

## CHAPTER II

*Spinoza and Political Absolutism**Justin Steinberg*

Spinoza's treatment of absolute sovereignty raises a host of interpretative challenges. In both of his political treatises, Spinoza expresses what look like rather conventional absolutist views: The sovereign is the sole and indivisible source of law to which all subjects are bound and which is not itself bound by any extrinsic (human) law.<sup>1</sup> However, such views seem to be incompatible with his advocacy of mixed government and constitutional limits on the exercise of sovereign power. There is a tension, then, at the very heart of Spinoza's conception of governance. Moreover, Spinoza's references to sovereign absolutism elsewhere in the *Political Treatise* raise questions about his consistency. After advancing views that look conventionally absolutist in chapters 2 and 3, he criticizes absolute monarchy in chapters 6 and 7,<sup>2</sup> and then proceeds to advocate what looks like a novel conception of "absolute sovereignty" in chapter 8,<sup>3</sup> without explaining how all of these positions are supposed to cohere.

The scholarly literature has focused almost exclusively on the first problem, namely, how we are to reconcile Spinoza's conventional absolutism with his liberal republicanism.<sup>4</sup> And while the thrust of the prevailing view – that Spinoza was in fact a critic of conventional absolutism – is unassailably correct, the scholarship on Spinoza's analysis of absolutism remains incomplete in a couple of respects. First, it does not explain why Spinoza evinces a consistent commitment to several of the main principles of conventional absolutism. Second, it fails to explain how his various claims about absolutism hang together.

<sup>1</sup> E.g., TTP, preface, G iii/11; TTP, ch. 16, G iii/193; TP 3/5, G iii/286.

<sup>2</sup> TP, ch. 6/4 – 6/8, G iii/298–99; 7/29, G iii/320–21. <sup>3</sup> TP, ch. 8/3 – 8/7, G iii/324–27.

<sup>4</sup> See Allison, *Benedict de Spinoza*; Balibar, *Spinoza and Politics*; Geismann, "Spinoza – Beyond Hobbes and Rousseau"; James, "Law and Sovereignty in Spinoza's Politics"; James, *Spinoza on Philosophy, Religion, and Politics*; Negri, *The Savage Anomaly*; Prokhovnik, "Spinoza's Conception of Sovereignty."

In this chapter, I offer a reading of Spinoza's absolutism that answers these concerns while casting his critique of conventional absolutism in a somewhat new light. While most interpreters defend the coherence of Spinoza's conception of governance by concluding that he disavows or walks back the more conventional claims that he makes about sovereign absolutism,<sup>5</sup> I argue that his commitment to these claims helps to bolster his critique. By embracing core features of conventional absolutism, he is able to show that, when tied to a proper understanding of authority, absolute sovereignty is not only compatible with, but actually necessitates, power-sharing and constitutionalism. In a sense, he does for "absolute sovereignty" in the political works what he does for concepts like "substance" or "God" in the *Ethics*: commencing with a recognizable, even anodyne, gloss on a concept and then proceeding to draw out revisionist implications, transfiguring the concept from within a shared framework. The interpretation I offer also has the virtue of rendering intelligible and consistent the various claims that Spinoza makes about sovereign absolutism throughout the *Political Treatise*.

### II.1 The Three "I"s of Traditional Absolutism: Independence, Indivisibility, and Irresistibility

The concept of absolute power emerged in the early modern period as part of the reconceptualization of sovereignty, and it quickly became a prominent part of early modern political thought. The somewhat malleable concept of absolute sovereignty was stabilized by certain core tenets.<sup>6</sup> These tenets are exhibited in the works of the two most celebrated early modern absolutists: Jean Bodin (1529/30–1596) and Thomas Hobbes (1588–1679).<sup>7</sup>

<sup>5</sup> The most common way of "resolving" the problem is simply to conclude that Spinoza was not really an authoritarian after all, without explaining why he would initially give the reader this impression. We are left simply to infer, without explanation, that Spinoza did not *really* mean these things after all. To her credit, Susan James directly confronts the problem, concluding that Spinoza opens with a rather too bold account and then "offers a sequence of ameliorative arguments" (*Spinoza on Philosophy, Religion, and Politics*, 252).

<sup>6</sup> J. P. Sommerville traces some of the common features of absolutist texts, while conceding that "there was no *single* absolutist theory" ("Absolutism and Royalism," 348). E. H. Kossmann ("The Singularity of Absolutism") and Julian Franklin ("Sovereignty and the Mixed Constitution: Bodin and his Critics") also highlight the difficulties with trying to identify a firmly bound concept of absolute sovereignty. When I refer to "conventional absolutism", I do not wish to deny that there is significant variation between these texts or to insist on a standard of purity. Rather, I am treating absolutism as a cluster concept that includes among its central characteristics the legal independence of the sovereign and the indivisibility of authority, however these features are interpreted.

