant will to render to every man his own; and he is called unjust who endeavours to appropriate to himself what belongs to another.

[24] With regard to praise and blame, we have explained in our *Ethics* that these are feelings of pleasure and pain accompanied by the idea of human virtue or weakness as a cause.²⁹

CHAPTER 3

[Sovereign Powers]

[1] The order maintained by any state is called civil; the body of the state in its entirety is called a commonwealth, and the public business of the state, under the

²⁵ [Perhaps a concession to Hobbes, who holds that men can sin against God even in the natural state (*De cive* I, 10).]

²⁶ [*in Dei potestate sicut lutum in potestate figuli.*]

²⁷ [Romans 9.21.]

²⁸ [*potestatem.*]

²⁹ [These are in fact not the definitions which Spinoza gives in the *Ethics*: See, by way of contrast, E3P29Schol.]

control of one who holds the sovereignty, is called affairs of state. We call men citizens insofar as they enjoy all the advantages of the commonwealth by civil right; we call them subjects¹ insofar as they are bound to obey the ordinances or laws of the commonwealth. Finally, as we said in Section 17 of the previous Chapter, there are three kinds of civil order, namely, democracy, aristocracy, and monarchy. But before I start to discuss each of these separately, I shall first point out those features that pertain in general to a civil order. Of these, the foremost to be considered is the supreme right of the commonwealth or of the sovereign.

[2] It is evident from Section 15 of the previous Chapter that the right of the state or of the sovereign is nothing more than the right of Nature itself and is determined by the power not of each individual but of a people which is guided as if by one mind.² That is to say, just as each individual in the natural state has as much right as the power he possesses, the same is true of the body and mind of the entire state. So the individual citizen or subject has that much less right as the commonwealth exceeds him in power (see Section 16 of the previous Chapter). Consequently the individual citizen does nothing and possesses nothing by right beyond what he can defend by common decree of the commonwealth.

[3] If a commonwealth grants to anyone the right, and consequently the power³ (for otherwise, by Section 12 of the previous Chapter, such a grant is of no practical effect), to live just as he pleases, thereby the commonwealth surrenders its own right and transfers it to him to whom it gives such power.⁴ If it gives this power⁵ to two or more men, allowing each of them to live just as he pleases, thereby it has divided the sovereignty; and if, finally, it gives this power⁶ to every one of the citizens, it has thereby destroyed itself, ceasing to be a commonwealth, and everything reverts to the natural state. All this is quite obvious from what has already been said. Thus it follows that it is quite inconceivable that each citizen be permitted by ordinance of the commonwealth to live just as he pleases, and consequently the natural right of every man to be his own judge necessarily ceases in a civil order. I say expressly, “by ordinance of the commonwealth,” for every man’s natural right (if we consider the matter correctly) does not cease in a civil order; for in a state of Nature and in a civil order alike man acts from the laws of his own nature and has regard for his own advantage. In both these conditions, I repeat, man is led by fear or hope to do or refrain from doing this or that. The main difference between the two conditions is this, that in the civil order all men fear the same things, and all have the same ground of security, the same way of life. But this does not deprive the individual of his faculty of judgment, for he who

¹ [order = *status*, civil = *civilis*, commonwealth = *civitas*, state = *respublica* citizens = *cives*, subjects = *subditi*.]

² [Again the counterfactual *veluti*.]

³ [*potestatem*.]

⁴ [*potestatem*.]

⁵ [*potestatem*.]

⁶ [*potestatem*.]

has resolved to obey all the commands of the commonwealth, whether through fear of its power or love of tranquillity, is surely providing for his own security and his own advantage in his own way.

[4] Furthermore, it is also inconceivable that every citizen should be permitted to put his own interpretation on the decrees or laws of the commonwealth. For if this were permitted to every citizen, he would thereby be his own judge, since it would be quite simple for him to excuse or to put a favourable gloss on his own doings with an appearance of legality. Consequently, he would adopt a way of living to suit only himself, and this (by the previous Section) is absurd.

[5] We see, then, that the individual citizen is not in control of his own right, but is subject to the right of the commonwealth, whose every command he is bound to carry out, and he does not have any right to decide what is fair or unfair, what is righteous or unrighteous. On the contrary, since the body of the state must be guided as if by a single mind⁷ (and consequently the will of the commonwealth must be regarded as the will of all), what the commonwealth decides to be just and good must be held to be so decided by every citizen. Thus, although a subject may consider the decrees of the commonwealth to be unfair, he is nevertheless bound to carry them out.

[6] But, it may be objected, is it not contrary to the dictates of reason to subject oneself entirely to the judgment of another? And, consequently, is not the civil order contrary to reason? And from this it would follow that the civil order is irrational and could be instituted only by men destitute of reason, not by men who are guided by reason. However, since reason teaches nothing contrary to Nature, as long as men are subject to passions (Section 5, Chapter 1),⁸ sound reason cannot require that each man should remain in control of his own right; that is to say (Section 15, previous Chapter) reason declares this to be an impossibility. Again, the teaching of reason is wholly directed to seeking peace, but peace cannot be achieved unless the common laws of the commonwealth are kept inviolate. So the more a man is guided by reason—that is (Section 11 of the previous Chapter), the more he is free—the more steadfast he will be in preserving the laws of the state and in carrying out the commands of the sovereign whose subject he is. Furthermore, a civil order is established in a natural way in order to remove general fear and alleviate general distress, and therefore its chief aim is identical with that pursued by everyone in the natural state who is guided by reason, but pursued in vain (Section 15, previous Chapter). Therefore, if a man who is guided by reason has sometimes to do, by order of the commonwealth, what he knows to be contrary to reason, this penalty is far outweighed by the good he derives from the civil order itself;⁹ for it is also a law of reason that of two evils the lesser should

⁷ [See Tacitus, *Annals* 1, xii, 4: “*Unum esse rei publicae corpus atque unius animo regendum.*” Spinoza adds “*tanquam*” (as if) to the characterization of the state guided by one mind.]

⁸ [As found in Gebhardt (1925, 286, line 19). “(Section 5, Chapter 1)” should change places with “(Section 11, previous Chapter).”—S.S.]

⁹ [Hobbes, *De civē* X, 1.]

be chosen. Therefore, we may conclude that nobody acts in a way contrary to what his own reason prescribes insofar as he does that which the law of the commonwealth requires to be done. And this everyone will more readily grant us when we have explained how far the commonwealth's power, and consequently its right, extends.

[7] The first thing to be considered is this, that just as in a state of Nature (Section 11, previous Chapter) the man who is guided by reason is most powerful and most in control of his own right; similarly the commonwealth that is based on reason and directed by reason is most powerful and most in control of its own right. For the right of a commonwealth is determined by the power of a people that is guided as though by a single mind. But this union of minds could in no way be conceived unless the chief aim of the commonwealth is identical with that which sound reason teaches us is for the good of all men.

[8] Secondly, we must also take into consideration that subjects are not in control of their own right and are subject to the commonwealth's right only to the extent that they fear its power or its threats, or to the extent that they are firmly attached to the civil order (Section 10 of previous Chapter). Hence it follows that all such things as no one can be induced to do by reward or threats do not fall within the rights of the commonwealth. For example, no one can surrender his faculty of judgment; for what rewards or threats can induce a man to believe that the whole is not greater than its parts, or that God does not exist, or that the body, which he sees to be finite is an infinite being,¹⁰ in short, to believe something that is contrary to what he perceives or thinks? Likewise, what rewards or threats can induce a man to love one whom he hates, or to hate one whom he loves? And in this category must also be included those things so abhorrent to human nature that it regards them as the worst of all evils, such as that a man should bear witness against himself, should torture himself, should kill his own parents, should not endeavour to avoid death, and the like, to which no one can be induced by rewards or threats.¹¹ If we still persist in saying that the commonwealth has the right or power to command such things, we can conceive this only in the sense in which it might be said that a man has the right to be mad or to rave. For what else but lunacy would such a right be when no one can be bound by it? Here I am speaking expressly of those things which cannot be part of the commonwealth's right and from which human nature for the most part recoils. For despite the fact that a fool or a madman cannot be induced by any rewards or threats to carry out orders, and that a few men, devoted to some religious cult, regard the laws of the state as the worst of all evils,¹² yet the laws of the commonwealth are

¹⁰ [This is perhaps a reference to the Incarnation, which Spinoza rejects: See Ep73.]

¹¹ [See Hobbes, *De cive* II, 18–19 and VI, 13. Hobbes argues, however, that the sovereign may legitimately command such actions, while the citizen may legitimately refuse obedience to them. "*Mortem, vel vulnera, vel aliud damnum corporis inferenti, nemo pactis suis quuscunque obligatus non resistere. . . . Similiter neque tenetur quisquam, pactis ullis, ad se accusandum*" (*De cive* II, 18).]

¹² [Perhaps Spinoza is thinking of the Mennonites, who were conscientious objectors.]

not rendered void, since most of the citizens are restrained by them. Therefore, since those who fear nothing and hope for nothing are to that extent in control of their own right (Section 10 of the previous Chapter), they are therefore enemies of the state (Section 14 of the previous Chapter), and the state has the right to coerce them.

[9] The third and final point to be considered is this, that matters which arouse general indignation are not likely to fall within the right of the commonwealth. It is without doubt a natural thing for men to conspire together either by reason of a common fear or through desire to avenge a common injury. And since the right of the commonwealth is defined by the corporate power of the people,¹³ undoubtedly the power of the commonwealth and its right is to that extent diminished, as it affords reasons for many citizens to join in a conspiracy. There are certainly some things to fear for a commonwealth, and just as every citizen, or every man in a state of nature, as he has more reason to fear, is the less in control of his own right, the same is true of a commonwealth. So much, then, for the right of the sovereign over his subjects. But before dealing with his right as against others, I think I ought to resolve a question that is wont to arise regarding religion.

[10] The following objection can be raised: Does not the civil order and the obedience of subjects such as we have shown to be requisite for a civil order do away with the religion whereby we are required to worship God? Still, if we consider the facts, we shall find nothing here to give us pause; for insofar as the mind uses reason, it is not subject to the rights of the sovereign but is in control of its own rights (Section 11 of the previous Chapter). So the true knowledge and love of God cannot be subject to anyone's jurisdiction, as is also the case with charity towards one's neighbour (Section 8, this Chapter). And if we further reflect that the highest form that charity can take is to safeguard peace and to promote harmony, we shall have no doubt that he truly does his duty who gives to each man such assistance as is consistent with the laws of the commonwealth, that is, with harmony and peace. As for external rites, it is certain that they can do nothing at all to help or hinder the true knowledge of God and the love that necessarily follows therefrom. So they are not to be regarded as of such importance that the peace and tranquillity of the state should be prejudiced on their account. Moreover, it is certain that I am not the champion of religion by right of Nature, that is (Section 3, previous Chapter), by divine decree. For I have no power, as Christ's disciples once had, to cast out unclean spirits and to perform miracles. And this power is so necessary for the propagation of religion in places where it is proscribed that without it not only does one lose one's labour, as the saying goes, but in addition one stirs up a host of troubles. All ages have beheld the most grievous examples of this. Therefore everyone, wherever he may be, can worship God with true piety and mind his own affairs, as is the duty of a private individual. But the burden of propagating religion should be left to God or to the sovereign, on whom alone devolves the care of public affairs. However, I return to my subject.

¹³ [See Hobbes, *De cive* VI, 18.]

[11] Now that the right of the sovereign over citizens and also the duty of subjects has been explained, it remains for us to consider the sovereign's right as against the world at large. This is easily understood from what has already been said. For since (Section 2 of this Chapter) the sovereign's right is nothing other than the right of Nature itself, it follows that two states are in the same relation to one another as are two men in a state of Nature, but with this exception, that a commonwealth can take precautions against being subjugated by another commonwealth. This a man in a state of nature cannot do, seeing that he is every day overcome by sleep, frequently by sickness or mental infirmity, and eventually by old age. And besides these he is exposed to other troubles against which a commonwealth can render itself secure.

[12] A commonwealth, then, is in control of its own right to the extent that it can take steps to safeguard itself from being subjugated by another commonwealth (Sections 9 and 15 of previous Chapter); and (Sections 10 and 15 of previous Chapter) it is subject to another's right to the extent that it fears the power of another commonwealth, or is prevented by it from carrying out its own wishes, or, finally, it needs the other's help for its own preservation or prosperity. For there can be no doubt that if two commonwealths choose to afford each other mutual help, then both together are more powerful, and consequently have more right conjointly, than either by itself. See Section 13 of the previous Chapter.

[13] This can be more clearly understood if we bear in mind that two commonwealths are by nature enemies (Section 14 of previous Chapter), and so those who are outside a commonwealth and retain the right of Nature continue as enemies. Therefore if one commonwealth chooses to make war on another and to go to all lengths to render the other subject to its right, it may by right attempt to do so, since to wage war it is enough to have the will to do so. But it cannot come to any decision about peace without the willing cooperation of the other commonwealth. Hence it follows that the right to make war belongs to each separate commonwealth, whereas the right to peace belongs not to a single commonwealth but to at least two, which are therefore called "allies."¹⁴

[14] This treaty¹⁵ of alliance remains effective¹⁶ for as long as the motive for making the treaty—fear of loss or hope of gain—remains operative. But if the fear or the hope is lost to either of the two commonwealths, that commonwealth is left in control of its own right (Section 10, previous Chapter), and the tie by which the two commonwealths were bound together automatically disintegrates. Therefore every commonwealth has full right to break a treaty whenever it wishes, and it cannot be said to act treacherously or perfidiously in breaking faith as soon as the reason for fear or hope is removed.¹⁷ For each of the con-

¹⁴ [*confoederatae.*]

¹⁵ [*foedus.*]

¹⁶ [*causa.*]

¹⁷ [Compare to Machiavelli, *Prince*, XVIII.]

tracting parties was on level terms in this respect, that whichever could first rid itself of fear would be in control of its own right, which it could use just as it pleased. Besides, no one makes a contract respecting the future except in the light of the circumstances of the time; when these change, the entire situation must be reconsidered. For this reason, each of the allied commonwealths retains the right to consult its own interests, and each therefore endeavours as far as it can to rid itself of fear and consequently to be in control of its own right and to prevent the other from becoming more powerful. If, then, a commonwealth complains that it has been deceived, it certainly cannot blame the bad faith of its ally but only its own folly in entrusting its security to another who is in control of his own right and for whom the safety of his own state is the supreme law.

[15] So to the commonwealths which have made a treaty of peace with each other there belongs the right to settle disputes that may arise concerning the terms or rules of the peace by which they have mutually bound themselves, because the terms of peace are a matter not just for the one commonwealth but for the contracting parties jointly (Section 13 this Chapter). If agreement cannot be reached, by that very fact they revert to a state of war.

[16] The greater the number of commonwealths that make a peace treaty with one another, the less is each to be feared by the others; that is, the less power does each of them have to make war. On the contrary, each is the more bound to observe the conditions of peace; that is (Section 13 of this Chapter), it is so much the less in control of its own right and must the more adapt itself to the common will of the allies.

[17] However, what we here say does not imply the annulment of that good faith which sound reason and religion bids us keep, for neither reason nor Scripture bids us keep every pledge we make. For example, if I have promised someone to keep safe some money which he has given me in secret to look after, I am not bound to keep my word from the time that I know, or believe I know, that the money given me to keep safe is stolen. I shall act more rightly if I see to it that the money is restored to its owners. So, too, if one sovereign has promised another to do something that time or reason have later shown, or appeared to show, to be prejudicial to the general welfare of his subjects, he is surely bound to break his word. Since Scripture, then, teaches us to keep faith only in the form of a general rule, leaving to each man to decide which special cases are to be excepted, it teaches nothing contrary to what we have just shown.

[18] But to avoid having to interrupt the thread of my argument repeatedly and to deal with similar objections hereafter, I should like to point out that all those things I have demonstrated follow from the most essential feature of human nature in whatever way it may be considered, namely, from the universal striving of all men to preserve themselves. This striving is inherent in all men, whether ignorant or wise; and therefore, in whatever way we consider men to be guided, whether by passion or by reason, the result is the same because the demonstration, as we have said, applies in all cases.

CHAPTER 4

[Rights of Sovereign Powers]

[1] The right of sovereigns, which is determined by their power, has been set forth in the previous Chapter, and we have seen that it consists primarily in this, that sovereigns are,¹ as it were, the mind of the state whereby all citizens must be guided. So they alone have the right to decide what is good, what is bad, what is fair, what is unfair—that is to say, what must be done and what must not be done by individual citizens or by all collectively. We see, therefore, that to the sovereign alone belongs the right to make laws, to interpret them in particular cases when there is any doubt, and to decide whether a given action is against or in conformity with the law (see Sections 3, 4, 5 of the previous Chapter). Again, the sovereign alone has the right to make war, to decide upon and to offer terms of peace, or to accept them when offered.² See Sections 12 and 13 of the previous Chapter.

[2] Since all these functions, and all the means required to execute them, are matters³ that concern the state in its entirety, that is, are affairs of state, it follows that affairs of state depend on the guidance of him alone who holds the sovereignty.⁴ It follows that it is within the sovereign's right alone to judge the actions of any man, to demand of anyone an account of his actions, to punish wrongdoers, to decide legal disputes between citizens, or to appoint experienced lawyers⁵ to act in his place. Furthermore, it is his right alone to employ and to organise all the means to war and peace, namely, to found and fortify cities, to levy militia, to assign military duties, to issue commands as to what he wants done, to send out and to give audience to envoys for peaceful purposes, and, finally, to tax the people so as to meet all these expenses.

[3] Since the sovereign alone has the right to deal with public affairs or to appoint ministers for that purpose, it follows that a subject is committing treason if he engages in any public business on his own initiative without the knowledge of the supreme council, even though he believes that what he intended was in the best interests of the commonwealth.

[4] The question is often raised as to whether the sovereign is bound by the laws, and consequently whether he can do wrong. But since the words 'law' and 'wrongdoing' are quite often used with reference not only to the laws of a com-

¹ [I read *sint* for *sit* as found in Gebhardt (1925, 291, line 31).—S.S.]

² [See Hobbes, *De cive* VI, 18]

³ [I omit *omnia* found in Gebhardt (1925, 292, line 9).—S.S.]

⁴ [*imperium*.]

⁵ [*legum latarum peritos*, i.e., those experienced in the administration of the law(s). Spinoza's customary term for "lawyer" is *juris peritus*. Here it appears to be a matter of those to be appointed lawyers, rather than of appointing lawyers for some other task.]

monwealth but also to the universal rules governing natural things in general and reason in particular, we cannot without qualification assert that a commonwealth is not bound by laws, or that it cannot do wrong. For if a commonwealth were not bound by the laws or rules without which the commonwealth would not be a commonwealth, then it would have to be regarded not as a natural thing but as a chimera. So a commonwealth does wrong when it does, or suffers to be done, things that can cause its own downfall; and we then say that it does wrong in the sense in which philosophers or doctors say that Nature does wrong, and it is in this sense we can say that a commonwealth does wrong when it does something contrary to the dictates of reason. For it is when a commonwealth acts from the dictates of reason that it is most fully in control of its own right (Section 7 of the previous Chapter). Insofar, then, as it acts contrary to reason, it falls short of its own self, or does wrong. This can be more clearly understood if we reflect that when we say that every man has the power to do whatever he likes with an object over which he has right, this power has to be limited not only by the potency of the agent but also by the suitability of that which is the object of the action. If, for example, I say that I have the right to do whatever I like with this table, I am hardly likely to mean that I have the right to make this table eat grass. Similarly, although we say that men are not in control of their own right but are subject to the right of the commonwealth, we do not mean that men lose their human nature and assume another nature, with the result that the commonwealth has the right to make men fly, or—and this is just as impossible—to make men regard as honourable things that move them to ridicule or disgust. No, what we mean is this, that there are certain conditions that, if operative, entail that subjects will respect and fear their commonwealth, while the absence of these conditions entails the annulment of that fear and respect and together with this, the destruction of the commonwealth. Thus, in order that a commonwealth should be in control of its own right, it must preserve the causes that foster fear and respect; otherwise it ceases to be a commonwealth. For if the rulers or ruler of the state runs drunk or naked with harlots through the streets, acts on the stage,⁶ openly violates or holds in contempt those laws that he himself has enacted, it is no more possible for him to preserve the dignity of sovereignty than for something to be and not be at the same time. Then again, to slaughter subjects, to despoil them, to ravish maidens and the like turns fear into indignation, and consequently the civil order into a condition of war.

