

SPINOZA'S ARGUMENTS FOR INTELLECTUAL
FREEDOM

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ABSTRACT

In this essay I shall give a critical account of Spinoza's arguments for intellectual freedom as they occur in chapter twenty of the TRACTATUS THEOLOGICO-POLITICUS. His arguments exhibit certain ambiguities issuing from his appeal to the rational and prudent on the one hand and to several practical implications following from presumed facts about human nature on the other. These ambiguities will be discussed. This discussion will lead to Spinoza's doctrine of natural right upon which he constructs his political philosophy.

One: THE HISTORICAL SETTING

Here I shall give a brief outline of the political climate of Spinoza's time. My purpose is to show that Spinoza's ideas were at once advanced for his age while intended at the same time to solve some of the pressing problems he observed. Not until after his death were the

civil liberties Spinoza considered important adopted as basic premises of government.

Two: SPINOZA'S NOTION OF INALIENABLE NATURAL RIGHT AND
HIS DOCTRINE OF NATURAL RIGHT

This section is concerned with the question of whether Spinoza's idea of an inalienable natural right conforms with his general doctrine of natural right. I shall argue that it does not and that it probably has a more solid foundation in Spinoza's ethical rather than in his political theory.

Three: SUPPRESSION IS LITERALLY INEFFECTIVE

In this section I present and discuss Spinoza's proposition that suppression of thought and speech is literally ineffective because it is impossible to deprive men of the freedom to say what they think. I shall base my argument against Spinoza on the premise that there is nothing inherent in human nature which leads us to conclude that suppression is ineffective. I shall also try to illustrate that his notion of an inalienable natural right to freedom of thought may be a viable political tool

in the creation of a political and moral climate within a body politic encouraging the general acceptance of freedom of thought on principle. Finally I shall argue that Spinoza has to move away from considerations of human nature and deal with the rational and prudent when proposing that certain speech-acts may rightfully be restrained.

Four: SUPPRESSION HAS UNDESIRABLE EFFECTS

Here Spinoza describes some of the ill effects of suppression. These effects, he argues, will be felt by the oppressed as well as by the government. He says that suppression is a two-sided evil. On the one hand the suppressed will cause trouble for the government, on the other, those who enjoy the advantages, such as they are, of a suppressive government will become involved in internal power struggles and these in turn may lead to national unrest. Thus Spinoza concludes that the government cannot secure any advantage by resorting to suppression. It follows that only two factors may cause a government to resort to suppression as a means of maintaining control; one, ignorance of human nature and two, an inherent weakness in the government rendering it unable to confront rationally a powerful lobby of dissenters.

Five: LEGITIMATE RESTRAINTS OF FREEDOM OF SPEECH

Recognizing that some speech-acts may reasonably be considered detrimental to the state, Spinoza feels that freedom of speech cannot be granted fully. He discusses which speech-acts and beliefs he considers to be detrimental to the state and how to deal with them. I shall argue that Spinoza is too vague on this subject and that in the light of his discussion here and the power-right relation of the sovereign, it is not always possible for him to determine when a speech-act is detrimental to society and when it is not. I shall argue that, consequently, his division between social and antisocial is not made sufficiently clear but remains rather a matter of contention.

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SPINOZA'S ARGUMENTS FOR INTELLECTUAL
FREEDOM

INTRODUCTION

In chapter twenty of the Tractatus Theologico-Politicus Spinoza presents his arguments for freedom of thought and speech. Henceforth I shall refer to the Tractatus Theologico-Politicus as 'TT-P'.

Spinoza draws several conclusions from the aforementioned arguments. The most striking of these is that "it is impossible to deprive men of the freedom to say what they think."⁽¹⁾ In support of this assertion Spinoza concentrates on a number of fundamental thoughts. First he makes use of the notion of an inalienable natural right to substantiate his argument for freedom of thought. Further argumentation proceeds from 'experience', that is, from the study of history and of human nature. He concludes that men will not and cannot tolerate having their freedom of thought denied.