<sup>7</sup> Bodin's *Les Six Livres de la République [République]*, written in 1576, is the *locus classicus* of early modern political absolutism. In the subsequent century, Thomas Hobbes advanced his own defense

*Spinoza and Political Absolutism*

177

Bodin and Hobbes both adopt what might be called the logic of ultimacy, according to which relations of legal dependence must terminate in some body that is itself independent or *legibus solutus*. To be a sovereign is precisely to be a lawgiver and not a subject – to be an unbound binder, as it were – for, if a “sovereign” were bound by (human) laws, such laws would have to proceed from some higher (human) legal body, in which case the “sovereign” would not be sovereign. Bodin expresses the logic of ultimacy in the following way:

No matter how much power they have, if they are bound to the laws, jurisdiction, and command of someone else, they are not sovereign . . . We may thus conclude that the first prerogative (marque) of a sovereign prince is to give law to all in general and each in particular. But this is not sufficient. We have to add ‘without the consent of any other, whether greater, equal, or below him.’ For if the prince is obligated to make no law without the consent of a superior, he is clearly a subject; if of an equal, he has an associate; if of subjects, such as the senate or the people, he is not sovereign (Bodin, *République*, I.10, 49).<sup>8</sup>

Hobbes agrees that law must spring from an unconditioned source, a power that is subject to no other mortal power.<sup>9</sup>

It is evident therefore that in every commonwealth there is some *one man* or *one assembly* [*concilium*] or *council* [*curia*], which has by right as much power over individual citizens as each man has over himself outside of the commonwealth, that is, *sovereign* or *absolute* power . . . For if its power is to be limited, it has to be by a greater power; for the one that sets the limits must have greater power than the one restrained by limits (Hobbes, *De Cive*, 6.18, 88).

Legislation must terminate in some unlimited or independent lawgiving body – the absolute sovereign.

The logic of ultimacy entails indivisibility, since if sovereignty could be divided, there would be no ultimate unbound binder. While there can be multiple pretenders to sovereignty, there can be only one unsubordinated and unlimited lawgiver.<sup>10</sup> Because the powers of sovereign are inseparable

of absolute sovereignty in three major political works: *Elements of Law* (1640), *De Cive* (1642), and *Leviathan* (1651). Despite important differences between Bodin’s and Hobbes’s analyses of the basis for, and scope of, sovereignty authority, there are striking similarities in how they conceive of sovereignty itself. And in the *Elements of Law*, Hobbes directly endorses Bodin’s case against the divisibility of sovereign power (ch. 27, 166–67).

<sup>8</sup> All references to *République* are from Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*.

<sup>9</sup> See *De Cive* [*On the Citizen*], 6.13; *Leviathan*, ch. 20, 144.

<sup>10</sup> *République*, 2.1, p. 103–4. Hobbes, *De Cive* II.6.

and incommunicable, even the sovereign itself can no more split or devolve its legislative authority than it could separate quadrilaterality from a square. The very concept of sovereignty entails indivisibility.

Bodin and Hobbes both take sovereign indivisibility to preclude power-sharing either in the form of a division between secular and religious authority or in the form of a mixed republic. Bodin denies that the pope or any other priest possesses authority over temporal affairs, and he denies that the rights or prerogatives of governance could split between governing bodies, claiming not only that “no such state has ever existed” but that none can be made or even imagined, because the prerogatives of sovereignty are indivisible.<sup>11</sup> He declares it a capital crime even to declare that France is a mixed constitution.<sup>12</sup>

Hobbes denies the distinction between civil and canon law, embracing the Erastian position that the sovereign alone has the authority to make law.<sup>13</sup> And in *Leviathan*, ch. 42, he forcefully argues against the miscibility of authority, opposing Cardinal Bellarmine’s division of secular and ecclesiastical power and his account of mixed government, asserting instead that “all Governments which men are bound to obey, are Simple.”<sup>14</sup> Here he draws on his earlier claim that to divide powers is to destroy the commonwealth: “For although few perceive, that such government is not government, but division of the Commonwealth into three factions, and call it mixt Monarchy; yet the truth is, that it is not one independent Commonwealth, but three independent Factions; nor one Representative Person, but three.”<sup>15</sup> He even lists among the “internall diseases” that “tend to the dissolution” of the commonwealth the view that there is more than one “soul”: “To what disease in the natural body of man I may exactly compare this irregularity of [such] a Commonwealth, I know not. But I have seen a man that had another man growing out of his side, with a head, arms, breast, and stomach of his own: if he had had another man growing out of his other side, the comparison might then have been exact.”<sup>16</sup>

Finally, on this account, sovereign authority is irresistible. Where sovereignty is absolute, subjection must also be absolute, since those who are bound to the law lack all countervailing authority or right by which resistance could be justified. This point was crucial to Bodin’s and Hobbes’s political interventions. Bodin’s *Les Six Livres de la République*

<sup>11</sup> *République*, 2.1, 103–4.    <sup>12</sup> *République*, 2.1, 100.    <sup>13</sup> *Leviathan*, ch. 26, 33, 42, and 44.