[5] We see, then, in what sense it can be said that a commonwealth is bound by laws and can do wrong. But if by law we understand the civil law, which can be enforced by the civil law itself, and by wrongdoing that which is forbidden by civil law—that is to say, if these words are taken in their proper sense—then in no way can we say that a commonwealth is bound by laws and can do wrong. For the rules that govern and give rise to fear and respect, which the commonwealth is bound to preserve in its own interests, have regard not to civil law but to natural

⁶ [Tacitus (*Annals* XVI, iv) accuses Nero of this practice]

right, since (by the previous Section) they are enforceable not by civil law but by right of war. And a commonwealth is bound by them in just the same way as a man in a state of Nature who, so as to be in control of his own right or to avoid being his own enemy, is bound to take heed not to kill himself. And this taking heed is not a form of obedience; it is the exercising of human freedom. But civil laws depend solely on the commonwealth's decree, and the commonwealth, to maintain its freedom, does not have to please anyone but itself and to deem nothing as good or bad other than that which it itself decides is good or bad for itself. Therefore it has the right not only to be its own champion, to enact laws and interpret them, but also to repeal them and to pardon any offender from the fullness of its power.

[6] The contract⁷ or laws whereby a people transfers its right to one council or one man should undoubtedly be broken when this is in the interests of the general welfare. But the right to judge whether or not it is in the interests of the general welfare to do so cannot rest with any private person but only with the ruler of the state (Section 3, this Chapter). So by civil right the ruler of the state remains the sole interpreter of these laws. Furthermore, no private person has the right to enforce these laws, and so in actual fact they are not binding on the ruler of the state. But if the laws are such that they cannot be broken without at the same time weakening the commonwealth—that is, without at the same time turning into indignation the common fear felt by the majority of the citizens—then by their violation the commonwealth is dissolved and the contract comes to an end. Thus the contract depends for its enforcement not on civil right but on right of war. So the ruler is bound to observe the terms of the contract for exactly the same reason as a man in the state of nature, in order not to be his own enemy, is bound to take care not to kill himself, as we said in the previous Section.

CHAPTER 5

[The Highest Aim of Society]

[1] In Section 11 of Chapter 2 we showed that a man is most completely in control of his own right when he is most guided by reason, and consequently (see Section 7, Chapter 3) that a commonwealth is most powerful and most completely in control of its own right if it is founded on and guided by reason. Now since the best method of ensuring that one preserves oneself as far as possible is to live in the way that reason prescribes, it follows that those actions are the best which are done by a man or commonwealth when it is most completely in control of its own right. We are not asserting that everything that is done by right is also done in the best way; it is one thing to till a field by right, another thing to till it in the best way. It is one thing, I say, to defend oneself, to preserve oneself, to give judgment,

⁷ [See Gebhardt (1925, 294, line 13); I read *contractus* for *contractūs* —S.S.]

etc., by right, another thing to defend and preserve oneself in the best way and to give the best judgment. Consequently, it is one thing to rule and to take charge of public affairs by right, another thing to rule in the best way and to direct public affairs in the best way. So now that we have discussed the right of every commonwealth in general terms, it is time for us to discuss the best way in which a state should be organised.

[2] The best way to organise a state is easily discovered by considering the purpose of civil order, which is nothing other than peace and security of life. Therefore the best state is one where men live together in harmony and where the laws are preserved unbroken. For it is certain that rebellions, wars, and contempt for or violation of the laws are to be attributed not so much to the wickedness of subjects as to the faulty organisation of the state.¹ Men are not born to be citizens, but are made so.² Furthermore, men's natural passions are everywhere the same; so if wickedness is more prevalent and wrongdoing more frequent in one commonwealth than in another, one can be sure that this is because the former has not done enough to promote harmony and has not framed its laws with sufficient forethought, and thus it has not attained the full right of a commonwealth. For a civil order that has not removed the causes of rebellion and where the threat of war is never absent and the laws are frequently broken is little different from a state of Nature, where every man lives as he pleases with his life at risk.

[3] But just as the vices of subjects and their excessive license and wilfulness are to be laid at the door of the commonwealth, so on the other hand their virtue and steadfast obedience to the laws must be attributed chiefly to the virtue and the absolute right of the commonwealth, as is evident from Section 15 of Chapter 2. Hence it is deservedly regarded as a remarkable virtue in Hannibal that there was never a mutiny in his army.³

[4] A commonwealth whose subjects are deterred from taking up arms only through fear should be said to be not at war rather than to be enjoying peace. For peace is not just the absence of war, but a virtue which comes from strength of mind; for obedience (Section 19, Chapter 2) is the steadfast will to carry out orders enjoined by the general decree of the commonwealth. Anyway, a commonwealth whose peace depends on the sluggish spirit of its subjects who are led like sheep to learn simply to be slaves can more properly be called a desert than a commonwealth.⁴

[5] So when we say that the best state is one where men pass their lives in harmony, I am speaking of human life, which is characterised not just by the circulation of the blood and other features common to all animals, but especially by reason, the true virtue and life of the mind.

[6] But be it noted that in speaking of the state as being established to this end, I meant one established by a free people, not dominion over a people acquired by

¹ [Machiavelli, *Discourses* III, 29.]

² [Hobbes, *De cive* I, 2, n. 1.]

³ [Machiavelli, *Prince* XVII, *Discourses* III, 21.]

⁴ [Tacitus, *Agricola* 30: " . . . ubi solitudinem faciunt, pacem appellant."]

right of war. For a free people is led more by hope than by fear, while a subjugated people is led more by fear than by hope; the former seeks to engage in living, the latter simply to avoid death. The former, I say, seeks to live for itself, the latter is forced to belong to a conqueror; hence we say that the latter is a slave, the former is free. So the aim of a state that has been acquired by right of war is to dominate and to have slaves rather than subjects. And although, if we have regard to their right in a general way, there is no essential difference between a state created by a free people and one acquired by right of war, their aims, as we have just shown, are very different, and so too are the means by which each must be preserved.

[7] In the case of a prince whose sole motive is lust for power,⁵ the means he must employ to strengthen and preserve his state have been described at some length by that keen observer, Machiavelli, but with what purpose appears uncertain. If he did have some good purpose in mind, as one should believe of so wise a man, it must have been to show how foolish are the attempts so often made to get rid of a tyrant while yet the causes that have made the prince a tyrant cannot be removed; on the contrary, they become more firmly established as the prince is given more grounds for fear.⁶ This comes about when a people has made an example of its prince and glories in regicide as in a wonderful exploit.⁷ Perhaps he also wished to show how wary a free people should be of entrusting its welfare absolutely to one man who, unless in his vanity he thinks he can enjoy universal popularity, must go in daily fear of plots. Thus he is compelled to look more to his own defence and in his turn to plot against the people rather than to look to their interests. I am the more inclined to take this view of that wise statesman because he is well known to be an advocate of freedom, and he has given some very sound advice as to how it should be safeguarded.⁸

CHAPTER 6

[Monarchy: Its Nature]

[1] Since men, as we have said, are led more by passion than by reason, it naturally follows that a people will unite and consent to be guided as if by one mind not at reason's prompting but through some common emotion, such as (as we said in Section 9, Chapter 3) a common hope, or common fear, or desire to avenge some common injury. Now since fear of isolation is innate in all men inasmuch as in isolation no one has the strength to defend himself and acquire the necessi-

⁵ [*dominandi libidine* The connotation is sexual (see the General Definitions of the Affects following E3Def48).]

⁶ [Machiavelli, *Discourses* I, 55.]

⁷ [No doubt a reference to the execution of England's Charles I in 1649. For Spinoza's more extended view on the subject, see TTP18/556.]

⁸ [This last sentence is not included in the *Nagelate Schriften*.]

ties of life, it follows that men by nature strive for a civil order,¹ and it is impossible that men should ever utterly dissolve this order.

[2] Thus the quarrels and rebellions that are often stirred up in a commonwealth never lead to the dissolution of the commonwealth by its citizens (as is often the case with other associations) but to a change in its form—that is, if their disputes cannot be settled while still preserving the structure of the commonwealth. Therefore, by the means required to preserve a state I understand those that are necessary to preserve the form of the state without any notable change.

[3] Now if human nature were so constituted that men desired most of all what was most to their advantage, no special skill would be needed to secure harmony and trust. But since, admittedly, human nature is far otherwise constituted, the state must necessarily be so established that all men, both rulers and ruled, whether they will or no, will do what is in the interests of their common welfare; that is, either voluntarily or constrained by force or necessity, they will all live as reason prescribes. This comes about if the administration of the state is so ordered that nothing is entrusted absolutely to the good faith of any man. For no man is so vigilant that he does not sometimes nod, and no one has ever been so resolute and upright as not sometimes to break down and suffer himself to be overcome just when strength of mind is most needed. And it is surely folly to make demands on another that no one can himself satisfy, namely, that he should be more concerned for the interests of another than for his own, that he should avoid greed, envy, ambition, and so on, especially if he is one who is daily exposed to the strongest urges of every passion.

[4] Yet on the other hand experience seems to teach us that peace and harmony are best served if all power² is conferred on one man. For no state has stood so long without any notable change as that of the Turks, and, conversely, none have proved so short-lived as popular or democratic states, nor have any been so liable to frequent rebellion. But if slavery, barbarism, and desolation are to be called peace, there can be nothing more wretched for mankind than peace. Doubtless more frequent and more bitter quarrels are wont to arise between parents and children than between masters and slaves. Yet it is not to the advantage of household management to change paternal right into the right of ownership and to treat children as if they were slaves. It is slavery, then, not peace that is promoted by transferring all power³ to one man; for peace, as we have already said, consists not in the absence of war but in the union or harmony of minds.

[5] And in fact, those who believe that one man by himself can hold the supreme right of the commonwealth are greatly mistaken. For right is determined by power alone, but the power of one man is far from being capable of sustaining so heavy a load. As a result, the man whom the people has chosen as king looks about him for generals or counsellors or friends to whom he entrusts his own se-

¹ [Hobbes, *De cive* 1, 2, n. 1.]

² [*potestas*.]

³ [*potestatem*.]

curity and the security of all citizens, so that the state, which is thought to be purely a monarchy, is in actual practice an aristocracy—not indeed overtly so, but a concealed one—and therefore of the worst kind. Furthermore, if the king is a boy, or a sick man, or burdened by old age, he is a king only on sufferance, and the sovereignty is really in the hands of those who administer the most important affairs of state, or of those who are nearest the king; not to mention that a king who is a slave to lust has all his governmental decisions controlled by the caprice of one or another concubine or sodomite.⁴ “I had heard,” says Orsines, “that women once used to rule in Asia: But for a eunuch to rule is really something new” (Curtius, Book X, Chapter 1).

[6] It is also beyond doubt that a commonwealth is always in greater danger from its citizens than from its enemies; for good men are but few. It therefore follows that he on whom the whole right of the state has been conferred will always be more afraid of citizens than of external enemies and will therefore endeavour to look to his own safety, not consulting the interests of his subjects but plotting against them, especially those who are renowned for their wisdom or whose wealth gives them too much power.

[7] There is this to be added, that kings fear their sons, too, more than they love them, and the more so as their sons are more skilled in the arts of peace and war and are more popular with the subjects because of their virtues. As a result, kings seek to bring up their sons in a way that removes cause for alarm. In this matter, his ministers are very zealous in obeying the king, and will make every effort to have as their next king one who is inexperienced and whom they can skilfully manipulate.

[8] From all this it follows that the more absolute the transfer of the commonwealth's right to a king, the less he is in control of his own right and the more wretched the condition of his subjects. Thus to establish a monarchy in proper order, it is necessary to lay firm foundations on which to build, from which would result security for the monarch and peace for his people, thus ensuring that the king is most fully in control of his own right when he is most concerned for the welfare of his people. I shall first briefly set forth what are these foundations for a monarchy, and then demonstrate them in an orderly way.

[9] One or more cities must be founded and fortified, all of whose citizens, whether dwelling within the walls or beyond them so as to farm the land, are to enjoy the same right of citizenship but on this condition: That each city must provide a fixed number of citizens for its own and the common defence. A city that cannot fulfil this requirement must be held in subjection on other terms.

[10] The military force must be recruited from citizens alone, with no exemptions and from no other sources.⁵ So all men are required to possess arms, and no one is to be admitted to the roll of citizens until he has done his military training and has undertaken to practise these skills at appointed times of the year.

⁴ [Possibly a reference to James I of England.]

⁵ [See Machiavelli, *Prince* XII–XIII, and *Discourses* II, 20.]

Next, the military force from each clan⁶ is to be divided into companies and regiments, and no one is to be chosen to command a company unless he is versed in military engineering.⁷ Further, while the commanders of companies and regiments are to be appointed for life, the commander of the military force of one entire clan is to be appointed only in wartime, and hold his command for a year at most, and be debarred from extension of his command or from reelection. The latter commanders are to be appointed from the king's counsellors (of whom we are to speak in Section 15 and following), or from ex-counsellors.

[11] The townsmen and countrymen of all the cities,⁸ that is, all the citizens, are to be divided into clans distinguished by some name and badge; and all who are born of any of these clans are to be received into the number of citizens and their names entered on the roll of their clans as soon as they reach an age when they can bear arms and know their duty. But an exception is to be made of those who are convicted criminals, or dumb, or mad, or menials gaining a livelihood by some servile occupation.

[12] The fields and the soil and, if possible, the houses as well should be public property,⁹ that is, should belong to the sovereign, by whom they should be let at an annual rent to citizens, whether townsmen or country-dwellers. Apart from this, all citizens should be free or exempt from any form of taxation in time of peace. Of this rent, part should be allocated to the defence works of the commonwealth, part to the king's domestic needs. For in time of peace, it is still necessary to fortify cities as for war and to have in a state of readiness ships and other armaments.

[13] After a king has been chosen from one of the clans, none but his descendants are to be regarded as of noble rank, and they must therefore be distinguished by royal insignia from their own clan and the other clans.

[14] The male nobles related by blood to the reigning king and standing in the third or fourth degree of consanguinity to him should be forbidden to marry. Any children they may have should be accounted as illegitimate and unworthy of any office. They should not be acknowledged as heirs to their parents, whose estates should revert to the king.

[15] The number of king's counsellors who are nearest to him or second in rank should be considerable, and they should be chosen only from citizens: Three or four from each clan, or five if the clans number no more than six hundred. Together they will constitute one section of this council. They are elected not for life but for three, four, or five years, so that every year a third, fourth, or fifth part of their number must be appointed afresh. In making these appointments, how-

⁶ [*familia.*]

⁷ [In the seventeenth century, war was largely concerned with besieging or protecting fortresses or cities.]

⁸ [In much of what follows in this chapter Spinoza follows Machiavelli closely, but modifies his principles to the Dutch situation. The importance that he accords to the cities is due in part to the fact that Holland was, in fact, a nation of cities, each a hub of commerce and industry.]

⁹ [*publici juris.*]

ever, it is most important that from each clan at least one counsellor should be chosen who is a lawyer.¹⁰

[16] This selection of counsellors must be made by the king himself. At the time of the year appointed for the election of new counsellors, every clan must submit to the king the names of all its citizens who have attained their fiftieth year and have been duly proposed for this office. Of these, the king will choose whom he will.¹¹ But in the year when the lawyer of a clan is to be replaced by another, only the names of lawyers should be submitted to the king. Those who have served in this office of counsellor for the appointed time are not to continue in office nor to be entered on the list of candidates within a period of at least five years. The reason why it is necessary for one counsellor to be appointed from each clan every year is this: To avoid a situation where the council is composed alternately of inexperienced newcomers and experienced veterans, which is bound to happen if all the counsellors were to retire and be replaced together. But if one is appointed every year from each clan, then only a fifth, a fourth, or at the most a third of the council will consist of newcomers. Furthermore, if the king, through pressure of other business or for any other reason, is prevented for some time from attending to these appointments, then the counsellors themselves should make temporary appointments until the king appoints others or approves the council's choice.

[17] The primary duty of this council must be to uphold the fundamental laws of the state and to give advice on the conduct of affairs so that the king may know what measures to take for the public good, the king not being permitted to take any decision without first hearing the opinion of this council. But if, as will generally be the case, the council is not of one mind but continues to be divided even after discussing the same matter two or three times, there must be no further delay; the different opinions must be submitted to the king, as I shall explain in Section 25 of this Chapter.

[18] It should also be the duty of the council to publish the king's ordinances or decrees, to see that his decisions on matters of state are carried out, and to supervise the entire administration of the state as the king's deputies.

[19] Citizens should not be able to approach the king except through this council, to which all requests or written petitions should be given for presentation to the king. Likewise, ambassadors of other commonwealths may be granted permission to address the king only through this council. Letters, too, sent to the king from other kings must reach him through this council. To sum up, the king is to be regarded as the mind of the commonwealth, and this council as the mind's external senses or¹² body of the commonwealth, through which the mind¹³ perceives the condition of the commonwealth and does what it decides is best for itself.

¹⁰ [In addition to deputies, each of Holland's eighteen towns also sent a lawyer, the Pensionary, to the Provincial Estates.]

¹¹ [The stadtholders had the right to appoint the magistrates of a town from a list of candidates presented by the town.]

¹² [I read *seu* for *ceu* as found in Gebhardt (1925, 302, line 14) —S S.]

¹³ [I omit *per quod mens* as found in Gebhardt (1925, 302, line 15) —S S.]

[20] Responsibility for bringing up the king's sons should also rest with this council, and likewise their guardianship if the king has died, leaving the succession to a child or young boy.¹⁴ But in the meantime, to avoid leaving the council without a king, an elder from among the nobles of the commonwealth should be appointed to fill the king's place until the rightful heir reaches an age when he can sustain the burden of government.

[21] Candidates for election to this council must be such as are well acquainted with the nature of the government, the fundamental laws, and the state or condition of the commonwealth of which they are subjects. But he who seeks to fill the position of lawyer must know, in addition to the government and condition of his own commonwealth, that of other commonwealths with which it has any dealings. But only those who have reached their fiftieth year without any criminal conviction are to be entered on the list of candidates.

[22] In this council no decision is to be taken regarding affairs of state unless all members are present. If anyone is unable to attend through illness or for any other reason, he must send in his place someone from the same clan who is an ex-counsellor or who is entered on the list of candidates. If he fails to do this, and the council is forced to defer consideration of some business because of his absence, he should be fined a considerable sum. But the above should apply only when the issue to be debated affects the state as a whole, such as a question of war and peace, of repealing or enacting some law, of trade, etc. If the matter under discussion concerns just one or two cities, written petitions, etc., it will suffice if the greater part of the council is present.

[23] To preserve equality between the clans in all things and to establish a regular order in sitting, making proposals, and speaking, each clan is to have its turn for presiding at the sessions, that which is first at this session being last at the next. But among members of the same clan, precedence should go to the one who was first elected.