(1)
TT-P, page 261, chapter XX

Freedom of thought, once established, then leads to freedom of speech as a natural consequence. Here Spinoza uses a conspicuous device. His argument for free speech is based upon the premise that men have an ungovernable weakness, namely that they are unable to hold their tongues. In this context, then, it appears that Spinoza believes that a sufficient argument for freedom of speech does not proceed from rational and moral considerations alone. He must have thought that these considerations would not have sufficient impact in the political arena. He argues, therefore, that attempting to suppress free speech is tantamount to interfering with a fact of nature, a normal human activity beyond the control of man's volition.

Given these premises Spinoza not only implies that suppression has negative effects, he states it explicitly. He describes these effects as ranging from mere annoyance to the possible creation of martyrs. All effects of suppression, he holds, are detrimental to the fabric of the state.

Spinoza then introduces rational and moral considerations into his discussion. However, he does so only when confronted with the need to substantiate his argument that some speech-acts can and indeed must be suppressed by government, and that this may be done without compromising freedom of speech.

Here he seeks to remind us that the state may on occasion be viewed as moral guardian and that this role is fundamental to its proper functioning. However, with this argument an obvious difficulty arises. How can men be expected to show restraint in their speech if they have neither the capacity nor the will to obey? I shall attempt later to explain this apparent discrepancy in Spinoza's thinking. I believe that this may be achieved by keeping in mind that Spinoza constructs his various arguments by selecting features of man which are appropriate to his immediate purpose.

Spinoza's general doctrine of natural right is linked to his argument for freedom of thought and speech when he introduces to the former the notion of an inalienable natural right to freedom of thought. I believe that this general doctrine of natural right does not harmonize completely with the notion of an inalienable natural right to free thought. The reason for this disharmony may be found in Spinoza's political philosophy. I shall attempt to give an alternative account of natural right, one which emphasises its rational and moral aspects rather than, as in Spinoza's writings, those of power and might.

ONE

THE HISTORICAL SETTING

Spinoza's philosophy evolved at a time when liberal intellectuals lived in constant fear of those who held political and religious power. Men were still persecuted and even executed in Europe for their religious, political and philosophical convictions. For example, Barneveldt, statesman and leader of the Remonstrants was executed in 1619 by the Synod of Dortrecht for his views. Spinoza also experienced persecution. On at least one occasion his life was threatened. Eventually, in 1674, some of his works were banned by the Orange Party. Two years earlier his friend Jan de Witt was brutally murdered by

a mob when visiting a brother in prison. This tragedy did have an effect on Spinoza's writings. The passionate style of chapter twenty of the TT-P is clearly a result of these experiences.

These events were the outcome of a political climate and time. Spinoza's own political thinking may be understood as a response to this climate. He acknowledges his own intellectual relationship to the contemporary drift of human affairs and, accordingly, often employs the phrase "reason as well as experience shows...". What is meant here is that, ideally, abstract reasoning should lead to the same conclusions as experience. It is in this light that we may understand his argument for freedom of thought on the grounds of an inalienable natural right. This freedom may be regarded as a requirement of reason as well as the result of observing human nature or of experience. A brief examination of Spinoza's political environment will therefore provide a setting for his political arguments.

In the seventeenth century, when Spinoza formulated his political doctrine, fanaticism was especially prevalent. A declining age of faith resisted the advance of the age of reason and there was still little evidence that the latter was to come. Spinoza's family was driven from

Portugal by the Inquisition. In the Netherlands they found some measure of security and freedom, for at this time the Dutch Republic was held to be a sanctuary for persecuted religious faiths: it enjoyed a political system conducive to liberalism, and was founded upon the belief that stable civil government did not need the support of a uniform religious power. Spinoza gave his full support to this principle and argued on its behalf in the TT-P. Consequently the Dutch Republic did not seek to unify the various religious interests under one religious power. This made the peaceful coexistence of different religious faiths possible. Unfortunately the situation did not obtain for long and Spinoza was to witness the decline of this form of government. The Dutch government proved too weak against the growing power of the Calvinists. The latter claimed divine authority, which they believed themselves to possess, to be superior to the authority of civil government. They then endeavoured to gain acceptance of this claim by persecuting those who challenged it; dissenters were considered heretics.