<sup>14</sup> *Leviathan*, ch. 42, 379; *Leviathan*, ch. 18.

<sup>15</sup> *Leviathan*, ch. 29, 228. In the *Elements of Law*, he declares that the opinion that “the Supreme Authority may be divided” is “most fatal” (Ch. 27, 166–67).

<sup>16</sup> *Leviathan*, ch. 29, 228.

aimed to counter Huguenot resistance theory during the French Wars of Religion. And Hobbes's earlier political writings (*The Elements of Law* and *De Cive*) were written to justify the sovereign right of the king in the crisis preceding the English Civil War, while *Leviathan* aimed at peace and absolute obedience in the tumultuous aftermath.<sup>17</sup> Irresistibility, then, along with independence and indivisibility constitute what we might call the three "I"s of absolutism.

## 11.2 Spinoza and the Three "I"s of Absolutism

Spinoza embraces a version of all three of the "I"s of conventional absolutism. In passages that leave many contemporary readers puzzled and discomfited, Spinoza claims, in both of his political treatises, that the sovereign possesses total authority to prescribe law and that subjects are absolutely bound to obey. For instance, in the *Political Treatise*, he writes:

We see, then, that no citizen is his own master. Each is subject to the control of the Commonwealth [*non sui, sed civitatis iuris esse*], and bound to carry out all its commands. He has no right to decide what's fair or unfair, pious or impious (TP, ch. 3/5).<sup>18</sup>

Subjects have absolutely submitted themselves to the will of the sovereign and are thus bound to obey the laws it issues. The fact that he repeats such claims at various points in both of his political treatises reveals an enduring commitment to independence and irresistibility.

Spinoza also consistently defends the *indivisibility* of sovereign authority. He argues in the TTP that subjects could not maintain rights for themselves "without dividing, and thereby destroying, the sovereignty [*nec absque imperii divisione, et consequenter destructione facere potuerint*]" (TTP, ch. 16, G iii/193). A similar claim is made in the TP, where he writes that if a sovereign were to cede its right to determine what is law, the very integrity of the commonwealth would be threatened (TP, ch. 3/3). Elsewhere in the same work, he asserts that "sovereignty ought to be indivisible" (TP, ch. 7/25; TP, ch. 6/37).

Like Hobbes, Spinoza is keen to discredit clerical claims to authority. He maintains that piety is expressed in terms of justice and obedience, the

<sup>17</sup> Hobbes's local political interests in the interregnum period in which *Leviathan* was published are somewhat murky. Jeffrey Collins has argued that *Leviathan* was written in support of Cromwell's Erastian ecclesiology (*The Allegiance of Thomas Hobbes*).

<sup>18</sup> See also TTP, preface, G iii/11; TTP, ch. 16, G iii/193; TP, ch. 2/16, G iii/281–82; TP, ch. 6/39, G iii/306–7.

content of which is determined by the sovereign alone, concluding that “the right concerning sacred matters belongs completely to the supreme powers” (TTP, ch. 19, G iii/228).<sup>19</sup> And his case against divided authority seems to be underwritten by the logic of ultimacy:

For what can the supreme powers decide, if this right is denied to them? Certainly nothing concerning war and peace, nor any other business, if they are bound to wait for the opinion of someone else, who is to tell them whether what they judge to be advantageous is pious or not. On the contrary, everything will happen according to the decree of that person who has the right of judging and deciding what is pious or impious, sacrilegious or not (TTP, ch.19, G iii/235).

If religious authority were extrinsic to sovereign authority, sovereign authority would be unable to exercise its essential legislative function. Independent ecclesiastical authority would constitute an existential threat to sovereignty.

### 11.3 Constitutionalism and Mixed Government

While Spinoza endorses the three “I”s of absolutism, he also allows for constitutional limits on power and mixed forms of sovereignty. In the TP, we see Spinoza advocating a form of constitutionalism, recommending the adoption of “*fundamenta*”<sup>20</sup> or foundational laws that even the sovereign cannot repeal. This looks like a renunciation of absolutism and the logic of ultimacy.<sup>21</sup>

He also advocates power-sharing.<sup>22</sup> In his account of an ideal monarchy, Spinoza describes in detail the significance of having a large, deliberative advisory council, whose recommendations must be sought before the king can make any decision (see esp. TP, ch. 6/15–6/19, G iii/300–2). He concludes his analysis of monarchy with a discussion of the history of the Aragonese monarchy, which, as he notes, thrived when the monarchical

<sup>19</sup> See also TTP, ch. 16, G iii/198–200).

<sup>20</sup> Also referred to as *fundamenta imperii* and *lex imperii*.

<sup>21</sup> Raia Prokhovnik notes Spinoza’s commitment to constitutionalism might entail that he does not even *have* a conception of sovereignty, at least by absolutist standards (“Spinoza’s Conception of Sovereignty,” 291).