[24] This council should be summoned at least four times a year¹⁵ to demand from ministers an account of their administration, to ascertain the state of affairs, and to consider whether further measures are called for. For it seems impossible that so great a number of citizens should be continuously available for public business. But since public business must nevertheless be carried on in the meantime, fifty or more members of the council should be appointed to stand in for the council when it is adjourned,¹⁶ meeting every day in a chamber next to the king's apartment so as to exercise daily supervision over the treasury, the defences of the cities, the education of the king's son, and, to sum up, all the duties of the great council that we have just enumerated except that they should have no power to deal with fresh matters with regard to which no decision has been taken.¹⁷

¹⁴ [So the education of the future William III was entrusted to loyal republicans by Jan de Witt]

¹⁵ [The Estates of Holland met with this frequency]

¹⁶ [In Holland the daily administration was the charge of the *Gecommitteerde Raden*, a representative of the Estates of the Province when they were not in session]

¹⁷ [These were also the functions of the *Gecommitteerde Raden*]

[25] When the council meets, before any matter is brought forward, five or six or more lawyers from the clans that take precedence in that session should have audience with the king to present any written petitions or letters they may have received, inform him of the condition of affairs, and gather from him what business he requires them to bring forward in this council. When they have learnt this, they should return to the council, and the first in precedence should open the matter to be debated. If the matter is thought by some members to be important, voting must not proceed at once but must be deferred for such time as the urgency of the matter allows. The council therefore being adjourned to a fixed date, the counsellors from each clan will meanwhile be able to discuss the matter separately and, if they think it of sufficient importance, to consult ex-counsellors or candidates for the same council. If within the appointed time they can reach no agreement among themselves, that clan shall be deprived of its vote, for each clan can have but one vote.¹⁸ Otherwise the lawyer of the clan, having received his instructions, should present before council the opinion they have judged best. The others should do likewise, and if, after hearing the grounds for each opinion, the majority of the council decide to consider the matter further, the council should again be adjourned to a date when each clan shall deliver its final opinion. Only then, before a full council, should voting proceed. Any opinion that is not supported by at least a hundred votes should be disregarded; the others should be submitted to the king by all the lawyers present at the council so that, after hearing each party's arguments, he may choose which he pleases. Then the lawyers should leave him and return to the council, where all should wait on the king at a time he has appointed to hear which opinion of those presented he considers should be adopted and what he decides should be done.

[26] For the administration of justice there must be another council composed only of lawyers whose duty should be to decide lawsuits and to punish offenders. But all the judgments they deliver must be confirmed by those acting in place of the Great Council, which will consider whether judgment has been pronounced in accord with proper judicial procedure and without partiality. But if the losing party can prove that one of the judges has been bribed by his adversary, or that he has some other general reason for friendship towards his adversary or hatred towards himself, or that the normal judicial procedure has not been observed, the judgment should be set aside. It may be that the above procedures could not be followed by those whose custom it is to use torture rather than arguments to convict the accused in criminal cases. However, I am not here concerned with any judicial procedure other than that which befits the good government of a commonwealth.¹⁹

[27] These judges, too, should be very many, and their number should be odd: E.g., sixty-one or fifty-one at least. No more than one judge should be appointed from each clan, and not for life. Here again some portion of them should retire

¹⁸ [In the Estates of Holland each town had several deputies but only a single vote]

¹⁹ [These last two sentences are not included in the *Nagelate Schriften*]

every year and an equal number of others be appointed. These should be from other clans and should be aged over forty.

[28] In this council no judgment is to be pronounced unless all the judges are present. If any judge is unable to attend the council for some considerable time, through illness or for any other reason, another judge should be appointed temporarily to take his place. In voting, each judge must give his verdict not openly but by secret ballot.²⁰

[29] The remuneration of this council and of the deputies of the above-mentioned council should be as follows—first, the goods of those they have condemned to death and also of those who are fined; secondly, for every judgment delivered in civil suits, they should receive from the unsuccessful litigant a proportion of the total sum involved, and this should be for the benefit of both councils.

[30] Other councils subordinate to these should be appointed in every city. Here again their members should not be appointed for life, but every year a portion should be appointed only from those clans who dwell in that city. But there is no need to go further into these details.

[31] No payment for military service is to be made in time of peace. In time of war a daily payment should be made only to those who gain their livelihood by daily labour. But commanders and other company officers should expect no gain from war other than the spoil of the enemy.

[32] If an alien marries the daughter of a citizen, his children are to be regarded as citizens and enrolled in the mother's clan. Those of alien parentage who are born and brought up in the state should be allowed to acquire citizenship at a fixed price from the officers of some clan and to be enrolled in that clan. And even if the officers of the clan are bribed to admit some alien at less than the fixed price, the state cannot take any harm therefrom. On the contrary, means should be devised for facilitating an increase in the number of citizens and securing a great influx of population.²¹ As for those who are not enrolled as citizens, it is reasonable that at least in wartime they should make up for their exemption from service by labour or some kind of tax.

[33] Ambassadors who have to be sent in time of peace to other commonwealths to make peace or to preserve it are to be appointed only from the nobles, and their expenses provided from the state treasury, not from the king's privy purse.²²

[34] Those who attend at court and are the king's servants, being paid by the king from his own privy purse, are to be excluded from every administrative post

²⁰ [Secret balloting was the general procedural rule in Holland.]

²¹ [Machiavelli, *Discourses* I, 6.]

²² [The Dutch version of Spinoza's text, *De Nagelate Schriften*, adds here: "Maar men noet zodanige bespieders verkiezen, die aan de Koning bequaam zullen schijnen." The Latin translation not appearing in the *Opera Posthuma*, "*Sed tales speculatores eligendi sunt qui regi periti videbuntur*," is rendered by Wernham (1958, 331) as "But secret agents must be chosen from such as seem suitable to the king"]

or office in the commonwealth. I say expressly, “being paid by the king from his own privy purse” so as to exclude the king’s bodyguard. For there must be no other bodyguards but citizens of that same city, taking turns at keeping guard at court on the king’s behalf before his doors.

[35] War is to be made only for the sake of peace, so that with the end of hostilities arms may be laid aside. Therefore when cities have been captured by right of war and the enemy defeated, the terms of peace must be such as not to entail the garrisoning of the captured cities. Either the enemy, on accepting the peace treaty, must be granted the opportunity of redeeming them at a price,²³ or else—if by reason of their menacing position this would result in an enduring threat from the rear—they must be utterly destroyed and their inhabitants resettled elsewhere.²⁴

[36] The king should not be allowed to contract a foreign marriage; he should marry only a kinswoman or a fellow citizen.²⁵ But in the event of marriage to a citizen there must be this restriction, that her nearest kinsmen be debarred from holding any state office.

[37] The state must be indivisible. Therefore if the king has more than one child, the eldest should have the right of succession. By no means must it be permitted that the state be divided between them or be handed on undivided to all or to some of them, and still less is it permissible to give part of the state as a daughter’s dowry. For it should in no way be permitted that daughters should inherit the throne.

[38] If the king dies without male issue, the nearest to him by blood must be regarded as heir to the throne, unless he should have married a foreign woman whom he refuses to divorce.

[39] As for the citizens, it is evident from Section 5 of Chapter 3 that each of them is bound to obey all the commands or edicts of the king published by the great council (for this condition see Sections 18 and 19 of this Chapter) even though he regards them as quite irrational; otherwise he may rightfully be compelled to do so. Such, then, are the foundations on which a monarchy should be built if it is to be stable, as we shall demonstrate in the next Chapter.

[40] As for religion, no churches whatsoever are to be built at the expense of the cities, nor should any laws be enacted concerning beliefs unless these are seditious and subversive of the commonwealth’s foundations. So those who are granted permission to practise their religion publicly should build a church, if they wish, at their own expense. But the king may have a chapel of his own in the palace to practise the religion to which he adheres.

²³ [*potestas concedatur easdem pretio redimendi*]

²⁴ [Again Spinoza follows Machiavelli closely. See *Prince* III; *Discourses* II, 23]

²⁵ [Note also that though the Doges of Venice were subject to such a restriction, Spinoza is probably here thinking of the connection between the House of Orange and the British House of Stuart, which brought autocracy to Holland under William II (who married the daughter of Charles I), and which threatened to bring Catholicism under William III, who in 1676 sued for the hand of Mary (the daughter of the future James II).]

CHAPTER 7

[Monarchy: Its Organisation]

[1] Now that the foundations of monarchy have been described, it is here my task to give them a precise explanation in good order. To this end it must be especially noted that it is in no way contrary to practice for laws to be so firmly established that not even the king can repeal them. The Persians used to worship their kings as gods, yet even their kings did not have the power¹ to revoke laws once established, as is evident from Daniel, Chapter 6. And there are no cases, as far as I know, of a monarch's being chosen on absolute terms without any explicit conditions. Nor indeed is this in contradiction with reason or with the absolute obedience due to a king. For the fundamental laws² of the state should be regarded as the king's eternal decrees, so that his ministers are entirely obedient in refusing to execute his orders if he commands something that is opposed to the fundamental laws of the state. We may make this point clear with the example of Ulysses. His comrades were carrying out his own command in refusing to release him when he was bound to the ship's mast and bewitched by the Sirens' song,³ although he ordered them to do so with all kinds of threats. And it is regarded as a mark of his good sense that he later thanked his comrades for rendering obedience to his first intention. Following this example of Ulysses, kings too are accustomed to instruct judges to have no regard for persons in administering justice, not even for the king himself if by some odd chance he issues a command that they know to be contrary to established law. For kings are not gods; they are but men, who are often enchanted by the Sirens' song. So if everything were to depend on the inconstant will of one man, there would be no stability. Thus, if a monarchy is to be stable, it must be so organized that everything is indeed done only by the king's decree—that is, that all law is the explicit will of the king—but not everything willed by the king is law. On this see Sections 3, 5, and 6 of the previous Chapter.

[2] Next it must be noted that in laying down the fundamental laws it is especially necessary to take account of human passions. It is not enough to have shown what ought to be done; the main task is to show how it can be brought about that men, whether led by passion or by reason, may still keep their laws firm and sure. If the right of the state, or public freedom, rests only on the feeble support of laws, not only can the citizens have no assurance of its maintenance, as we showed in Section 3 of the previous Chapter, but this will even prove their ruin. For it is certainly true that no condition of a commonwealth is more wretched than that of a good commonwealth that is beginning to totter—unless it collapses at one single

¹ [*potestatem.*]

² [fundamental laws = *fundamenta.*]

³ [*Odyssey* XII, 156.]

blow and plunges into servitude, which seems highly unlikely.⁴ So it would be far better for subjects to transfer their right unconditionally to one man than to covenant for guarantees of freedom that will prove untrustworthy and vain, or futile, and thus prepare a path to cruel servitude for later generations. But if I show that the foundations of monarchy as I have described them in the previous Chapter are strong and cannot be dismantled without arousing the indignation of the greater part of an armed people and that from them there follow peace and security for king and people, and if I deduce this from a general consideration of human nature, no one will be able to doubt that these foundations are good and true, as is evident from Section 9 of Chapter 3 and Sections 3 and 8 of the previous Chapter. That such is their nature I shall show as briefly as possible.

[3] That it is the duty of the sovereign⁵ to be acquainted with the situation and condition of the state, to watch over the common welfare of all, and to bring about that which is to the benefit of the majority of his subjects, is universally acknowledged. But since one man alone cannot supervise everything and be always on the alert with a mind set for deliberation, and is often prevented by illness or old age or other causes from attending to public affairs, the monarch must have counsellors who would be acquainted with current issues and would assist the king with their advice and often act as his deputies, so that the state or commonwealth may continue in one and the same mind.

[4] But human nature is so constituted that each pursues his personal advantage with the utmost keenness, regarding as most equitable those laws which he thinks are necessary for the preservation and increase of his own fortune and upholding another's cause only so far as he believes his own position to be strengthened thereby. Hence it follows that counsellors must necessarily be appointed whose private fortune and advantage depend on the general welfare and the peace of all. So it is evident that if a certain number are appointed from every group or class of citizens, a proposal which receives the most votes in this council will be in the interests of a majority of subjects. And although this council, being composed of such a large number of citizens, must inevitably have among its members many of an uncultivated mind, it is nevertheless true that every man is reasonably competent and sagacious in matters in which he has been long and attentively engaged. Therefore if these appointments are restricted to those who up to their fiftieth year have been engaged in their own business without disgrace, they will be well-fitted to give advice relating to their own business, especially if in matters of greater importance they are granted time for reflection. Furthermore, it is far from true that a smaller council will not have among its members some men of this kind. On the contrary, it is largely composed of such men, since everyone there strives his best to have as colleagues dull-witted men who will look to him for guidance. In large councils there is no opportunity for this.⁶

⁴ [Perhaps an ironic comment concerning the fall and murder of Jan de Witt in 1672.]

⁵ [sovereign = *qui imperium tenet*, i.e., the sovereign in the modern sense]

⁶ [This is probably intended as a reply to Hobbes' criticism of large councils in *De cive* X, 10]

[5] Furthermore, it is a fact that everyone would rather rule than be ruled, “for no one willingly yields sovereignty to another,” as Sallust says in his first speech to Caesar.⁷ It is therefore evident that an entire people will never transfer its right to a few men or to one man if they can reach agreement among themselves and if they do not allow the quarrels which are a common feature of large councils to reach the point of civil strife. So a people freely transfers to a king only that which is absolutely beyond its capacity⁸ to possess, that is, a facility for settling disputes and for making rapid decisions. As for the not infrequent practice of appointing a king for the purpose of making war, on the grounds that kings are much more successful at waging war, it is downright folly for men, in order to wage war with greater success, to choose slavery in time of peace—if indeed there is really peace in the sort of state where, simply for the purpose of making war,⁹ sovereignty has been conferred on one man, who is therefore best able in war to display his worth and his unique value to them all.¹⁰ On the other hand, the outstanding feature of a democracy is that its excellence is much more manifest in peace than in war. But whatever be the reason for appointing a king, he cannot, as we have already said,¹¹ all alone know what is beneficial to the state; for this purpose he must have a number of citizens as counsellors, as we have shown in the previous Section. And as it is quite inconceivable that in a matter of policy there can be anything that has escaped the attention of such a large body of men, it follows that there can be no opinion conducive to the people’s welfare that is not included among those submitted to the king by this council. Thus, since the people’s welfare is the highest law, or the king’s supreme right, it follows that the king’s right is to choose one of the opinions advanced in council and not to make any decree or give any judgment contrary to the view of the entire council (see Section 25 of the previous Chapter). However, if all the opinions advanced in council had to be submitted to the king, it is possible that the king would always favour the small cities which have fewer votes.¹² For although the council’s regulations should require that opinions be submitted to the king with no indication of their sponsors, it will never be possible to take such strict precautions that none will be divulged. Therefore there must necessarily be this provision, that an opinion supported by less than a hundred votes should be regarded as void; and this is a law which the larger cities will have to uphold with all their might.

[6] At this point, were it not my purpose to be brief, I might point out many other considerable advantages deriving from this council; but I shall mention just

⁷ [Pseudo-Sallust, *Ad Caesarem Senem de Re Publica Oratio* 1, 4. Again noted in TP8/12. The sentence ends with the word “ruled” in the *Nagelate Schriften*.]

⁸ [*potestate*.]

⁹ [This phrase is not found in the *Nagelate Schriften*.]

¹⁰ [Spinoza is here rejecting Hobbes’ argument (*De cive* X, 17) that, because kings make the best generals, monarchy is the best form of government.]

¹¹ [See TP7/3.]

¹² [In Holland the stadtholder could in effect neutralize the votes of larger cities by securing a plurality of votes from smaller ones.]

one that seems to me most important, namely, that there can be no greater incentive to virtue than the general hope of attaining this office. For it is by ambition that we are all chiefly led, as we have shown at some length in our *Ethics*.¹³

[7] That the greater part of this council will never be minded to wage war and will always be strongly attached and devoted to peace is beyond all doubt. For in addition to the constant fear of losing their property together with their freedom as a result of war, they will have to provide the extra financial resources required for war, and furthermore their children and relations, busy as they are with domestic concerns, will be forced to turn their energies to warfare and to go soldiering, whence they can never bring back home anything but unprofitable scars. Because, as we said in Section 31 of the previous Chapter, the military force must receive no pay, and, by Section 10 of the same Chapter, it must be recruited exclusively from citizens and no others.

[8] Another factor which is also of great importance in promoting peace and harmony is this, that no citizen may own real estate (see Section 12 of the previous Chapter). Hence the danger from war is practically the same for all; all will have to make a living by engaging in trade or by lending money to their fellow citizens—assuming that, as was once the case in Athens, a law is enacted forbidding the lending of money at interest to any but native inhabitants. So they will have to engage in commercial dealings that either make them mutually involved one with another or that require the same means for their furtherance.¹⁴ Thus the greatest part of the council will generally have one and the same attitude of mind towards their common interests and peaceful activities; for, as we said in Section 4 of this Chapter, every man upholds another's cause only so far as he believes his own position to be strengthened thereby.

[9] It is beyond doubt that it will never occur to anyone to bribe this council. For if someone should win over one or two out of so considerable a number of men, he is hardly likely to gain anything from it; for, as we have said, an opinion supported by less than a hundred votes is void.

[10] Furthermore when this council is once established, it will not be possible to reduce the number of its members, as we shall see if we take into consideration the common passions of mankind. For all men are chiefly led by ambition, and there is no man of sound physical health who does not hope to live to a good old age. If, then, we calculate the number of those who actually attain their fiftieth or sixtieth year, and if we also take into account the large number of this council who are appointed every year, we shall see that there can hardly be anyone of those who bear arms who is not possessed of high hopes of rising to this lofty position. So all will uphold, to the best of their ability, this law concerning election to the council. For it should be noted that corruption, unless it creeps in unobtrusively, is easily prevented. However, a reduction in the number appointed from each single clan is more easily envisaged and would be less invidious than such a reduc-

¹³ [See E3App44.]

¹⁴ [The use by Spinoza of economic incentives to secure harmony prompted Vico's sneer in *Scienza Nuova* I, 335: "Benedict Spinoza speaks of the commonwealth as a society of shopkeepers"]

tion in the case of a few clans or the complete exclusion of one or two clans. Therefore (by Section 15 of the previous Chapter) the number of counsellors cannot be reduced unless a third, or fourth, or fifth part is removed simultaneously, which represents a considerable upheaval and is therefore altogether divorced from common practice. Nor is there any reason to fear delay or negligence in making appointments, since provision is made for this procedure by the council itself. See Section 16 of the previous Chapter.

[11] The king, then, whether motivated by fear of the people or by his desire to win over the greater part of an armed populace, or whether he is led by nobility of spirit to have regard to the public interest, will always ratify the opinion that is supported by most votes—i.e. (by Section 5 of this Chapter), that is of greater advantage to the greater part of the state; or else he will try, if possible, to reconcile the differing opinions submitted to him so as to gain popularity with all (wherein he will spare no effort)¹⁵ and to show them what a prize they have in his single self, both in peace and in war. Thus he will be most fully in control of his own right and most fully sovereign when he has most regard for the general welfare of his people.

[12] For the king by himself cannot restrain all in fear; his power, as we have said, rests upon the number of his soldiers and especially on their valour and loyalty, which will always endure among men just so long as they are bound together by some need, be that need honourable or base. Hence it comes about that kings are more prone to urge on their soldiers than to keep them in check, to gloss over their vices rather than their virtues,¹⁶ and generally, so as to exert pressure on the good, to seek out idlers and the debauched, giving them recognition, assisting them with money and influence, clasping their hands, throwing them kisses, and stooping to any form of servility as the price of despotism.¹⁷ Therefore, to ensure that citizens should stand highest in the king's esteem and should be in control of their own right as far as the civil order or equity permits, it is necessary that the militia be composed solely of citizens and that citizens should be his counsellors; while on the other hand citizens become completely subjugated and are laying the foundations for perpetual warfare from the moment that they allow mercenary troops to be engaged,¹⁸ men whose trade is war and who find their greatest power¹⁹ amid discord and sedition.²⁰

[13] That the king's counsellors should not be appointed for life, but for three, four, or five years at the most, is evident both from Section 10 and from what we have said in Section 9 of this Chapter. For if they were appointed for life, the greatest part of the citizens would have scarcely any hope of attaining this office, and this would result in great inequality among the citizens, leading to envy and in-

¹⁵ [Terence, *Eunuchus* 312.]

¹⁶ [Tacitus, *Histories* II, lxxxii, 1.]

¹⁷ [Tacitus, *Histories* I, xxxvi, 2–3.]

¹⁸ [I read *conduci* for *duci*.—S.S.]

¹⁹ [*plurima vis*, which connotes force or physical power.]

²⁰ [Tacitus, *Histories* IV, i, 3.]

cessant murmurings and finally to outbreaks of sedition — which would no doubt be not unwelcome to kings who are eager to dominate. In addition, the counsellors, rid of all fear of their successors, would cast off all restraint with little opposition from the king. For the more they are hated by the citizens, the more they will cling to the king and the more ready they will be to fawn upon him. Indeed, even a five-year term of office still appears excessive, for in this space of time it seems not altogether impossible for a considerable part of the council, however large it may be, to be corrupted by bribes or favours. So it will be a much safer arrangement if every year, two out of each clan retire and are replaced by a like number (assuming that each clan is to have five counsellors) except in that year when the lawyer of a clan retires and another lawyer is appointed in his place.