Eventually the Princes of Orange replaced republicans such as Offenbarneveldt and Jan de Witt by allying themselves with the Calvinists. Thus, men who considered persecution an acceptable means of gaining total religious and political power assumed control.

Spinoza, always an advocate of uncompromising religious and philosophical toleration, maintained that no external authority had either the right or the need to suppress expressions of faith and philosophical conviction. He believed that such interference offended the fundamental natural right of the individual. He thought that a government that does not respect this right must of necessity earn a reputation for oppression. His view is expressed in the following observation:

This is why government is regarded as oppressive if it tries to control men's minds, and why a sovereign is thought to wrong its subjects, and to usurp their right, if it seeks to tell them what they should embrace as true and reject as false, and prescribe beliefs which should inspire their minds with devotion to God; for in such matters an individual cannot alienate his right even if he wishes...

(TT-P, page 227, chapter XX)

Now the manner of Spinoza's approach may be elucidated by comparison with that of Hobbes. The latter, under similar conditions in England, held a position that differed from Spinoza's on some fundamental issues. In England a weak James I, in an attempt to impose religious uniformity, averred the motto "no Bishop no King". He did not feel secure on the throne without the support of the power of the church. The church, he knew, had the means to mould popular opinion. However, notwithstanding the fears and

designs of James I, the trend proved to be towards separation of religious and civil powers. The chief cause for this may be found in the Reformation. With the Reformation the number of denominations increased and as a result the political utility of the church decreased. If a ruler succeeded in gaining the support of one denomination he was certain to antagonize another. Thus civil powers were forced to become more self-reliant. The position of the monarchies was further compromised by the loss of the principle of the divine right of kings. Kings could no longer demand unquestioning acceptance of their claim to authority through divine right. After Luther everyone had access to God's word and could therefore feel as intimate with God as kings and bishops had hitherto been held to be. Moreover, if Luther, a mere commoner, had revelations, then why not anyone?

There is evidence that Hobbes was opposed to this development. He only saw the problems of religious liberation during its first awkward stages of development. In his BEHEMOTH Hobbes makes the following remark:

For after the bible was translated into English every man, nay every boy and wench that could read English, thought that they spoke with God Almighty, and understood what he said - every man became a judge of religion and an interpreter of the Scriptures to himself.

This sentiment is, to say the least, clouded by

suspicion of the new religious independence that the translation of the bible engendered. Spinoza, a supporter of religious freedom would have reacted differently. Yet Hobbes' position was not a result merely of suspicion of religious autodidacts. He also saw a real and imminent danger arising. This danger, carried on the wave of the Reformation, was expressed most pointedly by the notorious Buffe-coate during the debates at Putney, 1647. Far from attempting to help remedy the widespread political instability that prevailed near the end of the Thirty Year War, Buffe-coate contended that:

Whatever hopes or obligations I should be bound onto, if afterwards God should reveal himself, I would break them speedily, if it were a hundred a day...

(The Clark Papers, Camden Society, vol. I, page 273)

What Buffe-coate says here, in effect, is that revelation carries more authority than civil law and justice. He thought it right to disregard the latter in the light of revelation. On this point neither Hobbes nor Spinoza could agree with him. Spinoza and Hobbes part company, however, in their suggestions for dealing with such a sentiment. Hobbes' answer was to impose stringent centralized controls. For those who are not "political animals by nature" he advocates a "law and order sovereign" who upholds covenants with the sword (LEVIATHAN, 17).