<sup>22</sup> I think that J. G. A. Pocock is mistaken when he writes “it is easy to fit Spinoza’s thinking into a juristic model which would make mixed government formally impossible” (“Spinoza and Harrington: An Exercise in Comparison,” 442). Pocock is defending the exclusion of Dutch republicanism from his narrative about the spread of early modern republican thought in *The Machiavellian Moment*. Unfortunately, his reading of Spinoza is deficient in a number of respects.

power was “counterbalanced” by a supreme council “as the Ephors were in Sparta” (TP, ch. 7/30, G iii/321). Spinoza’s sympathy with the diffusion of power is even more apparent in his analysis of aristocracies, where he recommends the institution of three sovereign councils (supreme council, senate, and syndic) with distinct functions. In Spinoza’s preferred model of aristocracy, sovereignty is shared by multiple cities, each with their own governing council or councils.<sup>23</sup>

We are left, then, to make sense of how Spinoza sought to reconcile constitutionalism and mixed government with absolutism. I shall now argue that Spinoza uses the logic of absolutism against conventional absolutists, showing that once we form a clearer conception of authority in general, the ideals of independence and indivisibility carry radically different implications for governance than conventional absolutists suppose.

#### II.4 Authority Naturalized

While scholars have lavished considerable attention on the relationship between Spinoza’s accounts of the genesis of the state in his two political works, they have paid less attention to his compact statements about what relationships of authority and subjection consist in.<sup>24</sup> To see how authority, or sovereign right, is formed and sustained, we must consider how *ius* is transferred. Spinoza operates with two distinct senses of right [*ius*], corresponding to the two distinct concepts that are translated into English as “power”: *potentia* and *potestas*.<sup>25</sup> The right that is coextensive with *potentia* is essential and nontransferable.<sup>26</sup> But right as *potestas* is transferrable and can be united into a single authority, the sovereign or *summa potestas*.

<sup>23</sup> TP, ch. 9/15, G iii/352; TP, ch. 10/10; G iii/358. Compare with the discussion of tribal power-sharing in the Hebrew state, which Spinoza claims resembles the situation of the federated state of the United Provinces (TTP, ch. 17, G iii/210). See Julie Cooper, “Reevaluating Spinoza’s Legacy for Jewish Political Thought.”

<sup>24</sup> Alexandre Matheron’s work on the relationship between the contractual account of the TTP and the “deductive” account of the TP are among the most important (*Individu et Communauté chez Spinoza*; “Le Problème de L’évolution de Spinoza Du *Traité Théologico-Politique* au *Traité Politique*”). He maintains that the analysis of the state as a natural outgrowth of the passions could only have been advanced once Spinoza had fully developed his account of the imitation of the affects, after 1670. While I find Matheron’s analysis to be generally compelling, I think that less hinges on the etiological accounts than Matheron supposes and that the question of authority is settled rather in Spinoza’s account of standing under the power of another (being *sub potestate*), which is consistent across the two works.

<sup>25</sup> See Justin Steinberg, “On Being *Sui Iuris*”; Negri, *The Savage Anomaly*.

<sup>26</sup> See Ep. 50 to Jelles, G iv/239b.

Authority extends just as far as one has others under one's power [*sub potestate*]. And in each of the political treatises Spinoza gives us tidy and consistent accounts of the conditions in which one is *sub potestate*. Here is the passage from the TP:

One person has another in his power [a] if he has him tied up, or [b] if he has taken away his arms and means of defending himself or escaping, or [c] if he has instilled fear in him, or [d] if he has so bound him to himself by a benefit that the other person would rather conduct himself according to his benefactor's wishes than according to his own, and wants to live according to his benefactor's opinion, not according to his own (TP, ch. 2/10).

To be under the power of another, in other words, is to stand in an appropriate relationship of physical or psychological dependency. Sovereign authority extends just as far as one is able to maintain this dependency, irrespective of the motives that lead subjects to stand *sub potestate* (TTP, 17.5–6, G iii/202).

This conception of the authority–subjection relationship as one of (mere) patterned dependence dovetails with Spinoza's claims about what distinguishes a *civitas* from a mere aggregate. In the former condition, people share the same "*ratio vivendi*" (TP 3/3, G iii/285), because they act from the same law. And civil law is defined in the TTP as a "*ratio vivendi* man prescribes to himself or others for some end" [*finem*] (TTP, ch. 4, G iii/58): It is a subset of natural law, a literal *ratio*, or a pattern of coordinated behavior.<sup>27</sup> And the very patterning that makes a state a state, bound by a common *ratio*, makes an authority an authority, since widespread obedience to the law constitutes precisely the kind of patterned dependence on the lawgiver in virtue of which a common authority is created and preserved.<sup>28</sup>

<sup>27</sup> In order for an issuance of law ("law") to be a genuine *ratio vivendi*, a certain threshold of compliance must be met. Spinoza suggests something like a minimal threshold when he notes that if only a few people disregard the laws they remain valid, since "most of the citizens are restrained by them" (TP, ch. 3/8, G iii/288) – the suggestion being that if most citizens were not compliant, they *would* cease to be laws.