[14] Moreover, no king can promise himself greater security than one who reigns in a commonwealth of this kind. For apart from the fact that he soon perishes whose safety is not desired by his own soldiers, it is quite certain that the greatest danger to kings is from those nearest them. So the fewer in number and consequently the more powerful the counsellors, the greater the danger to the king of their transferring the sovereignty to another. Indeed, nothing caused David more alarm than that his counsellor Achitophel had taken Absalom's side.²¹ Then again, if all power²² has been transferred absolutely to one man, it is²³ much simpler for it to be transferred from one man to another. Two common soldiers undertook to transfer the Roman Empire, and they succeeded (Tacitus, *Histories*, Book I).²⁴ I pass over the devices and cunning wiles which counsellors must employ to avoid falling victim to jealousy; for these are known only too well, and no reader of history can be unaware that the loyalty of counsellors has often proved their ruin. So for their own protection they have to be cunning, not loyal. But if counsellors are too many in number to unite in the same crime and are all equal with one another, and their term of office does not exceed four years, they cannot possibly be an object of fear to the king unless he attempts to deprive them of their freedom, whereby he will offend all citizens equally.²⁵ For (as Antonio Pérez well remarks) the exercise of absolute dominion is very dangerous to the ruler, very hateful to his subjects, and opposed to the established laws both divine and human, as is shown by countless examples.²⁶

[15] Besides these laws, in the previous Chapter we have laid down other fundamental laws which are effective in securing for the king his sovereignty and for the citizens their freedom and peace. These we shall go into in due course, for it

²¹ [See 2 Samuel 15.31.]

²² [*potestas*]

²³ [I read *quod* for *quae* — S S]

²⁴ [Sovereignty was passed from Galba to Otho. See Tacitus, *Histories* I, xxv, 1.]

²⁵ [Spinoza may have in mind six members of the Estates of Holland, who were arrested by order of William II in 1650.]

²⁶ [See Pérez' *Relaciones de Rafael Peregrino* (Geneva, 1644). Pérez served as Secretary of State to Philip II of Spain, and wrote this work in order to justify his decision to expose the conduct of his (former) master.]

was my purpose first of all to explain those laws that concern the supreme council and which are of the greatest importance. I shall now go on to deal with the rest of them in the order in which I propounded them.

[16] There can be no doubt that citizens are that much more powerful and therefore more fully in control of their own right as their cities are larger and better fortified. For the safer their dwelling place, the more capable they are of safeguarding their freedom, that is, the less they need fear an enemy, without or within; and it is an assured fact that the wealthier men become, the more natural it is for them to take measures to protect themselves.²⁷ But those cities that stand in need of another's power for their preservation do not have equal right with that other; they are subject to another's right to the extent that they stand in need of the other's power. For we have shown in Chapter 2 that right is defined by power alone.

[17] It is also for this same purpose—viz. that citizens may keep control over their own right and may safeguard their freedom—that the military force should be composed only of citizens, with no exemptions. For an armed man is more fully in control of his own right than an unarmed man (see Section 12 of this Chapter), and in giving up their arms and entrusting their cities' defences to another, citizens are making an absolute transfer of their right to him, committing it entirely to his good faith. A further consideration is men's avarice, which is generally a prevailing motive; for it is impossible for mercenaries to be hired except at great expense, and citizens find very irksome the exactions needed to maintain soldiers in idleness. The fact that no one should be appointed to command the entire military force or a great part of it except under urgent necessity and then for a year at the most is familiar to all who have read history, sacred or profane. There is nothing that reason teaches more clearly than this; for it is obvious that the might of the state is then entrusted to one who will find opportunity enough to monopolise military glory and surpass the king in renown or to win the loyalty of the army by indulgence, generosity, and the other arts usually practised by generals whose aim is slavery for others and despotism for themselves. Finally, for the greater security of the state I have added this provision, that these army commanders are to be chosen from the king's counsellors or ex-counsellors, that is, from men who have reached an age when people choose the traditional and the safe in preference to the new and the perilous.²⁸

[18] My purpose in saying that the citizens should be divided into clans and that an equal number of counsellors should be appointed from each clan was this, that the larger cities should have more counsellors proportionately to the number of their citizens and should have more voting power, as is fair. For the power of a state, and consequently its right, must be assessed from the number of its citizens; nor do I think that any more suitable means can be devised for maintaining this equality between citizens, because²⁹ all men are so constituted by nature that

²⁷ [Machiavelli, *Discourses* III, 24.]

²⁸ [The phrase is an adaptation from Tacitus, *Annals* I, ii, 1.]

²⁹ [I read *quia* for *qui* —S S]

each wants to be identified with his own kind and to be distinguished by lineage from others.

[19] Furthermore, in a state of Nature the one thing a man cannot appropriate to himself and make his own is land³⁰ and whatever is so fixed to the land that he cannot conceal it anywhere or carry it away where he pleases.³¹ Thus the land and whatever is fixed to it in the way we have described is especially the public property of the commonwealth, that is, of all those who by their united strength can claim it, or of him to whom all have delegated the power³² to claim it.³³ Consequently, the land and whatever is fixed thereto must have, in the eyes of the citizens, a value as great as is their need to set their feet thereon and to be able to defend their common right or freedom. In Section 8 of this Chapter we have shown the advantages that must thereby accrue to the commonwealth.

[20] In order that the citizens should be, as far as possible, on terms of equality—a prime necessity in a commonwealth—none are to be regarded as noblemen except those of royal descent.³⁴ But if it were permissible for all of royal descent to marry or to have children, they would in time increase to a very large number and would become not only a burden to the king and all the citizens but very much an object of fear as well. For men who enjoy abundant leisure are prone to contemplate crime. Hence it is mainly on account of their nobles that kings are induced to go to war because, surrounded by nobles, they find more safety and security in war than in peace. But this being a well-known fact, I pass it by, as also my remarks in Sections 15 to 27 of the previous Chapter. For the main points have been established in this Chapter, and the rest are self-evident.

[21] The following points are also universally accepted: That the number of the judges should be too great to allow of a considerable part of them being bribed by a private individual; that they should not vote openly but by secret ballot; and that they deserve to be paid for their services. But it is the general custom to pay them an annual salary, with the result that they are in no great hurry to settle law suits and disputes frequently reach no end. Again, in cases where confiscated goods fall to the crown, it is not always justice or truth that are the main considerations, but the extent of a man's wealth. Informers are everywhere, and the wealthy are seized as prey. These evils, grievous and intolerable as they are, are excused on the grounds of the urgency of war but are continued even in time of

³⁰ [This passage summarizes nicely the distinction between Spinoza's 'state of Nature' (*status naturalis*) and Locke's 'natural state'. A central role of the social contract in Locke is the maintenance and preservation of property rights which preexist the contract. For Spinoza, property itself is a creation of civil society.]

³¹ [I read *possit* for *potest*. —S.S.]

³² [*potestatem*]

³³ [Note that though Spinoza's monarch is to possess all land, his state lacks the hierarchical structure of a feudal system.]

³⁴ [Spinoza follows Machiavelli (*Discourses* I, 55) in regarding feudal nobles as enemies of civil order. Holland, in fact, had few such nobles.]

peace.³⁵ Still, the avarice of judges, those that are appointed for two or three years at the most, is kept in bounds by fear of their successors, not to mention again that the judges cannot own real estate; and to make a profit they must lend money to their fellow citizens. Thus they are compelled to have regard for the interests of their fellow citizens rather than to victimise them, particularly if there are a large number of judges, as we have said.

[22] But the military force, as we have said, is to be assigned no pay,³⁶ freedom being the supreme reward for military service. In a state of Nature it is simply for freedom's sake that each strives his best to defend himself, and he expects no other reward for his valour in war but his independence. Now in a civil order the citizens as a body are to be considered as a man in a state of Nature; so in fighting on behalf of that civil order they are all battling for themselves and serving themselves. But counsellors, judges, magistrates, etc. are serving others rather than themselves, and it is therefore right that they should be paid for their service. Moreover, in time of war there can be no nobler or more powerful incentive to victory than the idea of freedom. But if, on the other hand, only a portion of the citizens were to be detailed for military service—for which reason they must also be assigned some fixed pay—the king will necessarily distinguish these above the rest (as we have shown in Section 12 of this Chapter). Yet these are men skilled only in the arts of war, and in peace time, having too little to do, they become debauched and in the end are driven by poverty to think of nothing but rapine, civil discord, and war.³⁷ Thus we can assert that a monarchy of this kind is really a state of war; it is only the soldiers who enjoy freedom, the rest being slaves.

[23] Our remarks in Section 32 of the previous Chapter concerning the admission of foreigners I believe to be self-evident. Moreover, I think no one can doubt that those who are near kinsmen to the king should be at some distance from him and engaged in matters not of war but of peace, such as may bring honour to them and tranquillity to the state. Yet not even this has been deemed a sufficient precaution by Turkish despots who therefore regard it as an obligation to slaughter all their brothers. Nor is this surprising; for the more absolutely sovereignty has been transferred to one man, the more easily it can be transferred from one to another (as we have illustrated by an example in Section 14 of this Chapter). But in the case of a monarchy such as we are here describing—that is, one in which there is no mercenary soldiery—there can be no doubt that the measures we have proposed will be a sufficient provision for the king's safety.

[24] Nor can anyone call into question the measures we proposed in Sections 34 and 35 of the previous Chapter. And that the king should not marry a foreigner is easily proved. For apart from the fact that two commonwealths, even when united by treaty, remain in a state of hostility (Section 14, Chapter 3), it is of the

³⁵ [Tacitus, *Histories* II, lxxxiv, 1–2.]

³⁶ [See TP6/31. Spinoza appears to regard payments to rank and file in wartime as a subsistence allowance rather than a salary.]

³⁷ [This passage is an adaptation of Sallust, *Catiline* 5.]

utmost importance to see to it that the king's domestic concerns do not lead to war. And since quarrels and disputes are especially likely to arise from an alliance based on marriage, and since questions at issue between two commonwealths are generally decided by right of war, it follows that it is fatal for a state to enter into so close an alliance with another state. Of this we have a deadly example in Scripture. On the death of Solomon, who had married the daughter of the king of Egypt, his son Rehoboam waged a disastrous war against Shishak, king of Egypt, by whom he was utterly defeated.³⁸ Again, the marriage of Louis XIV, king of France, with the daughter of Philip IV sowed the seeds of another war.³⁹ And besides these, history provides numerous examples.

[25] The form of the state must be preserved unchanged; and so there must be but one king, a male, and the sovereignty must be indivisible. I have said that the king's eldest son should succeed his father by right; or else, if the king is without issue, his nearest kinsman. This is evident not only from Section 13 of the previous Chapter but also because the election of a king by the people should, if possible, be for all time; otherwise it will necessarily come about that the sovereignty of the state will frequently pass into the hands of the people, a drastic and therefore a very dangerous development. Those who maintain that the king, being master of the state and holding it by absolute right, can hand it on to whom he pleases⁴⁰ and choose whatever successor he pleases and that therefore the king's son is heir to the throne by right, are quite mistaken.⁴¹ The king's will has the force of law just as long as he holds the sword of the commonwealth, for the right to rule is determined by power alone. Therefore a king can indeed abdicate, but he cannot hand over his sovereignty to another without the acquiescence of the people or its stronger part. To understand this more clearly, it should be noted that children are heirs to their parents not by natural right but by civil right, for it is only through the power of the commonwealth that one can be the owner of a particular property.⁴² Therefore, by that same power or right whereby a man's will concerning his own property is held to be valid, that same will continues to be valid even after his death as long as the commonwealth endures. And it is for this reason that everyone in a civil order retains even after death the same right that he held when alive, because, as we have said, it is not so much by his own power as by the commonwealth's power, which is a continuing power, that a man can make decisions concerning his property. But with the king the case is quite different, for the king's will is the civil law itself, and the king is the commonwealth itself.⁴³ So there is a sense in which, with the death of the king, the common-

³⁸ [2 Chronicles 8.11, 12.2–9.]

³⁹ [The War of Succession for the possession of the Spanish Netherlands, 1667–1668.]

⁴⁰ [I read *velit* for *vellet*. — S S]

⁴¹ [Hobbes argued in the *De cive* that it was best for subjects to be the inheritance of their king (X, 18), that the king was empowered to give or sell his sovereignty to another (IX, 13), and that he could bequeath it to anyone he pleased (VII, 15 and IX, 12).]

⁴² [Again an anticipation and rejection of the Lockean account of property.]

⁴³ [See Hobbes' definition of a commonwealth in *De cive* V, 9]

wealth dies, and civil order reverts to natural order; and thus sovereignty reverts naturally to the people, which therefore has the right to enact new laws and repeal the old.⁴⁴ So it is plain that no man succeeds the king by right except the one whom the people wills to be his successor, or, in the case of a theocracy like the ancient commonwealth of the Hebrews, one whom God has chosen through his prophet. We could also deduce this from the fact that the king's sword or right is in reality the will of the people or of its stronger part; or again from the fact that men, endowed with reason, can never give up their right so completely as to cease to be men and be accounted as sheep. But there is no need to pursue this further.

[26] Religious right, or the right to worship God, is something no one can transfer to another. However, we have discussed this at some length in the last two chapters of the *Tractatus theologico-politicus*, which it is unnecessary to repeat here. And now I think I have set forth briefly, but with sufficient clarity, the fundamental laws of a good monarchy. Their interconnection or conformity with the state will be readily apparent to anyone who will examine them all together with some attention. It remains only for me to remind the reader that the monarchy I here have in mind is one established by a free people, for whom alone these suggestions can be helpful; for a people accustomed to a different form of government will not be able to tear up the traditional foundations of their state, changing its entire structure, without great danger of overthrowing the entire state.⁴⁵

[27] Yet perhaps our suggestions will be received with ridicule by those who restrict to the common people the faults that are inherent in all mankind, saying, "There is no moderation in the mob; they terrorise unless they are frightened,"⁴⁶ and, "The common people is either a humble servant or an arrogant master, there is no truth or judgment in it,"⁴⁷ and the like. But all men share in one and the same nature; it is power and culture that mislead us, with the result that when two men do the same thing we often say that it is permissible for the one to do it and not the other, not because of any difference in the thing done, but in the doer.⁴⁸ Pride is appropriate to rulers. Men are made proud by election to office for a year; so what about nobles who hold their distinction without end? But their arrogance is bedecked by an air of disdain, by magnificence, by lavishness, by a certain blending of vices and a kind of cultivated folly and a refined depravity, so that vices, each of which when taken separately and thus rendered conspicuous is seen as foul and base, appear to the naive and the ignorant as honourable and becoming. Then again, "There is no moderation in the mob; they terrorise unless they are frightened." For freedom and slavery do not go well together. Finally, that "there is no truth or judgment in the common people" is not surprising, since the

⁴⁴ [So the "eternal election" of the king is fictitious. Spinoza's view here has more in common with Locke than with Hobbes.]

⁴⁵ [A not-so-veiled warning to his contemporaries who wanted to create a monarchy in the Dutch republic.]

⁴⁶ [Tacitus, *Annals* I, xxix, 3.]

⁴⁷ [Livy XXIV, xxv, 8; Tacitus, *Histories* I, xxxii, 1.]

⁴⁸ [Terence, *Adelphi* 823–825.]

important affairs of state are conducted without their knowledge, and from the little that cannot be concealed they can only make conjecture. For to suspend judgment is not a common virtue. So to seek to conduct all business without the knowledge of the citizens and then to expect them not to misjudge things and to put a bad interpretation on everything, this is the height of folly. For if the common people could practise restraint and suspend judgment on matters insufficiently known, or form correct judgment on the basis of scanty information, it would surely be more fit to rule than to be ruled. However, as we have said, all men have the same nature—all grow haughty with rule, terrorise unless they are frightened—and everywhere truth becomes a casualty through hostility or servility,⁴⁹ especially when despotic power is in the hands of one or a few⁵⁰ who in trials pay attention not to justice or truth but to the extent of a person's wealth.

[28] Again, mercenary troops, accustomed to military discipline and inured to cold and hunger, usually despise the mass of citizens as being by far their inferiors in the matter of storming cities or fighting pitched battles. But no one of sound mind will assert that for this reason a state will be less successful or less durable. On the contrary, no impartial observer will deny that a state is most durable of all if it just has enough power to protect its possessions without coveting what belongs to others and therefore strives by every means to avoid war and to preserve peace.

[29] The policies of this state, I admit, can hardly be concealed;⁵¹ but everyone will also agree with me that it is far better for the honest policies of a state to be open to its enemies than for the guilty secrets of tyrants to be kept hidden from the citizens. Those who are able to shroud in secrecy their dealings with affairs of state have the state completely in their hands,⁵² and their treatment of the citizens in peace is no less hostile than their attitude to the enemy in war. No one can deny that secrecy is often of service to a state, but no one can ever prove that the same state cannot subsist without it. But on the other hand, it is quite impossible to entrust absolute control of public affairs to any man while also maintaining one's freedom, and so it is folly to choose to avoid a small loss at the cost of a grave calamity. Naturally, it has always been the constant refrain of those who lust after dominion that, for a state, secrecy in the conduct of its affairs is of vital importance and they make other such assertions that, the more they are cloaked with a show of utility, the more they are likely to lead to oppressive slavery.⁵³

[30] Finally, although no state, as far as I know, has included in its constitution all the features I have here described, we can nevertheless confirm from actual experience that this form of monarchy is the best, if we will but consider the reasons for the preservation of any civilised state and for its overthrow. But this is a task I

⁴⁹ [Tacitus, *Histories* I, i, 1.]

⁵⁰ [*praesertim ubi unus vel pauci dominantur*]

⁵¹ [Hobbes, *De cive* X, 14–15.]

⁵² [*in potestate habent.*]

⁵³ [Tacitus, *Annals* I, lxxxi, 3.]

could not here undertake without wearying the reader. Nevertheless, I cannot pass over in silence one example which seems worthy of mention: I refer to the state of the Aragonese,⁵⁴ whose singular loyalty to their kings was matched by the steadfastness with which they preserved unbroken the constitution of their kingdom. As soon as they had rid themselves of the slavish yoke of the Moors they resolved to choose themselves a king. Being unable to agree among themselves as to the conditions for this election, they therefore decided to consult the Pope⁵⁵ on this matter. He, who in this affair conducted himself truly as the vicar of Christ, rebuked them because, not taking sufficient warning from the example of the Hebrews, they were so utterly set on seeking a king. But if they would not change their minds, he advised them to choose a king only after creating institutions that were equitable and suited to the character of the people; in particular, they should bring into being a supreme council, like the Ephors of the Spartans, which would provide a counterbalance to the kings and which would possess the absolute right to decide any disputes that might arise between king and citizens. Following this advice, then, they established laws that they considered to be the most equitable of which the supreme interpreter, and consequently the highest judge, should be not the king but a council called “The Seventeen,” whose president is called “The Justice.” So this Justice and the Seventeen, appointed for life not by vote but by lot, had absolute right to review and annul all judgments passed upon any citizen by other councils, whether political or ecclesiastical, or even by the king himself, so that any citizen had the right to summon the king himself before this tribunal. Furthermore, they at one time even had the right to elect and to depose the king.⁵⁶ But after the passage of many years, their king, Don Pedro, called “The Dagger,”⁵⁷ by means of canvassing, bribery, promises, and favours of every kind, finally secured the revocation of this right. (As soon as he had gained his point in the presence of all, he cut off— or, as I think more likely, wounded— his hand with a dagger,⁵⁸ declaring that the right of subjects to choose their king was bound to involve the shedding of royal blood.)⁵⁹ But he succeeded only on this condition, “that they have had, and continue to have, the right to take up arms against any violent action whereby anyone may seek to encroach on their dominion to their hurt, yea, even against the king himself and the prince, his heir, if he thus encroaches (on their

⁵⁴ [Spinoza’s remarks on Aragon are probably derived from the *Relaciones de Rafael Peregrino* of Antonio Pérez (Geneva, 1644).]