Hobbes' sovereign controls religious doctrine and education, and determines which doctrines are to be taught (LEVIATHAN, 18). Accordingly, Hobbes would have advocated the use of force to discourage the opinion that revelation is more binding than civil responsibility. Hobbes held that the Law has a right to intervene in matters of opinion and belief.

Spinoza's attitude towards reason and revelation is as follows: He argues that revelation and reason are logically independent, that is to say, revelation is such that it does not contravene reason. He further claims that reason leads to obedience to the law. Consequently, while Hobbes sees danger in Buffe-coate's statements, Spinoza considers them merely incorrect.

Hobbes believed that many problems before society were caused by an excess of liberty. Individualism had also proceeded too far in his opinion. He believed that the only way of averting the threat that individualism posed for the state would be to vest matters of mind and spirit in the sovereign. Questions of faith and belief were to be settled by the sovereign and not by the individual. This arrangement was to be the wellspring of political stability and social cohesion.

Spinoza prescribed the opposite remedy. Instead of advocating the curtailment of the individual's mental freedom he sought greater freedom. He felt that there was too little toleration. His treatment of the supposition

that individual freedom would destroy social cohesion rests upon a theory of reason leading him to reject Hobbes' view that it is a matter of indifference whether men follow their own reason or the reason imposed by an external authority so long as they do follow reason. Spinoza's theory, then, suggests that men cannot be forced to think rationally neither can they be made to follow the reason of another in matters of faith and belief. In matters of mind and spirit men must be free. To Spinoza the preservation of social cohesion depended upon such freedom since any application of force divides rather than unites men.

On the whole, Spinoza's ideas were advanced for his time. He wished to establish a rational basis for civil liberties. His notion of an inalienable natural right was a step towards this goal. In his model constitutions, though they have little practical application now, he advocates the principle of participation, balance of power and effective representation. His aim was to create conditions where no man was able to further his own interests at the expense of another; and although he was inclined to favour democracy, he believed that such conditions could be achieved under any form of government.

TWO

SPINOZA'S NOTION OF INALIENABLE NATURAL RIGHT
AND HIS DOCTRINE OF NATURAL RIGHT

Spinoza's arguments for freedom of thought and speech as proposed in chapter twenty of the TT-P are related to what I would term his general political theory expounded in preceeding chapters of the TT-P. In his general political theory notions relevant to his argument for freedom of speech and thought are developed. The most important of these concepts are 'natural right', 'power', 'transfer' and 'legitimacy' of sovereign action. Spinoza's doctrine of natural right and power is central to his political philosophy. He derives his concept of

natural right from a hypothetical 'state of nature'.

The individual in this state of nature does not delegate to anyone authority over his natural right. In the state of nature, therefore, an individual may act in whatever way he deems fit, given his physical and mental capacities. He is not bound by any agreements with other men. He may be bound by moral scruples but only if, as an individual, he chooses to observe certain moral rules of his own free will and not because of any moral convention. The qualification that a man may behave in any way he likes, provided that he has the physical and mental capacities to enforce his actions, introduces the notion of power. Power, in the state of nature, depends upon what is possible for an individual to do. Here power is a personal attribute like cleverness, dullness, weakness or strength. If, for example, in the state of nature I have the power to enslave or kill another I may do so since universally accepted moral values do not exist in that state. Spinoza makes this point when he says:

And this is precisely the doctrine of Paul (Romans 4, 15) who admits no sin before the existence of law, i.e. as long as men are regarded as living under the 'sway of nature'.

(TT-P, page 127)

Natural right, therefore, is not restrained by anything except power; that is, an individual's natural right is equal to his power. Natural right and power are co-

extensive in the state of nature. Within the context of natural right in the state of nature Spinoza recognizes no difference between "men and other things in nature, or between men endowed with reason and others to whom reason is unknown, or between the foolish, the mad, the sane: for whatever anything does by the laws of its own nature it does with perfect natural right, simply because it has been determined by nature to act, and it can do nothing else". (TT-P, page 125)

And further:

Hence, as long as men are regarded as living under the sway of nature alone, he who still is blind to reason, or has still to acquire a virtuous disposition, lives wholly by the laws of appetite with as perfect a right as he who guides his life by the laws of reason.