<sup>28</sup> This way of naturalizing civic authority (taking authority as *de facto*) is not without historical precedent. Marsilius of Padua put forth an account of political authority in *Defensor Pacis* (1324), in which he claimed, like Spinoza, that *potestas* is rooted in the *potentia* of the people. And a century before Spinoza, Montaigne's dear friend Étienne de La Boétie wrote that sovereignty depends entirely upon the will of subjects, such that if the subjects were to cease to recognize the authority of tyrants, the authority would itself dissipate (*Discourse on Voluntary Servitude* (first published posthumously in 1576). Hobbes, too, at least flirted with the view that authority depends on the recognition of authority, claiming in his history of the English Civil War, *Behemoth* that "the power of the mighty hath no foundation but in the opinion and belief of the people" (*Behemoth*, 16 – Edwin Curley cites this passage in "Kissinger, Spinoza, and Genghis Khan," 326). Still, the thoroughgoingness of Spinoza's naturalizing program far exceeds that of his predecessors.



## 11.5 The Natural Limits of Authority

Spinoza treats the establishment of authority, as well as existence of the *civitas*, as a descriptive condition, anchoring the state and its functions firmly within the order of nature. As the state is a “natural thing” [*res naturalis*], it is bound by laws of nature (TP, ch. 4/4, G iii/298). These laws of nature restrict the exercise of sovereign power. For instance, the laws of human psychology entail that to the extent that the state rouses the indignation of the people, it provides grounds for conspiracy and diminishes its own right or power:

[T]hings most people resent are less within a Commonwealth’s Right. For certainly men are guided by nature to unite in one aim, either because of a common [hope or] a common fear, or because they long to avenge some common loss. Because the Commonwealth’s Right is defined by the common power of a multitude, it’s certain that its power and Right are diminished to the extent that it provides many people with reasons to conspire against it. Certainly the Commonwealth has some things it must fear for itself. Like each individual citizen, or like a man in the state of nature, the greater the reason for fear it has, the less it is its own master (TP, ch. 3/9; G iii/288).

As Étienne Balibar has pointed out, the “fear of the masses” in the subjective sense (i.e. the fear *experienced* by the masses) gives rise to the “fear of the masses” in the objective sense: A fearful multitude becomes an object of fear for the sovereign.<sup>29</sup> Those who wield sovereignty oppressively engender this double fear of the masses, thereby destabilizing the state<sup>30</sup> and diminishing their own power. It is against this backdrop that Spinoza asserts in TP, ch. 8, that in order for a state to be “so organized that it comes nearest to being absolute” it must ensure that “the multitude is as little to be feared as possible” (TP, ch. 8/5, G iii/326).

There is a sense, then, in which lawmaking is a two-way street between the sovereign, who pronounces the law, and the subjects, who comply with and thereby instantiate it. This is not to say that, in Antonio Negri’s terms, sovereignty is “reduced and flattened onto the *multitude*.”<sup>31</sup> This way of putting it neglects the functional division between the body that holds [*tenere* or *habere*] sovereignty and the body that defines [*definire*] it (TP,

<sup>29</sup> Étienne Balibar, “Spinoza: The Anti-Orwell: The Fear of the Masses,” 107.

<sup>30</sup> Spinoza adopts the Senecan adage that violent governments do not last long (cf. TTP, ch. 5, G iii/74; TTP, ch. 16, G iii/194). For a discussion of the revolutionary potential of this idea, see Hasana Sharp, “*Violenta Imperia Nemo Continuit Diu*: Spinoza and the Revolutionary Laws of Human Nature.”

<sup>31</sup> Negri, *The Savage Anomaly*, p. 198. See also Negri, *Reliqua Desiderantur*, 227.

ch. 2/17, G iii/282).<sup>32</sup> The power of the multitude [*potentia multitudinis*] “defines” sovereign right in that it serves as the material grounds of the state, constraining the exercise of authority in this way.<sup>33</sup> The material is shaped into a single, unified body politic by the sovereign, which alone has the right to *issue* the *rationes* by which the people act, setting laws and making decisions about war and peace (see e.g. TP, ch. 4/1 – 4/2, G iii/291–92; TTP, ch. 20, G iii/241).<sup>34</sup>

Exercising and preserving sovereign authority is thus a highly dynamic process, requiring that the sovereign govern in ways that provoke minimal fear, indignation, and resistance. It is the responsibility of the sovereign to anticipate potential threats to its power and to frame laws in ways that secure a common *ratio*. This comes through forcefully in TP, ch. 5/2–5/3:

If wickedness is more prevalent in one Commonwealth than in another, and more sins are committed there, this surely comes from the fact that the [more wicked] Commonwealth hasn’t provided adequately for harmony [*concordiae*], hasn’t set up its laws wisely enough, and so, *hasn’t obtained the absolute Right of a Commonwealth* [*neque ius civitatis absolutum obtinuerit*] . . . just as the subjects’ vices, and their excessive license and stubbornness, are to be imputed to the Commonwealth, so, on the other hand, their virtue and constant observance of the laws are to be attributed most to *the virtue of the Commonwealth and its absolute right* (G iii/295).