⁵⁵ [Gregory VII]

⁵⁶ [*habuerunt regem eligendi et potestate privandi.*]

⁵⁷ [Pedro IV (1336–1387)]

⁵⁸ [Spinoza reads Pérez’ “*se cortó la mano*” as “he cut off his hand”]

⁵⁹ [Pérez wrote: “*Que tal fuero, y fuero de poder eligir Rey los vasallos, sangre de Rey avia de costar.*” The traditional interpretation, fostered by the anonymous English translation of Pérez published in 1715, interprets Pedro’s shedding his blood in exchange for the abolition of such a privilege. Spinoza interprets Pérez as claiming instead that such a privilege (being able to elect or to depose the king) is dangerous to the king (see TP7/25), and this is probably the more correct reading.]

dominion).” It is obvious that by this condition they did not so much abolish as amend the above-mentioned right. For, as we have shown in Sections 5 and 6 of Chapter 4, it is not by civil right but by right of war that a king can be deprived of his power to rule; in other words, it is by violence alone that his subjects may resist his violence. Besides this condition they stipulated others,⁶⁰ which are irrelevant to our purpose. These usages, drawn up with universal consent, continued inviolate for an incredible space of time, kings and subjects behaving with equal loyalty to one another. But after Ferdinand, the first of them all to be styled “The Catholic,” inherited the kingdom of Castile,⁶¹ the Castilians, becoming envious of this privilege of the Aragonese, never ceased to urge Ferdinand to abolish those rights. But he, being not yet accustomed to absolute rule, did not venture to take action and replied to his counsellors as follows: “Apart from the fact that he had accepted the kingship of Aragon on terms with which they were acquainted, and had sworn faithfully to observe those terms and that to break one’s faith is the act of a savage, he had come to the conclusion that his kingdom would be stable only as long as the king had no greater measure of security than that enjoyed by his subjects, so that neither would the king outweigh his subjects nor his subjects their king. For if either party were to become more powerful than the other, the weaker would attempt not only to recover its former equality but to retaliate upon the other through resentment at the injury it had suffered. This would result in the ruin of one or both.” These are indeed wise words, which I could not sufficiently admire had they been uttered by a king accustomed to rule over slaves, not over free men. So the Aragonese retained their freedom after the time of Ferdinand—though no longer by right but by the favour of their kings, who exceeded them in power—right up to the time of Philip II, who oppressed them with more success but with no less cruelty than he oppressed the United Provinces. And although Philip III is supposed to have restored completely the original position, the Aragonese, of whom the majority were motivated by eagerness to flatter the powerful (for it is folly to kick against the pricks)⁶² while the remainder were terrorised, have retained nothing but the plausible names and empty forms of freedom.⁶³

[31] We conclude, therefore, that a people can preserve quite a considerable degree of freedom under a king, provided that it ensures that the king’s power is determined only by the people’s power and depends on the people for its maintenance. This has been the one and only guideline I have followed in laying down the foundations of monarchy.

⁶⁰ [The king in fact had to take an oath to maintain the rights, freedom, and customs of Aragon before being crowned.]

⁶¹ [Ferdinand of Aragon (1476–1516) became regent of Castile through the testament of his wife Isabella.]

⁶² [Terence, *Phormio* 77–78.]

⁶³ [Tacitus, *Annals* I, lxxxi, 3.]

CHAPTER 8

[Aristocracy: The First Model]

That an aristocracy should consist of a large number of patricians. Of its superiority, and that it comes closer than monarchy to an absolute form of government, and is therefore more suitable for the preservation of freedom.

[1] So far we have been dealing with monarchy. We shall now go on to explain the way in which an aristocracy should be established so as to be able to endure. We have defined aristocracy as a state where the government is in the hands of not one man but a certain number of men, whom we shall henceforth call patricians, chosen from the people. I say expressly, “in the hands of a certain number of chosen men,” for the chief difference between this and a democracy is as follows, that in an aristocracy the right to govern depends solely on selection,¹ whereas in a democracy it depends mainly on a kind of innate right, or a right acquired by chance, as I shall explain in due course.² So even if the entire population of a state were to be enrolled as patricians, then provided that this right of enrolment is not hereditary and is not bequeathed to others in accordance with some general law, the government will still be entirely an aristocracy, since none but those expressly chosen are enrolled as patricians. Now if those chosen are only two in number, the one will endeavour to gain superiority over the other, and because of their excessive power the state is likely to split into two factions, or into three, four, or³ five factions if the government is in the hands of three, four, or five men. But the more there are to share in the government, the weaker the factions will be. Hence it follows that for an aristocracy to be stable, the minimum number of patricians must be determined by consideration of the size of the state.

[2] Let us suppose, then, that for a state of medium size it suffices that there should be a hundred best men on whom the sovereign power of the state is conferred, and who therefore have the right to appoint their patrician colleagues when any one of their number dies. These men will naturally do their utmost to ensure that their children or their nearest kinsmen shall succeed them. Hence the sovereign power of the state⁴ will always be vested in those whose fortune it is to be the children or kinsmen of patricians. And since out of a hundred men whom fortune raises to office hardly three are to be found who are singularly gifted with skill and understanding, it will come about that the sovereignty will be in the hands of, not a hundred, but no more than two or three men who excel in mental power and who

¹ [The town council of Amsterdam was recruited in this manner, often called “co-optation.”]

² [See TP11/1–2.]

³ [I read *aut* for *et*.—S S]

⁴ [*summa imperii potestas*]

will easily contrive to gather everything into their hands, each of them, ambitious as is the way of humans, preparing his path to monarchy. Thus, if our calculations are correct, in the case of a state which by reason of its size requires at least a hundred men of leading rank, the sovereign power⁵ must be in the hands of at least five thousand patricians. For in this way there will never fail to be found a hundred men of outstanding mental gifts, it being assumed that out of fifty men who seek and attain office there will always be one not inferior to the best, as well as others who seek to emulate the qualities of the best and are therefore also worthy to govern.

[3] Patricians are most commonly the citizens of one city that is the capital of the entire state, so that the commonwealth or republic takes its name from that city, as was once the case with Rome, and is today with Venice, Genoa, etc. But the republic of Holland takes its name from a whole province, which is the reason why the subjects of this state enjoy greater freedom. Now before we can determine the foundations on which an aristocratic government must rest, we must note the difference there is between government in the hands of one man and government in the hands of a sufficiently large council, a difference which is indeed quite considerable. In the first place, as we remarked in Section 5, Chapter 6, the power of a single man is far from being equal to bearing the whole burden of government. Now this cannot be said of a sufficiently large council, for in asserting that a council is sufficiently large one is also denying that it is not equal to the burden of government. So whereas counsellors are quite indispensable to a king, this is certainly not the case with a council of this kind. Secondly, kings are mortal, whereas councils are everlasting, and so the sovereign power⁶ that has once been conferred on a council never reverts to the people. This is not so with a monarchy, as we have shown in Section 25 of the previous Chapter. Thirdly, the rule of a king is often precarious by reason of his minority, sickness, old age, or for other causes, whereas the power of a council of this kind remains always one and the same. Fourthly, the will of one man is very changeable and inconstant, and it is for this reason that all law is indeed the king's declared will (as we said in Section 1 of the previous Chapter), but not everything the king wills must be law. This cannot be said of the will of a council which is sufficiently large. For since the council itself (as I have just shown) stands in no need of counsellors, all the declared will of the council must necessarily be law. We may therefore conclude that the sovereignty⁷ conferred on a council of sufficient size is absolute, or comes closest to being absolute. For if there is such a thing as absolute sovereignty, it is really that which is held by the people as a whole.⁸

[4] Yet, insofar as this form of aristocratic sovereignty never reverts to the people (as has just been shown), and does not involve any consultation of the people, and

⁵ [*imperii potestas.*]

⁶ [*imperii potentia.*]

⁷ [*imperium.*]

⁸ [This is a veiled critique of Hobbes, who argued (*De cive* VI, 13) that sovereigns are equally absolute but not equally powerful. For Spinoza they are not absolute because they are not absolutely powerful.]

since everything willed by this same council is unconditionally law, it must be considered as quite absolute. Therefore its foundations ought to rest only on the will and judgment of that same council and not on the vigilance of the people, they being debarred both from offering advice and from voting. So the reason why in practice the government is not absolute can only be this, that the people is an object of fear to the rulers, thereby maintaining some degree of freedom for itself, which it asserts and preserves, if not by express law, by tacit understanding.

[5] It is therefore clear that this kind of state will be most efficient if it is so organised as to approach absolute sovereignty; that is, if the people are as little as possible an object of fear and if they retain no freedom except such as must necessarily be granted by the constitution of the state itself. This freedom is therefore a right belonging not so much to the people as to the state as a whole, a right which is upheld and preserved solely by the aristocrats as their own concern. For in this way practice will agree most closely with theory, as is clear from the previous Section and is also self-evident. For we cannot doubt that the more rights are asserted by the common people, the less sovereignty is in the hands of the patricians, as is the case in lower Germany,⁹ where the corporations of artisans, commonly called Guilds,¹⁰ possess such rights.

[6] The fact that sovereignty is conferred absolutely on the council need not give the common people any reason to fear oppressive slavery at its hands. For when a council is so large its will is determined by reason rather than mere caprice, because evil passions draw men asunder; and it is only when they have as their objective what is honourable, or at least appears so, that they can be guided as if by one mind.¹¹

[7] So in determining the foundations for an aristocratic government one must ensure above all that they rest solely on the will and power of that same supreme council so that the council is as far as possible in control of its own right and in no danger from the people. To determine these foundations, resting as they do solely on the will and power of the supreme council, let us review those foundations for peace which, peculiar to a monarchy, are unsuited to this form of state. For if we replace these with other equally effective basic institutions suitable for an aristocracy, leaving the rest as already laid down, all causes of civil strife will undoubtedly be removed, or at least this government will be no less secure than a monarchy. On the contrary, it will be that much more secure and its condition that much superior as it comes closer than monarchy to absolute sovereignty, without endangering peace and freedom (see Sections 3 and 6 of this Chapter). For the greater the right of the sovereign the more does the form of the state agree with the dictates of reason (Section 5, Chapter 3), and therefore the fitter it is for the preservation of peace and freedom. Let us therefore run through what we said

⁹ [A strip of territory on the left bank of the Rhine. It was at one time a Roman province including what are today parts of Belgium, Holland, and the German Rhineland.]

¹⁰ [The Guilds had considerable influence in the town councils of the Netherlands.]

¹¹ [*nec una veluti mente duci possunt nisi quatenus honesta appetunt.* The qualifiers *veluti* and *quatenus* again indicate that the council has a mind only metaphorically.]

in Chapter 6 from¹² Section 9 on, so that we can reject what is unsuited to aristocratic government and see what is consistent with it.

[8] That it is necessary in the first place to found one or more cities, no one can doubt. But particular attention should be paid to the fortifications of that city that is the capital of the whole state, and also to those that are on the state's frontiers. For the city that is the capital of the whole state and holds the supreme right should be more powerful than all the others. However, in this kind of state it is quite unnecessary for all the inhabitants to be divided into clans.

[9] As for the armed forces, since in this kind of state equality is to be sought not between all citizens but only between patricians, and in particular the power of the patricians is greater than that of the common people, clearly the requirement that the armed forces should be formed only of subjects has no part to play in the laws or fundamental ordinances of this state. But it is of prime importance that no one should be enrolled as a patrician unless he is well trained in the art of war. Still, to exclude subjects from the armed forces, as some suggest, is surely foolish.¹³ For military pay given to subjects remains within the realm, whereas that which is paid to foreign troops is a complete loss; and what is more, a most important bulwark of the state is weakened, since those who fight for hearth and home are sure to fight with especial valour. Hence it is also clear that those are no less mistaken who maintain that generals, colonels, captains, etc. should be appointed only from patricians. For what valour in battle is to be expected from soldiers who are deprived of all hope of winning glory and promotion? On the other hand, to establish a law forbidding the patricians to hire foreign troops when the situation requires it,¹⁴ either for their protection and the suppression of civil strife or for any other reasons, is not only unwise but contrary to the supreme right of the patricians, concerning which see Sections 3, 4, and 5 of this Chapter. However, the commander of a single army or of the entire armed forces should be appointed only in time of war and only from the patricians; his command should last for a year at the most, with no possibility of extension of command or of later reappointment. Such a law, necessary in a monarchy, is even more so in an aristocracy. For although, as has already been said,¹⁵ it can be much easier for sovereignty to be transferred from one man to another than from a free council to one man, yet it often happens that patricians are subjugated by their own commanders, to the much greater harm of the commonwealth. For when a monarch is removed, there is merely a change in tyrant, not a change in the form of the state; but in the case of aristocratic government this change cannot take place without

¹² [I read *ex* before *Art* — S.S.]

¹³ [Spinoza may be thinking of the Venetian aristocracy, which did not employ commoners in its armies. Machiavelli (*Discourses* I, 6) argues that this made it internally strong, but weak against external enemies.]

¹⁴ [In times of crisis (e.g., 1617) the Dutch regents engaged professional troops, called *waardgelders* for protection despite the general Dutch abhorrence of mercenaries. Spinoza here allows this also as a last alternative.]

¹⁵ [See TP7/14.]

the overthrow of the state and the destruction of the most prominent men. Of such an event Rome has offered the most grievous examples.¹⁶ However, our reason for saying that in a monarchy the armed forces should serve without pay does not apply to a state of this kind. For since subjects are debarred both from counselling and from voting, they are to be regarded on the same footing as foreigners, and should therefore be engaged for military service on no less favourable terms than foreigners. Nor is there here any danger that these may be distinguished above the rest by the council. Rather, to avoid a situation where everyone, as is generally the case, sets an exaggerated value on his own deeds, it would be wiser for the patricians to assign a fixed payment to the soldiers for their service.

[10] Again, for this same reason, that all but patricians are foreigners, it cannot be without danger to the whole state that lands, houses, and all the soil should belong to the state and be let to the inhabitants at an annual rent. For subjects who have no stake in the state would all be likely to desert their cities in times of danger if they could carry wherever they pleased what goods they possessed. Therefore in this state lands and farms are to be sold, not let, to subjects, but on this condition, that they should also pay every year a certain proportion of their annual income and so on, as is done in Holland.

[11] Having considered these points, I now pass on to the basic institutions by which the supreme council should be supported and strengthened.¹⁷ In Section 2 of this Chapter we have shown that in a state of medium size the members of this council should number about five thousand. So we must look for means to prevent the government from gradually falling into fewer hands, ensuring on the contrary that their number keeps pace with the growth of the state, that equality is maintained among the patricians as far as possible, and also that business is speedily dispatched in the councils, and finally, that while the power of the patricians or council should exceed that of the people, the people should suffer no harm thereby.

[12] Of these objectives, the main obstacle to attaining the first is jealousy. As we have said, men are by nature enemies, and even when they are joined and bound together by laws they still retain their nature. This, I believe, is why democracies turn into aristocracies, and these eventually into monarchies. I am quite convinced that most aristocracies were once democracies, for this reason, that a people in search of new territories, when it has found them and cultivated them, retains as a single body an equal right in government, because no one willingly grants sovereignty to another. But although each of them thinks it fair that he should have against another the same right as the other has against him, yet he thinks it unfair that foreigners who come to join them should have equal rights with them in a state which they have won for themselves by their toil and held at the cost of their blood. Nor do the foreigners themselves make any objection to this, having come to settle there not with view to being rulers but to promote their

¹⁶ [Machiavelli, *Discourses* III, 24]

¹⁷ [Spinoza models these laws and the council in part on the Grand Council of Venice]

private interests, and they are quite happy provided they are granted freedom to transact their own business in security.¹⁸ But meanwhile the population increases through the influx of foreigners, who gradually adopt the national customs until finally they are not distinguishable by any difference but this, that they lack the right to hold office; and while their number increases day by day, that of the citizens for many reasons diminishes. Clans often die out, some men are disqualified by reason of their crimes, and many take no part in public affairs because of their straitened circumstances, while in the meantime the more powerful have this as their sole ambition, to rule alone. In this way government gradually falls into the hands of a few men, and at length by political manoeuvring into the hands of one man. And to these one could add other causes which destroy governments of this kind,¹⁹ but since they are quite familiar I pass them by, and I shall now describe in an orderly way the laws by which the kind of state under discussion must be preserved.

[13] The principal law of this state must be that whereby the proportion of patricians to the population is determined. For (by Section 1 of this Chapter) a ratio should be maintained between the population and the patricians so that the number of patricians increases in proportion to the increase of the population. And this ratio (in accordance with what we said in Section 2 of this Chapter) should be about 1 to 50; that is to say, the number of patricians should never be less than this proportion. For (by Section 1 of this Chapter), the number of patricians may be much greater than that of the people with no change in the form of state. But it is only in their fewness that danger lies. As to how precautions may be taken against the violation of this law, I shall presently discuss this in its proper place.

[14] In some places patricians are chosen out of certain clans only;²⁰ but to lay this down as an explicit law is to invite disaster. For clans often die out, the exclusion of other clans can never be without disgrace, and, furthermore, it is contrary to this form of government for patrician status to be hereditary, by Section 1 of this Chapter. But this system would make the government seem²¹ rather like a democracy, a democracy in the hands of very few citizens, such as we described in Section 12 of this Chapter. On the other hand, it is impossible—indeed absurd as I shall show in Section 39 of this Chapter—to try to prevent the patricians from appointing their own sons and kinsmen, thereby retaining the right to govern in the hands of certain clans. However, provided that they do not claim this privilege by express law and that the others are not excluded (I mean those who are born within the state, speak the mother tongue, have not married a foreign wife, are not of ill-fame or servants, and do not gain their livelihood by some menial occupation, among whom are also to be reckoned wine-shop keepers, tapsters, and

¹⁸ [Machiavelli, *Discourses* I, 6.]

¹⁹ [See Aristotle, *Politics* 1305b–1307b.]

²⁰ [Venice and Genoa are the two examples which Spinoza may have in mind. The clans of these two cities were called “families.”]

²¹ [I read *videretur* for *videtur*. — S S.]

the like), the form of the state will nevertheless be preserved, and it will still be possible to maintain the ratio between patricians and the populace.

[15] Furthermore, if it be enacted by law that no young men can be appointed, it will never come about that a few clans could keep in their hands the right to govern. So a law should be enacted that no one under the age of thirty can be placed on the roll of candidates.²²

[16] Thirdly, all patricians should be required by law to assemble at a particular location in the city at certain fixed times; and whoever fails to attend council, unless prevented by illness or some public business, should pay a heavy fine. Otherwise most patricians would neglect public affairs to attend to their private business.

[17] The duty of this council should be to enact and to repeal laws and to appoint their patrician colleagues and all ministers of state.²³ For one who holds the supreme right, which we have declared to belong to this council, cannot possibly grant to another the power²⁴ to enact and repeal laws without thereby ceding his own right and transferring it to him to whom he has granted that power. For he who even for a single day has the power to enact and repeal laws can change the entire form of the state. But one can, while retaining one's supreme right, delegate to others the task of dealing with the daily business of the state in accordance with the established laws. Moreover, if ministers of state were to be appointed by any other authority than this council, then the members of this council ought more rightly to be called minors than patricians.

[18] Some are wont to appoint a governor or leader over this council, either for life, as do the Venetians, or for a set period, as do the Genoese;²⁵ but they take such precautions as to make it clear that the state is much endangered by this practice.²⁶ And assuredly we cannot doubt that the state is thus brought close to monarchy. And as far as we can gather from history, the only reason for this practice is this, that before the establishment of these councils they had been subject to a governor or leader as if to a king. So while the appointment of a governor may meet the needs of a particular nation, this is not an essential requirement for aristocratic government considered simply as such.

[19] Nevertheless, since the sovereignty of this kind of state is vested in this council as a whole and not in each individual member (for otherwise it would be a gathering of an unorganised crowd); it is therefore necessary for the patricians to be so bound together by laws as to form, as it were, a single body directed by a single mind. But laws simply by themselves are weak and are easily broken when

²² [In Venice a noble became a member of the Grand Council at the age of twenty-five.]