(TT-P, page 125)

Natural right in the state of nature forbids neither "strife nor hatred, nor anger, nor deceit" (TT-P, page 127). Natural right is subject only to natural law in the state of nature. Natural law, however, merely determines what is or is not possible. So it is, for example, impossible to "get a table to eat grass" (TT-P, page 156) because a table can exist only by the natural law of tables and cannot behave like a cow. A man's actions may therefore be explained in terms of natural right, natural law, or simply in terms of his power. In application all three are equivalent.

Thus, a notion of equality may be said to be implicit in Spinoza's notion of natural right. However, it is rather weak and perfunctory. The claim, for example, that all men have the same natural or human rights is not substantiated at this point since Spinoza's notion of natural right depends upon individual power. This means that the individual may take away the natural rights of others, provided that he has the power to do so, with no principle or agreement to hinder him; but right based on power cannot lead to a notion of equality founded upon human rights.

This 'archetypal' natural right, therefore, has no moral connotations. Neither does anyone in the state of nature have the means of claiming his natural right unless he himself has the power to guard it.

Since now this natural right becomes the foundation of the state by means of individuals transferring their natural right to the sovereign, the sovereign actually inherits power. That is to say, when Spinoza considers the mechanics whereby men transfer to the sovereign whatever power they possess, bestowed upon them by nature in the state of nature, it is the sovereign who appears to gain unmitigated power. It does not, at least not initially, also accept responsibilities. Thus individuals

cede their power to the sovereign and hence, by definition, their rights also. Right and power are coextensive and remain so in the initial civil state where they are now possessed exclusively by the sovereign. Spinoza says:

But since everyone's natural right is determined solely by his power it follows that in so far as he transfers his power to another - whether voluntarily or by compulsion does not matter - he necessarily surrenders to the other his right as well; and that the man who has supreme power to coerce all, and to restrain them by threat of a supreme penalty which is universally feared, he also has supreme right as long as he preserves the power to do as he wishes...

(TT-P, page 133)

This means that the sovereign can by right do as it likes, "...it is true that he has the right to treat as enemies all who are not in complete agreement with him on every point... admittedly he has the right to rule with the utmost violence". (TT-P, page 229) But the ruler must consider the good of the state, "...because he cannot do such things without great danger to the state, we may even deny that he has the full power to do..." (such things).

According to the foregoing notion, when men enter into the civil state, no change occurs in natural right as it exists in the state of nature; for in the civil state, civil laws continue to be based upon what may be called the sovereign's impunity, in other words, what it can get away with. Therefore, the sovereignty is not an

institution concerned with the development and maintenance of civil laws along moral and rational lines. Hence, according to Spinoza, moral and rational principles are subject to expedience, that is, they will be employed only if the sovereign believes that they will maximize its power.

Spinoza's concept of transfer of authority does not appear to be related to a social contract. The transfer operates with the passage of a portion of power from the individual to the sovereign. Thus individuals, now subjects, become duly subjected to the power of sovereignty. This is rather puzzling in view of the fact that Spinoza did have sound reasons for advocating the creation of a civil state in the first place. He says:

Still, nobody can doubt that it is much more advantageous for men to live by the laws and sure dictates of sound reason... its aims are the true interests of man... men need mutual help... to live safe and well men must necessarily join together... they therefore arranged that the right to do everything which each had by nature should be held collectively... should be determined by the power and will of all together... man should resolve to bridle his appetite when it is suggesting anything harmful to another... to defend his neighbour's rights as if they were his own..., etc.