To the extent and only to the extent that the sovereign has obtained absolute right<sup>35</sup> – “absolutism,” strangely enough, being something that comes in degrees (TP, ch. 6/8, G iii/299; TP, ch. 7/23, G iii/317) – it will beget civic harmony, or establish a common *ratio*. And to maintain its

<sup>32</sup> On this matter, I side with Balibar, who rejects Negri’s interpretation of sovereignty as unmediated mass action, and declares instead, with Moreau, that Spinoza is a theorist of the “modern State apparatus” (Balibar, *Anti-Orwell*, 125). Den Uyl also advises against conflating the power exerted by the people with political authority (*Power, State and Freedom*, 94).

<sup>33</sup> This is analogous to how a sculptor will be constrained by the materials with which she is working. A knotty piece of wood cannot be molded as if it were a lump of clay.

<sup>34</sup> This role distinction between the sovereign and the multitude is reflected in Spinoza’s metaphor of the sovereign as the “mind” or “will” of the commonwealth. The masses do not spontaneously act as one; they must be guided [*ducitur*] by a governing body to which they have consented (TP, ch. 6/1, G iii/297; cf. TP, ch. 5/2, G iii/295). This is the function of the sovereign: “sovereigns are, as it were, the mind of the state whereby all citizens must be guided” (TP, ch. 4/1, G iii/291). So, in the many passages in which he writes of the commonwealth being guided as if by a single mind (TP, ch. 2/16, G iii/281; TP, ch. 3/2, G iii/284 – 285; TP, ch. 3/5, G iii/286; TP, ch. 3/7, G iii/287), I take it that Spinoza is upholding the functional distinction between the sovereign and the people.

<sup>35</sup> Since Spinoza is referring here to the legislative body, it is evident that by the “absolute right of the commonwealth” he means the “absolute right of the sovereign.”

power, the sovereign must govern in light of the *ingenia*, or actual psychological make up, of its citizens.<sup>36</sup>

## II.6 Constitutionalism and Independence

This conception of authority leads us to reconceive of the three “I”s of absolutism. Take independence. Strictly speaking, no sovereign body can be independent from the laws of nature.<sup>37</sup> The sovereign *can* be free from positive, human restrictions, but this form of absolutism is self-defeating: “a King is less his own master [*sui iuris*] . . . the more absolutely the Right of the Commonwealth is transferred to him” (TP, ch. 6/8, G iii/299; see also TP, ch. 6/5, G iii/298–99; TP, ch. 7/14, G iii/313–14; TP, ch. 7/29, G iii/320–21). The more independent and absolute the sovereign is in the conventional sense, the less power it will have.<sup>38</sup>

If the sovereign is to retain its power to govern in perpetuity,<sup>39</sup> it must be restrained from acting in self-undermining ways. Spinoza thus proposes that we understand the absolute right of the sovereign not as the total absence of laws (*per impossible*) or as the lack of formal human restrictions (self-defeating), but as the actual, persisting power to establish laws. This requires making oneself responsive to subjects and even adopting formal restrictions on the exercise of power.

This does not, however, make sovereign powers dependent on, or subordinate to, any extrinsic human law. Once again, while the people *define* or limit sovereign power, the sovereign alone retains the right to legislate. Spinoza proposes that we conceive of constitutional limits or *fundamenta* not as extrinsic restrictions but as “eternal decrees” of the sovereign:

And nowhere that I know is a Monarch elected absolutely, without any explicit conditions. This is not contrary to reason, or to the absolute obedience [*obedientiae absolutae*] owed the King. For the fundamental principles of the state must be regarded as the eternal decrees of the King. Indeed, his ministers obey him completely if they refuse to carry out any commands he gives which are inconsistent with the fundamental principles

<sup>36</sup> See Steinberg, *Spinoza's Political Psychology*, esp. ch. 5.

<sup>37</sup> Even Bodin and Hobbes admit that there are limitations on sovereign power. Bodin claims that monarchs are still bound by laws of nature and answerable to God. Hobbes sometimes suggests that the sovereign is bound by the laws of nature and he acknowledges, reasonably enough, that the sovereign cannot obligate people to act in ways that are psychologically impossible (*De Cive*, 2.18, 40; *Leviathan*, ch. 14, p. 98).

<sup>38</sup> See Steinberg, “On Being *Sui Iuris*”; Balibar, *Spinoza and Politics*, 35.