²³ [These were the functions also of the Grand Council of Venice, which conferred nobility only very sparingly.]

²⁴ [*potestatem*.]

²⁵ [In Venice the Doge received a lifetime appointment, whereas in Genoa it was only a two-year term.]

²⁶ [In Venice there were elaborate processes whose principal goal was that of making favoritism impossible.]

their guardians are the very persons who are in a position to transgress and the only persons who should take warning from the punishment of transgressors, and whose reason for punishing their colleagues is to curb their own desires through fear of the same punishment—which is quite absurd. So means must be sought to keep inviolate the orderly procedure of this supreme council and the laws of the state, yet ensuring the greatest possible equality among patricians.

[20] Now the appointment of a single governor or leader who also has the right to vote in council is bound to result in considerable inequality, especially in view of the power he must necessarily be granted so as to discharge his duty in comparative security. Therefore, taking everything into consideration, nothing can be devised more beneficial to the common welfare than to set up another council, subordinate to this supreme council, consisting of patricians whose sole duty would be to ensure that the laws of the state regarding assemblies and ministers of state are kept inviolate and who would accordingly have the power²⁷ to bring to judgment any minister of state guilty of transgressing the regulations pertaining to his office and to condemn him in accordance with established law. These we shall hereafter call syndics.²⁸

[21] These syndics are to be appointed for life; for if they were appointed for a set period so as to be eligible later to fill other offices of state, we would fall into the absurdity which we have just indicated in Section 19 of this Chapter. But lest they should become too arrogant through a very long period of rule, none are to be elected to this office but those who are at least sixty years old and are ex-senators (see below).

[22] It will be easy for us to determine the number of these syndics, too, if we reflect that they stand to the patricians in the same relation as the entire body of patricians to the populace, which the patricians cannot govern if they fall below the right number. Therefore the number of syndics to patricians must be the same as that of patricians to the populace, that is, as 1 to 50 (Section 13 of this Chapter).

[23] Furthermore, to enable this council to discharge its duty in security, a part of the armed forces must be assigned to it, to which it may give whatever orders it pleases.²⁹

[24] No salary is to be paid to syndics or to any minister of state, but they are to be assigned emoluments such that they cannot maladminister affairs of state without great loss to themselves. We cannot doubt that it is fair for the ministers of this state to be remunerated for their services, because the larger part of this state consists of the common people whose security is safeguarded by the patricians, while the commons themselves devote their time not to public affairs but

²⁷ [*potestatem*]

²⁸ [The Areopagites of ancient Athens had supervisory and judicial powers similar to those which Spinoza will outline for the syndics, though he probably has in the mind the *Dieci* and *Avogadori di comun* of Venice, despite that these did not receive lifetime appointments. The syndics resemble the *Dieci* in possessing *dictatoria potestas*, but in other respects they resemble the *Avogadori*.]

²⁹ [The *Dieci* had a military guard]

to their own private concerns. But on the other hand, since no one (as we said in Section 4, Chapter 7) upholds the cause of another except insofar as he believes his own interests to be served thereby, matters must be so arranged that ministers attending to public affairs serve their own interests best when they are most vigilant for the common good.

[25] Therefore the syndics, whose duty, as we have said, is to ensure that the laws of the state are kept inviolate, are to be assigned the following emoluments. Every householder who dwells anywhere within the state must pay to the syndics every year a coin of little value, say a quarter of an ounce of silver, so that the syndics may ascertain the number of inhabitants and may thus be informed what proportion of the number the patricians constitute. Next, every new patrician on his election must pay to the syndics a large sum, say twenty or twenty-five pounds of silver.³⁰ In addition, the fines imposed on absent patricians (those who have failed to attend a meeting of the council) must also be assigned to the syndics,³¹ and when offending ministers have to submit to the syndics' jurisdiction and are fined a fixed sum or have their possessions confiscated, a portion of their goods must also be assigned to the syndics—not indeed to all of them, but only to those who are every day in session³² and whose duty it is to summon the council of syndics, concerning which see Section 28 of this Chapter. To ensure that the council of syndics is always maintained at its proper number, when the supreme council is summoned at its customary time, priority must be given to an enquiry on this point. If this duty is neglected by the syndics, it should then be the task of the president of the senate (of whom we shall have occasion to speak presently) to bring this to the attention of the supreme council, to demand from the president of the syndics the reason for his silence, and to seek the opinion of the supreme council on this matter. If he too is silent, the question should be taken up by the president of the supreme court of justice, or if he too is silent, by any other patrician, who should demand a reason for their silence from the president of the syndics as well as from the presidents of the senate and of the court of law. To ensure in addition the strict observance of the law excluding younger men, there should be a requirement that all who have attained the age of thirty and are not excluded by express law from taking office should cause their names to be entered on a roll kept by the syndics, from whom they should receive at some set price a mark of honour conferred on them, this being permission to wear a particular ornament, granted only to them as a mark of distinction and prestige. And at the same time it should be laid down by law that no patrician may nominate for election anyone whose name is not entered on the general roll, under threat of a heavy penalty, and also that no one be permitted to refuse an office or duty that he has been elected to undertake.³³ Finally, to ensure the permanence of all the absolutely

³⁰ [The *Avogadori* of Venice had charge of the *Libro d'Oro*, the official rollbook of Venice's noble families.]

³¹ [The *Avogadori* received a portion of the fines imposed on offenders.]

³² [In Venice the three *Capi di Dieci* met daily at the ducal palace.]

³³ [In Venice refusal of such magistracies was punishable by fine.]

fundamental laws of the state, it must be ordained that if anyone in the supreme council calls into question any fundamental law such as that concerning the extension of command of any general or the reduction of the number of patricians and the like, he is guilty of treason, and not only must he be condemned to death with confiscation of his goods, but some sign of his punishment should be displayed in public as a permanent record of the event. But to give stability to the other general laws of the state, it is enough merely to ordain that no law can be repealed or new law enacted without the agreement first of the council of syndics and then of three-quarters or four-fifths of the supreme council.

[26] The right to summon the supreme council and to propose matters for its decision should rest with the syndics,³⁴ who should also be given first place in the council but without the right to vote. However, before they take their seats they must swear by the well-being of that supreme council and by the people's freedom that they will endeavour with the utmost zeal to preserve inviolate their traditional laws³⁵ and to act for the common good. Thereafter, through their secretary, they should disclose in due order the matters for discussion.

[27] To ensure that all patricians stand on equal terms³⁶ in making decisions and in electing ministers of state and that all business is speedily dispatched, the system observed by the Venetians deserves our full approval. To nominate ministers of state, they appoint some members of the council by lot,³⁷ and when these have nominated in due order the candidates for office, every patrician votes for or against the candidate by secret ballot, with the result that it is not known thereafter who voted one way or the other. Through this procedure not only do all patricians stand on equal terms in making decisions and business is speedily dispatched, but also each is absolutely free to cast his vote without incurring unpopularity, which is of first importance in councils.

[28] In the council of syndics, too, and in other councils the same procedure is to be followed; that is, voting must be by secret ballot. But the right to summon the council of syndics and to set its agenda ought to belong to their president, who should sit every day with ten or more other syndics to hear complaints and secret accusations³⁸ by the commons against ministers,³⁹ to take into custody the accused if circumstances so require, and to summon the council even before its appointed time if any one of them considers that there is danger in delay. This president and those who meet with him every day must be appointed by the supreme council and out of the number of syndics, not for life but for six months, and their term of

³⁴ [Meetings of the Grand Council of Venice were regularly summoned by the *Signoria* (the Doge, his six councillors, and the three *Capi Superiori*), but the *Avogadori* could summon extraordinary meetings of any council of the state.]

³⁵ [*jura patria*.]

³⁶ [*omnibus patriciis aequa sit potestas*]

³⁷ [Thirty-six, divided into four groups of nine each.]

³⁸ [I read *accusatos* for *accusatores*. — S.S.]

³⁹ [In Venice anyone could denounce a citizen to the *Capi di Dieci* by placing a signed accusation in the mouth of the Lion of St Mark]

office is not to be renewed except after an interval of three or four years. And, as we have already said, confiscated goods and monetary fines, or some portion of these, are to be assigned to them. Other matters concerning the syndics we shall discuss in their proper place.

[29] The second council, to be subordinate to the supreme council, we shall call the senate.⁴⁰ Its duty should be to deal with public business, such as to promulgate the laws of the state, to organise the fortifications of cities in accordance with the laws, to give military commissions, to impose taxes on subjects and to arrange for the disbursement of the revenue, to reply to foreign envoys, and to decide where their own envoys are to be sent. But to appoint the envoys themselves should be the duty of the supreme council; for it is of the first importance to ensure that no patrician may be appointed to any office of state except by the supreme council, lest patricians themselves seek to curry favour with the senate. Next, all measures are to be referred to the supreme council if in any way they effect a change in the existing state of affairs, such as decisions on war and peace. Therefore the senate's decisions on war and peace, to be valid, must be confirmed by the authority of the supreme council. And for this reason I would hold that the imposition of new taxes is a question for the supreme council alone, not for the senate.⁴¹

[30] To determine the number of senators the following points should be taken into consideration. First, all patricians should have an equal hope of attaining senatorial rank; secondly, senators whose term of office has expired may nevertheless be eligible for reelection after no great interval, thus ensuring that the state may always be governed by men of skill and experience; and finally, among the senators there should be quite a number who have gained a reputation for wisdom and virtue. To secure all these objectives, no more effective means can be devised than this: It should be ordained by law that no one below the age of fifty may be admitted to senatorial rank and that four hundred—that is, about a twelfth part of the patricians—should be appointed for a year, and when this term has expired they should be eligible for reappointment after an interval of two years.⁴² In this way there will always be about a quarter⁴³ of the patricians serving as senators, with only short intervals between their periods of service; and this number, together with the number of syndics, is unlikely to be much less than the number of patricians who have reached their fiftieth year. Thus for all patricians there will always be a good prospect of attaining the rank of senator or syndic, and yet these same patricians will always be holding senatorial rank with only brief intervals between, as we have said, and (by what was said in Section 2 of this Chapter) the senate will never lack men of outstanding wisdom and skill. And because this law cannot be broken without arousing the bitter jealousy of many patricians, no steps

⁴⁰ [Spinoza's senate seems to combine functions of the Council of the State of the Netherlands and the Venetian Senate.]

⁴¹ [The Venetian Senate could only impose new taxes under authorization of the Grand Council.]

⁴² [The term for Venetian senators was likewise one year, but they could be reappointed immediately.]

⁴³ [With Wernham, I read *quarta* for *duodecima*. — S.S.]

need to be taken to ensure its constant enforcement other than that every patrician who has reached the above-mentioned age should give proof thereof to the syndics. These will then enter his name on the roll of candidates for senatorial office and read it out in the supreme council, so that he may take a seat in the supreme council assigned to such persons, next to the seats of senators, along with others of the same status.

[31] The remuneration of senators must be of such a kind that they derive more advantage from peace than from war.⁴⁴ So they should be assigned a one or two percent duty on imports and exports; for we cannot doubt that they will then safeguard peace as vigorously as they can and will never seek to prolong a war. Nor should even senators, if some of them are merchants, be exempt from paying this duty; for such exemptions cannot be granted without great loss to commerce, as I think is generally realised. On the other hand, it should be ordained by law that no senator or ex-senator may fill any military post; and furthermore no one whose father or grandfather is a senator, or has held senatorial office within the previous two years, may be appointed commander in chief or colonel, officers who, as we said in Section 9 of this Chapter, are to be appointed only in time of war. We cannot doubt that those patricians who are not members of the senate will uphold these laws with all their might, with the result that senators will always have more to gain from peace than from war and will therefore never advocate war unless pressed to do so by the state's most urgent need. Now it may be objected to us that by this arrangement, i.e., the assigning of such considerable payments to syndics and senators, an aristocracy will be no less burdensome to subjects than any monarchy. But royal courts require greater expenditure, which does nothing, however, to safeguard peace, and peace cannot be purchased at too high a price; apart from which there are the following considerations. First, everything that in a monarchy is conferred on one man or a few men is here conferred on a great number. Next, kings and their ministers do not bear the burdens of the state in company with their subjects, whereas here the reverse is true; for the patricians, who are always chosen from the wealthier classes, make the greatest contribution to the commonwealth. Finally, the burdens of monarchy arise not so much from royal expenditure as from its secret policy. For however great may be the state burdens imposed on its citizens for the sake of safeguarding peace and freedom, yet they are borne and endured for the benefits of peace. What nation ever had to pay such heavy taxes as the Dutch? Yet⁴⁵ this nation, so far from being exhausted, has become so prosperous as to be the envy of all. So if the burdens of monarchy were imposed for the sake of peace, citizens would not find them oppressive. But, as I said, it is because of the secret policy of this kind of government that subjects sink beneath their burden; that is to say, it is because the worth of kings counts for more in war than in peace, and because those who wish to reign alone must do their

⁴⁴ [Members of the Netherlands Council of State were forbidden to engage in the provision of military stores, lest they should make profit from war]

⁴⁵ [I read *Atqui* for *Atque* — S S]

best to keep their subjects in a state of poverty.⁴⁶ I here omit other points noted some time ago by that wise Dutchman V. H.⁴⁷ because they are irrelevant to my purpose, which is merely to describe the optimum of each kind of state.

[32] Some of the syndics, appointed by the supreme council, are to sit on the senate but without the right to vote, to see whether the laws concerning that council are duly observed, and to take steps to summon the supreme council when any matter has to be referred from the senate to the supreme council. For the right to summon the supreme council and submit matters for its decision lies with the syndics, as we have already said. But before a vote is taken on matters like this, the president of the senate at that time will explain the state of affairs, giving the senate's view of the matter in question and the reasons for it. Thereafter the vote should be taken in the usual way.

[33] The entire senate should not meet every day, but, like all councils of considerable size, should assemble at certain fixed times.⁴⁸ However, since in the meantime state business has to be dealt with, a certain number of senators need to be chosen to act on behalf of the senate when it is not sitting. Their duties should be to summon the senate when there is need, to carry out its decisions on public business, to read letters addressed to the senate and the supreme council, and, finally, to discuss what matters are to be brought before the senate. But in order that all these things and the organisation of the council as a whole may be more easily grasped, I shall give a more detailed account of the entire matter.

[34] The senators, who, as we have said, must be appointed for a year, should be divided into four or six sections.⁴⁹ The first of these should preside over the senate for the first two or three months. When this time has expired, the second section should take the place of the first, and so on, each section taking first position in its turn at regular intervals, so that the section taking first position in the first period takes last position in the second period. Furthermore, for each section there should be appointed a president, together with a vice president to take his place when needed. That is to say, from each section two men are to be appointed, a president and a vice president, and the president of the first section should also preside over the senate during the first months, or in his absence his vice president should take his place, to be succeeded by the rest of the presidents in order as described above. Next, out of the first section a number should be chosen, by lot or vote, to deputise for the senate when it is not in session along with the president and the vice president, for such a period of time as their section holds first place in the senate. When this time has expired, a like number of men are again to be chosen, by lot or vote, from the second section to succeed the first section

⁴⁶ [Spinoza agrees with Hobbes (*De cive* X, 2) that such conduct is ultimately not in the ruler's interest; but, unlike Hobbes, he realizes that rulers often do not see where their interest lies.]

⁴⁷ [Most probably J. Van Hove (a.k.a. de la Court), whose *Consideratien van Staat ofte Polityke Weegschaal* (Amsterdam, 1661) was part of Spinoza's library.]

⁴⁸ [The Venetian Senate met twice weekly.]

⁴⁹ [Spinoza's explanation of the functions of these sections seems to rely upon the practices of the *prytaneis* of the ancient Athenian *boule*]

together with their own president and vice president, to deputise for the senate; and so on with the rest. But it is not necessary that the election of these men—those who, as I said, should be chosen by lot or vote for periods of two or three months, and whom we shall hereafter call consuls—should be in the hands of the supreme council. For the reason we gave in Section 29 of this Chapter does not apply here, and much less so the reason stated in Section 17. It will therefore suffice if they are appointed by the senate and the syndics present at the meeting.

[35] As to their number, I cannot be quite precise, but they must certainly be sufficiently numerous as to make it difficult to corrupt them. For although they do not by themselves make any decisions on matters of state, yet they can defer the proceedings of the senate or, worst of all, lead the senate astray by bringing forward matters of no importance while holding back matters of greater importance; not to mention that if they were too few in number, the absence of one or two could bring public business to a halt. But since, on the other hand, these consuls are appointed for the very reason that large councils cannot attend every day to public business, a middle way must be sought, and the inadequacy of their number counterbalanced by the brevity of their term of office. Thus if only thirty or so are appointed for two or three months,⁵⁰ they will be too numerous to be corrupted in such a short period. And it is for this reason, too, I suggested that their successors should never be appointed until the very time when they take over the duties of their predecessors.

[36] Their duty, as we have said, is to summon the senate when any number of them, however few, think it necessary to put before it matters for its decision, to adjourn the senate, and to carry out its decisions on public business. How this is to be done in good order so as not to hold up business by useless discussions, I shall now briefly explain. The consuls should consider the matter to be put before the senate and the action that needs to be taken, and if they are all of one mind, they should summon the senate and, after duly explaining the point at issue, declare their own view and put it to the vote in the usual way without waiting for any other view. But if the consuls are divided in their opinions, the view taken by the majority must be put to the senate first, and if this is not approved by the majority of the senate and consuls and the total of doubtful and negative votes outnumber the affirmative—this being ascertained by secret ballot, as we have already mentioned—they should then bring forward the second opinion which had fewer votes from the consuls than the first opinion, and so on with the rest of the opinions. If none of these views is approved by a majority of the senate, there must be an adjournment to the next day or for a short period so that the consuls can meanwhile see whether they can find other measures which may give more satisfaction. If they can find no others, or if the majority of the senate does not approve those they have found, then the opinion of each senator is to be heard. If none of these, again, is supported by a majority of the senate, then each opinion is again to be put to the vote and a count be taken not only of affirmative votes, as

⁵⁰ [The Venetian *Collegio* consisted of twenty-six members, some holding office for a year, while the Doge was president for life]

hitherto, but also of the doubtful and the negative votes. If the affirmative votes prove to be more numerous than either the doubtful or the negative votes, that opinion is to be regarded as carried, and on the contrary as lost if the negative votes prove more numerous than either the doubtful or the affirmative votes. But if in every case the doubtful votes are more numerous than the negative or affirmative votes, then the council of syndics should join with the senate, voting along with the senators, the votes being restricted to “for” and “against,” ignoring votes that indicate indecision. In respect of matters referred by the senate to the supreme council, the same procedure should be followed. So much for the senate.

[37] As for the court of justice or tribunal, it cannot rest on the same foundations as the one under a monarchy, as described in Chapter 6, Sections 26 and following. For (Section 14 of this Chapter) it does not accord with the fundamental laws of this kind of state to take any account of families or clans. And there is this further consideration, that judges appointed solely by patricians might indeed be restrained by fear of their patrician successors from pronouncing an unjust verdict on one of their own class and perhaps might not even have the hardihood to punish him as he deserved; but, on the other hand, against the commons their audacity would know no bounds, and the rich would every day fall prey to their rapacity. I am aware that for this reason the policy of the Genoese, that of appointing judges not from patricians but from foreigners, is widely approved; but as a matter of principle it seems to me an absurd arrangement to call on foreigners rather than patricians to interpret the laws. For what are judges but interpreters of the laws? I am therefore convinced that here, too, the Genoese have had regard to their native character rather than to the real nature of this kind of state. So we, considering this question in principle, must devise means best suited to this form of government.

[38] With regard to the number of judges, however, a consideration of this kind of constitution does not demand any special figure; but, as in the case of monarchy, it is of prime importance to see that the judges are too numerous to be corrupted by a private person. For their duty is simply to ensure that no private person does wrong to another, and so to settle disputes between private persons, patricians as well as commoners, and to exact punishment from offenders, even from patricians, syndics, and senators insofar as these have offended against the laws by which all are bound. As for disputes which may arise between cities within the state, these are to be decided in the supreme council.