(TT-P, page 129)

These remarks describe clearly the advantages that lead

men to enter into a union of their own creation called the civil state. There is no question in Spinoza's mind that the civil state is a purposeful and intentional institution. The passage just quoted indicates that rational and moral considerations bear upon the creation of the civil state from the very outset. But should we not also expect from the foregoing that men must take precautions to insure that their creation will fulfill its purpose? It should follow that men will surrender their right and power to the sovereign conditionally and understand, at least in general, what those conditions must be. Spinoza's view of the true aim of the state here suggests that the transfer will be effected in conjunction with the establishment of certain rules consistent with what men believe to be moral, rational and the purpose of the state. It is therefore difficult to see how Spinoza's thoughts on the blanket transfer of right and power relate to his remarks on the purpose of the social contract. It appears that Spinoza was reluctant to elaborate on the concept of a social contract. He dealt with the matter thus: "Contracts have no binding force but utility, and if that utility disappears, all contracts become void". (TT-P, page 131) The point here seems to be just one in which the sovereign receives power by means of a transfer. This power, so long as it is retained, may be applied at will regardless of a contract or a purpose held by those who transfer their power. But now Spinoza has to deal with the question of security for the subjects,

i.e. what assurance do they have that the sovereign will act rationally and morally or, at least, with the approval of its subjects. Here Spinoza maintains that the sovereign's power will increase or decrease in direct proportion to its subjects' approval of its actions. Subjects "need not fear risk of complete submission to the government because it can do only what it has the power to do". (TT-P, page 133) The effect of Spinoza's construal appears to be that rational and moral considerations are subject to whatever is politically expedient.

I believe that Spinoza reached these conclusions with respect to natural right because he departed from such high a level of abstraction. Had he viewed the proposition of the natural right transfer more concretely he would perhaps have tempered his approach. In more realistic terms the natural right transfer can be explained thus: When men, upon entering the civil state, transfer their natural right, they do so with certain expectations. One of these is that their lot will be improved and that the sovereign can be trusted to conduct matters satisfactorily, at least so far as the majority of its subjects is concerned. On this condition the individual will then place his services, that is, his power, at the disposal of the sovereign. He will, for example, make up the state's armed forces in order to represent the sovereignty when threatened by external danger. Thus the sovereign's power ultimately depends upon the

subject's willingness to serve. The sovereign therefore has absolute power only so long as it can counsel its subjects to assist it in the designs of state. This notion emphasises the cooperative nature of the foundation of the state. Here the sovereign is viewed as the incorporation of all citizens within the state and not as possessing the natural right to force obedience by any means so long as it has the power to succeed.

In any event, the rational and prudent is not represented in Spinoza's natural right doctrine. The question of how Spinoza's idea of an inalienable natural right to freedom of thought fits into or evolves out of his general political philosophy now arises. What could be said about inalienable natural right to freedom of thought if it were indeed founded upon his doctrine of natural right? One would have to say that this right is a power of the individual which, in accordance with the facts of the nature of the human organism, cannot be taken from him by another individual; nor can it be transferred to the sovereign. In this way the notion of an inalienable natural right to freedom of thought could be made consistent with Spinoza's transferable natural right. It would resemble transferable natural right except that natural law would protect the faculty of thought from outside interference. In this sense, then, freedom of thought would be literally inalienable.

Spinoza establishes the notion of an inalienable natural right to freedom of thought by asserting that:

...it is impossible for thought to be completely subject to another's control because no man can give up to another his natural right to reason freely and to form his own judgement about everything, nor can he be compelled to do so.

(TT-P, page 227)

Spinoza does not wish to leave a doubt that he categorically denies the possibility of depriving men of the freedom to think and he repeats that:

...no man, then, can surrender his freedom to judge and think as he pleases, and everyone is master of his own thoughts by perfect natural right...

(TT-P, page 229)

He holds, therefore, that freedom of thought is safeguarded by the material impossibility of forcefully altering a man's system of beliefs. This aspect of inalienable natural right corresponds to his general doctrine of natural right which is an account of the logical origin of the state.