<sup>39</sup> Bodin, *République* 1.8, 1; Hobbes, *De Cive*, 7.16, 98–100.

of the state. We can explain this clearly with the example of Ulysses [Odyssey XII, 156ff.]. For his companions were carrying out his own command in refusing to untie him when he was bound to the mast of the ship and captivated by the sirens' song, even though he ordered them to do this in many ways, including threats. It's a credit to his wisdom that afterward he thanked his comrades for having obeyed him according to his first intention. Kings, too, commonly follow the example of Ulysses, and instruct their judges to practice justice without giving special consideration to anyone, not even the King, if he commands something in a particular case which they know to be contrary to the established law. For Kings are not Gods, but men, who are often captivated by the Syrens' song. If everything depended on the inconstant will of one man, nothing would be firmly established (TP, ch. 7/1, G iii/307–8).<sup>40</sup>

This is a clear rebuke of conventional absolutists like Bodin and Hobbes, who claim that self-binding is strictly impossible.<sup>41</sup> For Spinoza, restraints that prevent one from acting on desires that run contrary to one's causal power can be conceived as expressions of one's own striving.<sup>42</sup>

### II.7 Mixed Government and Indivisibility

Mixed government can be shown to be consistent with indivisibility. Conventional absolutists argue against mixed government in part on the grounds that, in order to be indivisible, a sovereign must be simple or noncomposite. Spinoza makes no such claim. For him, all sovereign bodies – be they monarchs, governing councils, democracies, or some combination of these – are composites. The extent to which authority is unified, rather than divided, does not depend on whether or not it is

<sup>40</sup> In this passage, Spinoza puts forth a conception of the king's two minds that is analogous to the medieval conception of the king's two bodies (see Kantorowicz, *The King's Two Bodies*).

<sup>41</sup> Hobbes, *De Cive* 6.14, 84; Bodin, *République*, 1.8, 12.

<sup>42</sup> Unlike Hobbes, Spinoza conceives of moral agency in a way that admits of self-binding. Hobbes does not operate with any sort of distinction between authentic and alien desires. On his account, one would have to conclude that present-Ulysses – who wills to join the Sirens, but is impeded from doing so – is held hostage by past-Ulysses. If one's present will is bound, one is unfree. Spinoza, on the other hand, allows that we have desires that follow from our nature alone – and are in this sense authentic – even when they exert little influence over our behavior. All things strive to affirm their power to exist and act, and this appetite [*appetitus*] “is nothing but the very essence of man, from whose nature there necessarily follow those things that promote his preservation” (E3p9s). To the extent that we are rational, we act from the laws of our nature alone (E4p59; E3p3), and we do only those things that are good for this nature (E4p35d). However, the desires that follow from our nature alone are often offset by passions, which are partially extrinsic, arising from and expressing the nature of external things as well as our own. In light of this, Spinoza allows that when we constrain ourselves so that we exist and act from our nature alone, rather than from the passions, we are acting in accordance with our real desires and interests. The same considerations apply to the sovereign.

compositionally or procedurally complex; rather, as noted earlier, the unity or indivisibility of the sovereign consists in the ability to establish a single legal order, such that the people are led as if by a single mind.

This way of understanding indivisibility not only indicates how it can be reconciled with mixed government, it also enables us to explain away an apparent inconsistency in Spinoza's treatment of mixed government. He appeals to indivisibility in order to preclude power-sharing between the civil sovereign and the clergy (see TTP, ch. 19, G iii/235), but he allows for other forms of power-sharing, as between the distinct sovereign councils of an aristocracy. There is no inconsistency here because, while procedural and compositional complexity are perfectly compatible with legislative unity, the separation of civil and ecclesiastical authority generates distinct, and potentially competing, legal orders. By conceiving of indivisibility in functional rather than compositional terms, Spinoza is able to defend a balanced and complexly constituted form of absolute sovereignty.<sup>43</sup>

## II.8 Conclusion

Spinoza conceives of absolutism as the capacity of the sovereign to govern efficaciously, to establish a common *ratio* with minimal dissension or opposition. The more absolute the sovereign is in this sense, the less its power will be diminished by external causes and the less divided its authority will be. It is in this sense that Spinoza preserves the ideals of independence and indivisibility within this new framework. This also makes sense of Spinoza's endorsement of the third "I" of absolutism: irresistibility. Irresistibility should not be understood primarily in juridical terms – as a kind of moral obligation to the state – but rather as a descriptive ideal.<sup>44</sup> Absolute sovereignty as frictionless governance entails absolute subjection, or total obedience, which is a sign of civic health: One cannot have peace, or a harmony of minds, "unless the common laws of the commonwealth are kept inviolate" (TP, ch. 3/6, G iii/286). Spinoza puts the responsibility squarely on the sovereign to promote individual utility so

<sup>43</sup> Spinoza was hardly the first to try to reconcile something like a mixed government with absolutism. Julian Franklin, "Sovereignty and the Mixed Constitution" traces the many ways in which political theorists after Bodin – mostly in the seventeenth-century German Empire – sought to reconcile the ideal of indivisible sovereignty with "tempered" forms of monarchy. Althusius plays a prominent role in this history, as he represents counterbalancing monarchical power, taking the Spartan constitution as a model (Franklin, 313). Bartholomaeus Keckermann and Hermann Kirchner, after Althusius, explicitly maintained the consistency of mixed constitution and indivisibility (Franklin, 314).