[39] Furthermore, the consideration that regulates the term of their appointment is the same in every state, as is also the requirement that a certain proportion should retire every year. Finally, although there is no need for each of them to come from a different clan, yet it is necessary that no two near kinsmen should sit on the bench together. This rule should apply to all other councils except for the supreme council, where it is enough if only it is provided by law that no one may nominate a kinsman at elections or vote in his case if he is nominated by another, and also that no two kinsmen may draw lots for any minister of state to be nominated.⁵¹ This, I say, suffices in the case of a council composed of so large a

⁵¹ [Similar regulations were enforced at elections in the Grand Council of Venice.]

number of men and for which no special emoluments are assigned. Thus no harm will accrue to the state from the above arrangements, so that it is absurd to pass a law excluding all kinsmen of patricians from the council, as we mentioned in Section 14 of this Chapter. Its absurdity is manifest, for the enactment of such a law by the patricians would be bound to entail an absolute surrender of their right by them all, and therefore the partisans of that same law would be not the patricians but the commons. This would be in flat contradiction with our conclusions in Sections 5 and 6 of this Chapter. But the constitutional law⁵² requiring that a constant ratio be maintained between the number of patricians and people has for its main object to preserve the right and power of the patricians, ensuring that they are not too few to be capable of governing the people.

[40] However, judges are to be appointed by the supreme council from the patricians, that is (by Section 17 of this Chapter), from the lawmakers themselves. Their judgments in both civil and criminal cases shall be valid if pronounced in proper order and without partiality. On this subject the syndics shall be authorised by law to make enquiry, to judge, and to reach decisions.⁵³

[41] The remuneration of judges should be the same as stated in Section 29, Chapter 6, namely, that for every judgment they make in civil cases they should receive from the losing party a certain proportion of the total sum involved. With regard to judgments made in criminal cases, the only difference here should be that goods confiscated and fines exacted for minor offences should be assigned to them alone. But there should be this condition, that they are never allowed to exact confession by torture. In this way they will be sufficiently deterred from treating the commons unfairly and from showing too much favour to patricians through fear. For avarice is quite enough to hold in check their fear, especially when avarice is cloaked under the specious title of justice. Furthermore, the judges are numerous and do not vote openly, but by secret ballot, so that if anyone is indignant at losing his case, he cannot put the blame on any one person. Again, respect for the syndics will restrain them from pronouncing an unjust, or at any rate an absurd, judgment and will prevent any single one of them from acting in bad faith; besides which, the judges being so numerous, there will always be one or two of whom the unscrupulous will stand in awe. Finally, as to the commons, they will also have a sufficient safeguard if they are allowed to appeal to the syndics,⁵⁴ who, as I have said, are authorised by law to make inquiry into judicial matters, to judge, and to make decisions. For no doubt the syndics will not be able to avoid the hatred of many of the patricians, whereas they will always be very popular with the commons, whose applause they will do all they can to win. To this end, when given the opportunity, they will never fail to reverse judgments which violate the rules of the court and to scrutinise the conduct of any judge, punishing those who are at fault; for nothing makes a greater impression on the people

⁵² [*lex imperii.*]

⁵³ [Judges in Venice were appointed by the Grand Council.]

⁵⁴ [As the commoners' defenders, Spinoza's syndics resemble the *tribuni plebis* of ancient Rome, though the syndics' powers are greater.]

than this. Nor is it a drawback, but rather a great advantage, that such examples can rarely occur. For apart from the fact that a commonwealth must be ill-organised if it is continually making example of offenders (as we pointed out in Chapter 5, Section 2), it is of course the rarest events that achieve the widest publicity.

[42] Those who are sent as governors to cities or provinces should be of senatorial rank, because it is the duty of senators to exercise supervision over the fortification of cities, the treasury, the armed forces, etc. But those sent to govern regions at some distance would not be able to attend the senate. For this reason, only those appointed to cities on native soil should be chosen from the senate itself, while those to be sent to more distant places should be appointed from men of an age consistent with senatorial rank. Yet these measures, in my opinion, will not be enough to safeguard the peace of the entire state, that is, if neighbouring cities are altogether denied the right to vote, unless these are all so weak that they can be openly slighted—which is hardly likely. So it is necessary that the neighbouring cities be granted citizenship and that from each city twenty, thirty, or forty (the number would have to vary with the size of the city) chosen citizens be added to the roll of patricians. Of these, three, four, or five must be appointed every year to serve on the senate and one to serve as a syndic for life. And those who are senators are to be sent, together with the syndic, as governors of the city from which they were appointed.

[43] The judges to be appointed in each city should also be drawn from the patricians of the same city. But since these matters do not have reference to the fundamental laws of this state in particular, I do not think it necessary to discuss them at greater length.

[44] The secretaries and similar officials in any councils, since they do not have the right to vote, should be appointed from the commons. But since, through their long experience of handling affairs, these men are thoroughly conversant with the way business is transacted, it is often the case that more deference than is proper is shown to their advice and that the condition of the entire state depends largely on their guidance, which has been the ruin of the Dutch.⁵⁵ For this situation is bound to arouse much jealousy among many of the nobles. And we surely cannot doubt that a senate whose policy derives from the advice not of senators but of officials will be attended mostly by those who are lacking in energy, and the condition of such a state will be little better than that of a monarchy ruled by a few king's counsellors; for which see Chapter 6, Sections 5, 6, and 7. However, a state will be exposed to this evil to a greater or lesser degree according as it has been well- or ill-founded. For if the freedom of a state is not based on a sufficiently secure foundation, it is never defended without danger; and to avoid incurring this risk, patricians choose as ministers ambitious men from the commons who, when the situation later takes a different turn, are slaughtered like sacrificial animals to appease the wrath of those who are enemies to freedom.⁵⁶ But where free-

⁵⁵ [In 1672. Spinoza is thinking principally here of Oldenbarneveldt and de Witt.]

⁵⁶ [Oldenbarneveldt was executed by the stadtholder Maurice in 1619. De Witt was murdered by supporters of the Prince of Orange in the Hague in 1672.]

dom has a sufficiently secure foundation, patricians are eager to claim for themselves the glory of safeguarding it, and they are anxious to ensure that good policy in the conduct of affairs derives only from their advice. In laying the foundations of the state it is these two rules that we have particularly followed, namely, that the commons should be debarred both from giving advice and from voting (see Sections 3 and 4 of this Chapter); and so sovereignty should be vested in the whole body of patricians,⁵⁷ authority in the syndics and the senate, and the right to summon the senate, to bring forward, discuss, and deal with matters pertaining to the public welfare should lie with consuls appointed from the senate. And if it is also ordained that the secretary to the senate or to the other councils be appointed for four or five years at the most, with the addition of an assistant secretary appointed for the same period to lighten his load, or alternatively that there should be not one but several secretaries to the senate employed in different departments, it will never come about that the influence⁵⁸ of officials could be of any importance.

[45] Treasurers are likewise to be appointed from the commons, to be accountable not only to the senate but also to the syndics.

[46] With regard to religion, we have set forth our views at sufficient length in the *Tractatus theologico-politicus*. However, we omitted some points, the discussion of which was not there appropriate, to wit, that all patricians should be of the same religion, a very simple religion of a most universal nature as described in that treatise.⁵⁹ For it is of the first importance to guard against the patricians' being split into sects, showing favour some to this group, some to that, and furthermore against becoming victims to superstition, seeking to deprive their subjects of the freedom to say what they think. Secondly, although everyone should be granted freedom to say what he thinks,⁶⁰ large congregations should be forbidden, and so, while those who are attached to another religion are to be allowed to build as many churches as they wish, these are to be small, of some fixed dimensions, and some distance apart. But it is important that churches dedicated to the national religion should be large and costly, and that only patricians or senators should be permitted to administer its chief rites. Thus only patricians should be permitted to baptise, to solemnise marriages, to lay on hands; quite simply, they alone should be acknowledged as ministers of the churches and as guardians and interpreters of the national religion. But for preaching and for managing the church's finances and everyday business, some commoners should be appointed by the senate to act as the senate's deputies and therefore to be accountable to it for all their actions.

[47] Such are the measures that are relevant to the basic structure of this state,⁶¹ to which I shall add a few others, less essential but still of considerable im-

⁵⁷ [I accept the bracketed Dutch. — S.S.]

⁵⁸ [*potentia*.]

⁵⁹ [See TTP14/517–519.]

⁶⁰ [Religious tolerance was a fundamental political belief in both Venice and the Netherlands.]

⁶¹ [*imperii fundamenta*.]

portance. Patricians should appear in public distinguished by a particular style of clothing or dress and should be saluted by some special title, and all commoners should give way to them. If any patrician loses his possessions by some unavoidable misfortune and can prove this beyond any doubt, he should be reinstated in his former position from public funds. But if it is established that he has wasted his fortune through extravagance, luxurious living, gaming, debauchery, and so forth, or that he is hopelessly insolvent, he should lose his status and be regarded as unfit for any office or honour. For he who cannot manage himself and his private affairs will far less be capable of caring for the public interest.

[48] Those whom the law requires to take an oath will be much more concerned to avoid perjury if they are bidden to swear by the welfare and freedom of their native land and by its supreme council than if they are bidden to swear by God. For he who swears by God puts at stake a private good of which he alone knows the value,⁶² but he who by his oath puts at stake the freedom and welfare of his country, is swearing by the common good of all, the value of which is not set by him, and if he perjures himself, he thereby declares himself an enemy to his country.

[49] Academies founded at public expense are established not so much to encourage natural talents as to restrain them. But in a free commonwealth, arts and sciences will be best fostered if anyone who asks leave is allowed to teach publicly at his own expense and with his own reputation at risk.⁶³ But these and similar topics I reserve for another occasion, for my intention here has been to confine myself to matters relating only to aristocratic government.

CHAPTER 9

[Aristocracy: The Second Model]

[1] So far we have been considering an aristocracy that takes its name from just one city, the capital of the whole state. It is now time to deal with the kind where the sovereignty is held by several cities, a kind which I regard as preferable to the former.¹ To discover where lies the difference between them and the superiority of one to the other, we shall make a survey one-by-one of the fundamental laws of the former, rejecting those which are unsuited to the latter and replacing them with other laws to form the basis of the latter.

[2] Cities which enjoy the right of citizenship should be founded and fortified in such a way that whereas each of them cannot even subsist without the others, on the other hand one cannot secede from the others without causing consider-

⁶² [For he may not believe in the God by whom he is required by law to swear: See Hobbes, *De cive* II, 21]

⁶³ [See TTP20/569, see also the invitation to Spinoza to teach freely under the condition that he not “disturb the publicly established religion” and his reply, Ep47–48.]

¹ [Spinoza’s primary model of this kind of aristocracy is the province of Holland]

able damage to the whole state; for if such be the case they will always remain united. But cities that are so constituted that they can neither preserve themselves nor present a threat to the others are obviously not in control of their own right but completely subject to the others.

[3] The measures set out in Sections 9 and 10 of the previous Chapter result from a consideration of the general nature of aristocratic government, as is also the maintenance of a proportion between the number of patricians and the whole population, and the age and qualifications of candidates for the patriciate, so that on these points it can make no difference whether sovereignty is held by one city or by several. But with regard to the supreme council, another consideration must here arise. For if any city belonging to the state were chosen as a meeting-place for the supreme council, it would in fact be the capital of the state. So either there would have to be a system of rotation or else a place that does not possess the right of citizenship and that belongs equally to all must be chosen as this council's meeting-place.² But both these suggestions, easy as they are to state, are difficult in practice, with so many thousands of men having so frequently to quit their cities or to assemble in different places in turn.

[4] To enable us, taking account of the nature and constitution of this kind of state, to decide how to deal with this problem and how its councils should be organised, the following points should be considered. Each city has as much more right than a private person as it has more power than a private person (Section 4, Chapter 2), and consequently the right of each city of this state (see Section 2 of this Chapter) within its own walls or the bounds of its jurisdiction is to be measured by its power. Secondly, all the cities are bound together and united not as confederates but as constituting a single state with this reservation, that each city holds that much more right over government than others as it exceeds others in power; for to look for equality in unequals is to look for the absurd.³ Citizens are indeed rightly regarded as equals, because the power of the individual compared with the power of the entire state is of no account. But the power of each city constitutes a great part of the power of the state, and the greater the city, the greater the power it contributes.⁴ Therefore not all cities can be regarded as equals; just as the power of each, so the right of each should be assessed by its size. The ties by which they must be bound together so as to form a single state are primarily (Section 1, Chapter 4) the senate and the court of justice.⁵ How they are to be

² [Prior to about 1593 the Estates of Holland met in different places at different times. In 1593 its meetings began to be held in the Hague, which prior to that year had lacked political rights.]

³ [Each town represented in the Estates of Holland and each province represented in the States General had a single vote.]

⁴ [This section and the next provide good examples of Spinoza's use of *potentia* and *potestas*. Throughout this section he uses the former, i.e., 'power' in the sense of the natural power or efficacy which a group has; and argues (in the next section) that its *potestas* (authority or constitutional power) should be proportionate to its natural power. Spinoza, however, is not always so consistent in his usage.]

⁵ [Holland had only provincial courts and no supreme court.]

bound together by these ties in such a way that each of them still remains as far as possible in control of its own right, I shall now briefly explain.

[5] I assume that the patricians of each city, who (by Section 3 of this Chapter) are to vary in number in accordance with the size of the city, have the supreme right over their own city, and in that city's supreme council they have full power to fortify it, to enlarge its walls, to impose taxes, to enact and repeal laws, and, in general, to do everything they think necessary for the preservation and growth of their city.⁶ But to deal with the common business of the state, a senate must be created on just the same lines as we described in the previous chapter, so that there will be no difference between this senate and the other except that this senate has, in addition, authority to decide any dispute arising between cities. For in a state which has no capital city this cannot be done by the supreme council, as was previously the case. See Section 38 of the previous Chapter.

[6] But in this state the supreme council⁷ is not to be summoned unless the need arises to alter the form of the state itself, or in case of some difficulty to which the senators think themselves unequal; and so it will rarely happen that all the patricians are summoned to council. For, as we have said (Section 17, previous Chapter), the chief duty of the supreme council is to enact and and repeal laws, and secondly, to appoint ministers of state. Now the laws or general ordinances of the state are not to be altered as soon as they are instituted. However, if time and circumstances make it advisable to enact a new law or to change one already in force, the question can first be discussed in the senate. Once the senate has reached agreement, thereafter envoys should be sent by the senate to the cities to inform the patricians in each city of the senate's opinion, and if there is then a majority of cities in favour of the senate's opinion, it shall be valid, but otherwise void. This same procedure may be followed in appointing army commanders, in sending ambassadors abroad, and also in making decisions about waging war and accepting terms of peace. But in appointing the other ministers of state, since (as we have explained in Section 4 of this Chapter) each city should remain as far as possible in control of its own right and should hold as much more right in government as it exceeds other cities in power, it is necessary to observe the following procedure. Senators are to be chosen by the patricians of each city; that is, the patricians of any one city will appoint in their own council a certain number of senators from their citizen colleagues, a number that will be in the ratio of 1 to 12 to the number of patricians of that same city (see Section 30 of previous Chapter), and they will name those whom they wish to belong to each section, first, second, third and so on. In the same way the patricians of the other cities will appoint a number of senators varying in proportion to their own number and will distribute them between as many sections as we have said will constitute the senate (see Section 34, previous Chapter). As a result, in each section of the senate there will be a number of senators for every city proportionate to its size. But the presidents and

⁶ [These powers were vested in the Council of State of the Netherlands beginning around 1588.]

⁷ [Spinoza's supreme council closely resembles the full States General. The functions of the ordinary States General (which simply represented the full) are in turn performed by Spinoza's senate.]

vice presidents of the sections, being fewer in number than the cities, should be chosen by lot by the senate from those who have been appointed consuls. In appointing the supreme judges of the state, too, the same procedure should be followed, i.e., the patricians of each city should choose from their colleagues a number of judges in proportion to their own number. Thus it will come about that in appointing ministers every city will as far as possible be in control of its own right and that both in the senate and the court of law the right possessed by each city will be proportionate to its power; supposing, that is, that in deciding matters of state and in settling disputes the senate and the court of law follow the same procedure as we described in Sections 33 and 34 of the previous Chapter.

[7] Company commanders and colonels should also be appointed by the patricians.⁸ For as it is fair that, for the common safety of the whole state, each city should be required to levy a certain number of soldiers in proportion to its size, it is also fair that the patricians of each city, to match the number of regiments they are required to maintain, should be permitted to appoint as many colonels, commanders, ensigns, etc. as are needed to take charge of that part of the armed forces they provide for the state.

[8] No taxes are to be imposed by the senate on the subjects. To meet the expenditure required by decree of the senate for transacting public business, it is not the subjects but the cities that should be assessed by the senate, each city having to contribute a share of the expenditure proportionate to its size. This sum the patricians of the city will collect from their own townsmen in whatever way they please, that is, either by direct assessment or, as is much fairer, by indirect taxation.

[9] Although the cities of this state are not all maritime and senators are not drawn exclusively from maritime cities, they can still be assigned the same remuneration that was laid down in Section 31 of the previous Chapter. For this purpose, means can be devised, in conformity with the state's constitution, whereby the cities may be more closely bound together. The other measures concerning the senate, the court of law, and, in general the entire state, indicated in the previous Chapter, are also to apply to this state. So we see that in a state where sovereignty is held by several cities it is not necessary to assign a fixed time or place for the meeting of the supreme council. However, for the senate and the court of law a place should be appointed in a country town or in a city that does not possess voting rights. But I return to matters that concern cities individually.

[10] The procedure to be followed by the supreme council of a single city in appointing city officials⁹ and ministers of state and in making decisions should be the same as described in Sections 27 and 36 of the previous Chapter; for the considerations are the same in both cases. Next, there should be a council of syndics subordinate to the council, having the same relation to the city council as the council of syndics of the previous Chapter had to the council of the whole state. Its duties, within the bounds of the city's jurisdiction, should also be the same, and

⁸ [I follow Wernham in preferring the *Nagelate Schriften* to the *Opera Posthuma*.—S.S. See Wernham (1958, 420)]

⁹ [The *Nagelate Schriften* omits the words, *urbis et*]

it should enjoy the same remuneration. But if the city, and consequently the number of patricians, is so small that it cannot have more than one or two syndics, these being insufficient to constitute a council, the supreme council of the city should assign judges to assist the syndics in their investigations as circumstances require, or else the issue must be referred to the supreme council of syndics. For every city should also send a number of their syndics to the place where the senate is in session, to see that the laws of the entire state are preserved inviolate and to sit on the senate without the right to vote.

[11] City consuls¹⁰ are also to be appointed by the patricians of that city to form as it were the senate of that city. Their number I cannot determine, nor do I think it necessary, since matters of great weight concerning their city are dealt with by its supreme council, and those matters which concern the state as a whole, by the grand senate. However, if they are few in number, it will be necessary for them to vote openly in their council and not by secret ballot as in large councils. For in small councils where voting is in secret, he who is a little more cunning can easily detect the author of each vote and has many ways of outmanoeuvring members who are less sharp.

[12] In every city, too, judges are to be appointed by its supreme council; but their judgments should be subject to appeal to the supreme court of the state, except in a case of openly established guilt or a confessed debtor.¹¹ But these matters need not be pursued further.

[13] It remains, then, to discuss those cities that are not in control of their own right.¹² If these are situated on territory or land administered by the state and their inhabitants are of the same race and language, they ought to be regarded, just like villages, as parts of neighbouring cities, which means that each of them must be governed by some city or other that is in control of its own right. The reason for this is that patricians are not chosen by the supreme council of the state but by the supreme council of each city and will vary in number according to the number of inhabitants within the bounds of that city's jurisdiction (Section 5 of this Chapter). So it is necessary that the population of a city that is not in control of its own right should be included in the register of the population of another city that is in control of its own right, and should be under its guidance. But cities that have been captured by right of war and annexed to the state should be regarded as allied to the state, to be won over and bound by favour shown; or else colonies that would enjoy the right of citizenship should be sent there and the native population removed elsewhere; or else the city should be utterly destroyed.¹³

[14] These, then, are the measures which should form the basis of this kind of state. That it is better organised than the state which takes its name from one city only, I conclude from the following considerations. The patricians of each city, as

¹⁰ [The city consuls are equivalent to the Burgomasters of Dutch towns.]