<sup>44</sup> See Geismann, "Spinoza – Beyond Hobbes and Rousseau," 45–46.

as to secure obedience. In order to minimize resistance, and maximize obligation, the state must govern temperately, within the bounds of the fundamental laws, and so forth.<sup>45</sup>

This interpretation enables us to account for the range of claims that Spinoza makes about absolutism. While most other interpretations fail to explain why Spinoza would advance a seemingly authoritarian model of sovereignty only to proceed to repudiate authoritarianism, on my interpretation Spinoza fully and consistently embraces the irresistibility of sovereignty. However, he leads the reader to conceive of this as a condition of harmonious functioning, achieved by wise governance, thereby emending our understanding of what absolutism entails.

This way of interpreting Spinoza's absolutism also makes evident why Spinoza would be critical of absolute sovereignty in the sense of unconstrained governance in TP, chapters 6–7, and it prepares the reader for the account of absolute sovereignty as one in which “the multitude is as little to be feared as possible” (TP, ch. 8/5, G iii/326) in chapter 8. On its own, this use of “absolutism” would be hardly intelligible to Spinoza's audience, as it does not comport with customary use.<sup>46</sup> But when read as an extension of the naturalized conception of sovereignty developed in the earlier chapters, it makes perfect sense to conceive of absolute sovereignty in terms of harmony and the reduction of antagonism. This interpretation thus not only provides an analysis of how Spinoza reconciles absolutism and liberal republicanism, but it does so in a way that accounts for Spinoza's commitment to the three “I”s of conventional absolutism and that shows how Spinoza's disparate claims about absolutism cohere.

Finally, I want to suggest that Spinoza's revisionist conception of sovereign absolutism could also be usefully deployed against more recent theorists like Carl Schmitt and Giorgio Agamben, who invoke Hobbes and Bodin to challenge liberal conceptions of law and sovereignty. Schmitt

<sup>45</sup> To be sure, Spinoza thinks the individual should obey even apparently irrational laws (see TP, ch. 3/6, G iii/286). But this is because it conduces to long-term individual interest; he does not think anyone stands under any kind of moral (nonprudential) obligation to comply. See Steinberg, *Spinoza's Political Psychology*, ch. 2.

<sup>46</sup> Spinoza's linguistic revisionism could not be effective without intersecting to some degree with customary use. In the notes to his translation, Curley puts this very well, drawing on an analogy from Hilary Putnam: “Spinoza's situation . . . is like that of a chemist introducing a new theoretical definition of the term *acid*. The chemist's definition may lead to some reclassification of chemical substances. But if the term's range of application, as newly defined, were not closely related to its former range of application, there would be no improvement of our understanding, there would be only confusion” (*The Collected Works of Spinoza*, vol. I, 535–36, note 49). For an illuminating account of Spinoza's linguistic revisionism that presents Spinoza as somewhat less accommodationist in his approach, see Lærke, “Spinoza's Language.”

insists, against those (like Hans Kelsen) who attempt to provide an autonomous juridical order, that the meaning and scope of the law is determined by a sovereign, who stands at least partially outside of the law.<sup>47</sup> He credits Bodin for establishing the indivisibility of sovereignty,<sup>48</sup> while praising Hobbes for recognizing that the legal order depends ultimately on decisions and not norms.<sup>49</sup> Agamben follows Schmitt in conceiving of the sovereign as the one who determines the exception and in maintaining that “law presupposes the nonjuridical.”<sup>50</sup>

Spinoza could endorse the critique of a de-personalized legal order. But he would reject the transcendental model of political agency on which this conception of sovereignty depends.<sup>51</sup> Finite agents do not and cannot stand outside of the legal order,<sup>52</sup> so they cannot function as the *terminus* for the logic of ultimacy. Even if there is an agent that stands partially outside of civil law that determines the scope of this law, there is law outside of the agent that determines the scope of agency. This is indeed a crucial upshot of Spinoza’s revisionist conception of absolute sovereignty: In order to organize civil affairs effectively, we must give up pretensions to ultimacy, transcendental agency, and Archimedean points and come to grips with the fact that sovereign power, on which our power to exist and act depends, is dynamic, precarious, and necessarily incomplete.

<sup>47</sup> *Political Theology*, chapter 1.    <sup>48</sup> *Political Theology*, 8–9.    <sup>49</sup> *Political Theology*, 33

<sup>50</sup> *Homo Sacer*, 20.

<sup>51</sup> Schmitt claims that the concept of sovereignty is derived from theology, with God’s omnipotence serving as a model for sovereign legislation (*Political Theology*, 36).

<sup>52</sup> Even God is not a transcendental agent, with a will distinct from its intellect, for Spinoza (E1p33s2).