¹¹ [In Holland no appeal was permitted from town to provincial court in criminal cases.]

¹² [in control of their own right = *sui juris*. They are provided with specific constitutional rights because of their noninclusion in the larger cities.]

¹³ [Machiavelli, *Prince* III and IV; *Discourses* II, 23.]

human ambition goes, will be anxious to maintain, and if possible extend, their right both in the city and the senate. They will therefore endeavour as best they can to win popularity with the people, governing by kindness rather than by fear and increasing their own numbers, since the more numerous they are, the more senators they will appoint from their own council (Section 6 of this Chapter) and consequently the more right they will have in the state (by the same section). Nor is it an objection to this view that, with each city intent on its own interests and jealous of the others, they will frequently be at odds with one another and waste time in disputes. For if “while the Romans debate, Saguntum is lost,”¹⁴ on the other hand when all decisions are made by a few men who have only themselves to please, freedom and the common good are lost. The fact is that men’s wits are too obtuse to get straight to the heart of every question, but by discussing, listening to others, and debating, their wits are sharpened, and by exploring every avenue they eventually discover what they are seeking, something that meets with general approval and that no one had previously thought of.¹⁵ We have seen many examples of this in Holland.¹⁶ Now if anyone retorts that the state of Holland has not long endured without a count or a deputy to take his place,¹⁷ let him take this for a reply. The Dutch thought that to maintain their freedom it was enough for them to abandon their count and to cut off the head from the body of the state.¹⁸ The thought of reorganising it in a different form has never entered their minds; they have left all its limbs as they had previously been, so that Holland has remained a county without a count, like a headless body, and the state without a name. So it is not surprising that most of its subjects have not known where its sovereignty lay. And even if this were not so, those who in fact held the sovereignty were far too few to be capable of governing the people and suppressing their powerful opponents.¹⁹ As a result, the latter have often been able to plot against them with impunity and finally have succeeded in overthrowing them. Therefore the sudden²⁰ overthrow²¹ of this same republic resulted not from waste of time in useless deliberations but from the defective constitution of that state and the fewness of its rulers.

[15] There is a further reason why this aristocracy, where the sovereignty is held by several cities, is to be preferred to the other. There is no need, as in the case of the first kind, to guard against the possibility of its entire supreme council’s being overthrown by a sudden attack, because (by Section 9 of this Chapter) no time or

¹⁴ [This proverb is based on Livy XXI, vii, 1]

¹⁵ [I accept the bracketed Dutch —S S]

¹⁶ [I read *Hollandia* for *Hollandice*.—S.S.]

¹⁷ [This was the function of the stadholders.]

¹⁸ [Philip II of Spain.]

¹⁹ [The Orangist party.]

²⁰ [I read *subita* for *subitâ*.—S.S.]

²¹ [In 1672 with the murder of the de Witt brothers.]

place is appointed for its meetings. Moreover, powerful citizens are less to be feared in this type of state. For where freedom is enjoyed by a number of cities, it is not sufficient for someone's having designs on the sovereignty to seize just one city in order to hold dominion over the others. Finally, in this kind of state, freedom is shared by more of its members; for when one city has sole rule, regard is paid to the good of others only as far as it suits the ruling city.

CHAPTER 10

[Aristocracy: Its Organisation]

[1] Now that the fundamental laws of both kinds of aristocratic government have been explained in detail, it remains for us to enquire whether by reason of any discernible fault they are liable to disintegrate or change into a different form. The primary reason why states of this kind disintegrate is the one noted by that acute Florentine in his Book 3 on Livy, Discourse 1, where he says, "A state, like the human body, has every day something added to it which some time or another needs to be put right."¹ It is therefore necessary, he continues, that occasionally something should occur to bring the state back to the original principle on which it was first established. If this does not happen in due time, its defects will develop to such an extent that they cannot be removed without destroying the state itself. And this restoration, he tells us, can come about either by chance or through the wisdom and forethought of the laws or of a man of singular virtue. We cannot doubt that this is a matter of the greatest importance, and where no provision has been made against this danger, the state will not be able to endure by its own strength, but only by good fortune. On the other hand, where a proper remedy has been applied to counter this evil, the state cannot collapse through any defect of its own, but only through some mischance that could not have been avoided, as I shall go on to explain more clearly. The first remedy suggested to meet this evil was as follows: Every five years a dictator with supreme powers was appointed for one or two months, having the right to make enquiry, judge, and pronounce upon the conduct of senators and all ministers, and thus to restore the state to its original basis. But he who seeks to obviate the troubles to which a state is liable should apply remedies that are in conformity with the nature of the state and follow from its basic laws; otherwise in his efforts to avoid Charybdis he will fall upon Scylla. It is indeed true that all men, both rulers and ruled, have to be restrained by fear of punishment or loss, lest they be permitted to do wrong with impunity or with profit. But on the other hand it is also a fact that if this fear is shared by good and bad alike, the state will inevitably find itself in great peril. So since dic-

¹ [Machiavelli, *Discourses* III, 1]

tatorial power² is absolute, it is bound to be a terror to all, especially if, as is here required, there is a fixed time for a dictator to be appointed. For then every ambitious man would canvass for this office, and it is certainly true that in time of peace, virtue is not so much regarded as wealth, so that the more arrogant the man, the more likely he is to gain office. Perhaps it is for this reason that the Romans used to appoint a dictator not at any fixed time but under pressure of some chance emergency.³ Nevertheless, to quote Cicero's words, "The distended status of a dictator was displeasing to good citizens." And of course, since this dictatorial power is in essence regal, the state cannot occasionally turn into a monarchy, even for ever so short a time, without endangering its republican constitution. Furthermore, if no fixed time is assigned for the appointment of a dictator, no reckoning would be made of the time intervening between one dictator and another, though careful attention should be paid thereto, as we have said. Then again, the indefiniteness surrounding the whole business could easily result in its being overlooked. So unless this dictatorial power is permanent and firmly based, and thus of a kind that cannot be conferred on one man without destroying the form of the state, it will be very unsure, and consequently so will be the safety and preservation of the republic.

[2] But on the other hand we cannot possibly doubt (by Section 3, Chapter 6) that if it were feasible, while still preserving the form of the state, for the sword of the dictator to be permanent and fearsome only to the wicked, vices would never thrive to such a degree that they cannot be eradicated or corrected. So in order to secure all these conditions, we proposed the institution of a council of syndics subordinate to the supreme council with this in view, that the sword of the dictator should be permanently in the hands not of any natural person but of a civil body, whose members would be too many to make it possible to divide among themselves command of the state (Sections 1 and 2, Chapter 8) or to conspire together in any crime. In addition, they are debarred from undertaking any other offices of state, they are not the paymasters of the armed forces, and they are of such an age as to prefer present security to the dangers of innovation. Hence the state is in no danger from them, and consequently they cannot be a threat to the good but only to the wicked, and this in fact they will be. For as they are less in a position to commit crimes, so they are in a better position to suppress wickedness. For apart from the fact that they are well able to suppress its early manifestations⁴ (since their council is a permanent institution), they are also sufficiently numerous to venture to accuse and condemn this or that powerful figure without fear of incurring unpopularity, especially since voting is by secret ballot and judgment is pronounced in the name of the whole council.

² [*Dictoria potestas* is the term Spinoza uses in this passage]

³ [The Roman dictator, appointed only in situations of emergency, held office for no more than six months. While Machiavelli (*Discourses* I, 34) held that this was highly beneficial to the state, Spinoza agrees with the contrary view of Cicero.]

⁴ [*ita ad malitiam coercendam potentiores sunt* The phrase comes from Ovid, *Remedia amoris*, 91.]

[3] Now at Rome the tribunes of the people were also in continuous office.⁵ But they were not equal to the task of restraining the power of a Scipio; and furthermore, such measures as they thought salutary they were obliged to submit to the senate, who often frustrated their efforts by ensuring that the tribune from whom the senators had less to fear would be the one most in favour with the commons.⁶ In addition, the authority of the tribunes as against the patricians depended on the support of the commons, and whenever the tribunes summoned a meeting of the commons they appeared to be raising a revolt rather than con-voking a council. Troubles of this kind, naturally, have no place in the state we have described in the last two Chapters.

[4] However, the authority of the syndics can effect only this, that the form of the state is preserved, thus ensuring that the laws are not broken and that no one is permitted to profit from transgression. But it will certainly not be able to prevent the proliferation of vices that cannot be forbidden by law, such as those to which men are prone when they have too much leisure and which not infrequently lead to the collapse of the state.⁷ For in time of peace men rid themselves of their fear, and from being fierce and savage they gradually become civilised or cultured, and from being cultured they become soft and sluggish, seeking to outdo one another not in virtue but in arrogance and extravagance. Hence they begin to despise the ways of their ancestors and to adopt foreign ways; that is, they begin to be slaves.⁸

[5] To prevent these evils, many attempts have been made to establish sumptuary laws, but in vain.⁹ For all laws that can be broken without injury to another become a laughingstock, and far from restraining the desires and lusts of men, they even stimulate them, because “we are ever eager for what is forbidden and desire what is denied.”¹⁰ Nor do idle men lack cleverness to evade laws enacted to deal with things that cannot be absolutely forbidden, such things as banquets, gaming, personal adornment, and so forth, which are bad only when excessive and should be judged in relation to the individual’s fortune, and thus cannot be the subject of a general law.

[6] I therefore conclude that those vices that are prevalent in time of peace, and which we are now discussing, should never be directly prevented but only by indirect means, that is, by laying such a foundation to the state that most men—I won’t say will be eager to live wisely, for that is impossible—will be guided by such feelings as will conduce to the greater good of the commonwealth. So our

⁵ [See Machiavelli, *Discourses* I, 3. The *tribuni plebis* were appointed to protect the plebeians against the patricians.]

⁶ [Machiavelli, *Discourses* III, 11.]

⁷ [On sumptuary laws, see the following section.]

⁸ [Machiavelli, *Discourses* I, 6.]

⁹ [Sumptuary regulations had recently been introduced in Amsterdam. The modern equivalent would be laws to prevent victimless crime.]

¹⁰ [Ovid, *Amores* III, iv, 17.]

chief objective should be this, that the wealthy, if they cannot be thrifty, should at any rate be eager for gain. For there is no doubt that if this love of gain, which is universal and constant, is nourished by desire for glory, most men will direct their main efforts to increasing their wealth by means that are not discreditable, so as to gain office and avoid utter disgrace.

[7]¹¹ Now if we examine the fundamental laws of both kinds of aristocracy as I have explained them in the last two chapters, we shall see that this very result follows from them. For in both of them the number of rulers is so large that most of the wealthy have access to the governing body and to office of state. And if it is furthermore ordained that patricians who become insolvent should be degraded from patrician rank, and those who have lost their possessions through misfortune should be restored to their former status (as I suggested in Section 47, Chapter 8), no doubt all will do their best to preserve their property. Moreover, they will never covet foreign style of dress nor disdain their native style if it is ordained by law that patricians and candidates for office are to be distinguished by a particular form of dress. For this, see Sections 25 and 47 of Chapter 8. And in each state additional measures can be devised that conform with the nature of its territory and the character of the people, always having as their main concern that subjects should do their duty willingly rather than under constraint of the law.

[8] For a state that looks only to govern men by fear will be one free from vice rather than endowed with virtue. Men should be governed in such a way that they do not think of themselves as being governed but as living as they please and by their own free will, so that their only restraint is love of freedom, desire to increase their property, and hope of attaining offices of state. As for statues, triumphal processions, and other incentives to virtue, these are symbols of servitude rather than of freedom;¹² for it is slaves, not free men, who are assigned rewards for virtue. I do indeed admit that men are spurred on by such inducements, but whereas at first they were awarded to men of greatness, with the passage of time and the growth of jealousy they are granted to men of no account, exalted by their enormous wealth, to the great indignation of all good men. Then again, those who boast of their ancestors' triumphs and statues think they suffer injustice if they are not granted precedence over others. Finally, to omit other considerations, this much is certain, that equality, the abandonment of which must entail the loss of general freedom, cannot possibly be preserved if extraordinary honours are conferred by public decree on some man who is renowned for his virtue.

[9] With these proposals in mind, let us now see whether states of this kind can be destroyed by some cause that might have been avoided. Now if any state can be everlasting, it must be one whose constitution, being once correctly established, remains inviolate. For the constitution is the soul of the state; if this is preserved, the state is preserved. But a constitution cannot stay intact unless it is

¹¹ [The *Opera Posthuma* skips from Section 6 to Section 8 without a break for Section 7. It is included as a separate section in the *Nagelate Schriften*.]

¹² [Machiavelli (*Discourses* III, 28) approved of these positive reinforcers.]

upheld both by reason and by the common sentiment of the people; otherwise, if for instance laws are dependent solely on the support of reason, they are likely to be weak and easily overthrown.¹³ So since we have shown that the fundamental laws of both kinds of aristocracy are in conformity with reason and with the common sentiments of men, we can therefore affirm that, if any states can be everlasting, these will necessarily be so; that is to say, they cannot be destroyed by any avoidable cause, but only by some unavoidable fatality.

[10] But an objection can still be raised as follows, that although the constitutions set forth above may have the support of reason and the common sentiment of men, there are times when they can nevertheless be overthrown, for there is no emotion that is not sometimes overpowered by a stronger contrary emotion. We often see the fear of death, for instance, overpowered by greed for another's property. Those who flee from the enemy in terror cannot be restrained by fear of some other danger; they hurl themselves into rivers or rush into flames to escape the enemy's sword. So however well a commonwealth is organised and however good its constitution,¹⁴ yet when the state is in the grip of some crisis and everyone, as commonly happens, is seized with a kind of panic, they all pursue a course prompted only by their immediate fears with no regard for the future or the laws; all turn to the man who is renowned for his victories, they set him free from the laws,¹⁵ they extend his command—a very bad precedent—and entrust the entire commonwealth to his good faith. This was indeed the cause of the fall of the Roman state.¹⁶ But in reply to this objection I say, first, that in a properly organised commonwealth such a panic does not occur without good reason; and so this panic and the resulting confusion cannot be assigned to any cause that could have been avoided by human foresight. Next, it should be noted that in a commonwealth such as I have described above, it is impossible (Sections 9 and 25, Chapter 8) for any single man to attain such a high reputation as to become the centre of all eyes; he is bound to have several rivals who have strong support. So although widespread panic leads to some confusion in the commonwealth, no one will be able to evade the laws and appoint someone illegally to a military command without at once evoking the opposition of other¹⁷ candidates. To settle such a dispute it will finally be found necessary to have recourse to the constitution that was once ordained and approved by all and to order the affairs of state in accordance with existing laws. I can therefore affirm absolutely that, while it is true that the state whose government is in the hands of one city only will be lasting, this is particularly true of the state whose government is in the hands of a number of

¹³ [See TP7/2.]

¹⁴ [constitution = *instituta jura* hereafter]

¹⁵ [Spinoza is probably thinking of the panic of 1672, during which William III was appointed stadtholder despite the Perpetual Edict of 1667.]

¹⁶ [Machiavelli (*Discourses* III, 24) argues that the prolongation of military law caused Rome's loss of liberty.]

¹⁷ [I read *aliorum* for *alios* —S S]

cities; that is, it cannot disintegrate or be changed into any other form by any internal cause.

CHAPTER II

[Democracy: Its Nature (unfinished)]

[1] I pass on at length to the third kind of state, the completely absolute state which we call democracy. The difference between this state and the aristocratic state consists mainly in this, that in an aristocracy it depends solely on the will and the free choice of the supreme council that any particular person be made a patrician. Thus no one has a hereditary right to vote and to undertake¹ offices of state, and no one can demand that right for himself by law, as is the case with the state now under discussion. For in this state all who are born of citizen parents, or on native soil, or have done service to the commonwealth,² or are qualified on any other grounds on which the right of citizenship is granted by law, all, I say, can lawfully demand for themselves the right to vote in the supreme council and to undertake offices of state; nor can they be refused except for crime or dishonour.

[2] So if it is ordained by law that the right to vote in the supreme council and to manage affairs of state should be restricted to older men who have reached a certain age, or to eldest sons as soon as they are of age, or to those who contribute a certain sum of money to the commonwealth, then although this could result in the supreme council's being composed of fewer citizens than that of the aristocracy which we have already discussed, yet states of this kind are still to be called democracies, because those of their citizens who are appointed to govern the commonwealth are appointed thereto not by the supreme council as being the best men, but by law. Now states of this kind, where it is not the best men who are appointed to govern but those who happen to be wealthy or to be eldest sons, may in this way appear as inferior to aristocracies. Yet if we reflect on what happens in practice, or on human nature in general,³ the result will be the same in both cases, for patricians will always think those are the best men who are wealthy, or near akin to themselves, or close friends. It is true that, if patricians were of such a nature that in choosing their colleagues they could free them-

¹ [I read *subeundi* for *subeunda*.—S.S.]

² [In this chapter Spinoza follows the convention of his time in referring throughout to the commonwealth as *respublica*, since the seventeenth-century defenders of democracy were known as "republicans."]

³ [*communem hominum conditionem*. Spinoza uses this phrase and *humana natura* coextensively in the *Ethica*, but there he has taken pains (E2P40Schol1) to explain that "human nature" does not refer to a unique "essence" (in the sense of the mediaeval realists), but rather to a general set of individual properties.]

selves from all bias and be guided only by zeal for the public good, there would be no state to compare with aristocracy. But experience has abundantly taught us that the very opposite is the case, especially with oligarchies where the will of the patricians, in the absence of rivals, is quite unrestrained by law. For in that situation the patricians take care to debar the best men from the council and to seek as colleagues men who are subservient to them, with the result that conditions in such states are far worse because election to the patriciate depends on the absolute free choice, unrestricted by any law, of a few men. But I return to my theme.

[3] From what has been said in the last Section it is evident that we can conceive different kinds of democracy. However, my purpose is not to discuss every one, but only that kind wherein all without exception who owe allegiance only to their country's laws and are in other respects in control of their own right and lead respectable lives have the right to vote in the supreme council and undertake offices of state. I say expressly, "who owe allegiance only to their country's laws" so as to exclude foreigners, who are deemed to be subject to another government. In addition to owing allegiance to the laws of the state, I added, "and are in other matters in control of their own right" so as to exclude women and servants who are under the control⁴ of their husbands and masters, and also children and wards as long as they are under the control of parents and guardians. Lastly, I said, "who lead respectable lives" so as to exclude especially those who are in bad repute for their crimes or for a dishonourable way of life.

[4] Perhaps someone will ask whether it is by nature or by convention that women are subject to the authority of men.⁵ For if this has come about simply by convention, there is no reason compelling us to exclude women from government. But if we look simply to experience, we shall see that this situation arises from their weakness. For nowhere is there an instance of men and women's ruling together; wherever in the world men and women are to be found, we find men ruling and women's being ruled and both sexes thus living in harmony. Against this, it is said of the Amazons who once held rule that they did not suffer men to stay in their native land, rearing females only and killing the males whom they had borne. Now if women were naturally the equal of men and were equally endowed with strength of mind and ability—qualities wherein human power and consequently human right consists—then surely so many and such a wide variety of nations would have yielded some instances where both sexes ruled on equal terms and other instances where men were ruled by women, being so brought up as to be inferior in ability. But as such instances are nowhere to be found, one is fully entitled to assert that women do not naturally possess equal right with men and that they necessarily give way to men. Thus it is not possible for both sexes to have equal rule, and far less so that men should be ruled by women. And if, fur-

⁴ [Spinoza uses the Latin phrases *in potestate* and *sub potestate* for "under the control" here and in what follows.]

⁵ [*sub potestate virorum*. Lipsius, *Monita et exempla politica*, II, 11.]

thermore, we consider human emotions, that men generally love women from mere lust, assessing their ability and their wisdom by their beauty and also resenting any favours which the women they love show to others and so on, soon we shall see that rule by men and women on equal terms is bound to involve much damage to peace. But I have said enough.

[The rest is lacking.]