Still, the question of whether it is correct to claim that freedom of thought is inalienable remains. Evidently it is not, for if it were, freedom of thought would enjoy the same status as, for example, the freedom to continue breathing. Yet it does not. There is no need to argue that men should have the freedom to breathe but there is, apparently,

a need to argue for freedom of thought. Even Spinoza exhibits some caution when suggesting that freedom of thought is inalienable: "admittedly a man's judgement can be influenced in many ways, some of them hardly credible... yet in spite of all that political skill has been able to achieve it has never been quite successful..." (TT-P, page 227).

That thought may not really be better safeguarded in Spinoza's system than anything else proceeding from natural right can be illustrated in another way. He says that the sovereign may do anything it wishes so long as it has the necessary power. By dint of its power the sovereign is capable of coercing and tricking men into its service. And if it holds this power it may also, for example, coerce, persuade or trick men into altering their opinions and beliefs to suit its purpose. Or, and this is more plausible, it may deny its subjects access to the ideas and information by which real freedom of thought is fostered.

Spinoza does not seem to see a problem with the transfer of natural right to the sovereign. He suggests that the sovereign will lose its popularity if it goes too far; and with the loss of popularity it will also lose its power conferred upon it by the public. But loss of power goes hand in hand with loss of right and this right, one must assume, reverts to the people. Such, it appears, is the power-right mechanism operative in Spinoza's politics.

Spinoza adopts a different approach to the subject of thought: it is inalienable. This means that it is not part of the power-right relationship that exists between sovereign and subject. The individual does not and cannot give up his right to freedom of thought. Therefore, should the sovereign attempt to claim for itself the right to interfere with this freedom, it oversteps its authority. Spinoza's assertion that the original contract does not include a transfer of the right to free thought might give his argument a basis for a theory of social contract. However, it is not likely that this argument can be applied, since the whole point of Spinoza's power-right equivalence is that there are, initially, no rational and moral restraints on the sovereign. Consequently, the notion of legitimacy with its moral and contractual implications is not dealt with in Spinoza's political system. Therefore, the relationship between his notion of an inalienable natural right and his general political philosophy remains obscure. Yet, according to chapter twenty of the TT-P, it is clear that Spinoza does feel that discussion and the free availability of information are vital to freedom of thought, at least if we agree that thought and speech are not two wholly separate faculties.

Dr. Winkler suggested to me that the two assertions, namely, "no one can surrender his natural right to think..."

and "men's judgement can be influenced in many ways..." are consistent if one looks upon them as follows: It is agreed that thought can be influenced but the essential consideration here is that the power or natural right to think can not be transferred, that is, it cannot be placed under the effective command of the sovereign. But, although this is true, I believe that Dr. Winkler applied a crucial distinction not to be found in Spinoza. This distinction lies in the meaning of the phrase 'effective command'. My understanding is that the sovereign has the power and the right to command its subjects to think X. It is obvious, however, that the sovereign cannot effectively command its subjects to abandon their own beliefs. Yet, according to Spinoza's theory of natural right, the sovereign has not only the power and thus the right to command its subjects, it also has the right, given the power, to coerce subjects and to compel them to accept the sovereign's beliefs by some other illegitimate and immoral means. So even if the subject cannot place his thoughts under the direct and effective command of the sovereign, the latter can, by natural right, use other means to effectively deprive men of their freedom of thought. Whether it is true that, as Spinoza says, "in spite of all that political skill has been able to achieve in this field, it has never been quite successful", is another matter. The point is that freedom of thought may not, by nature, be so well protected as to assert that it is in fact inalienable.

In the light of the above discussion it appears to me that Spinoza's categorical demand for freedom of thought cannot be incorporated wholly within his doctrine of natural right. Inalienable natural right to freedom of thought implies that it must be demanded on rational and moral grounds. His doctrine of natural right does not allow such an interpretation. Spinoza is seen to waver on this point. He argues that, contained within the make-up of human nature there is demonstrable evidence that freedom of thought cannot be alienated. He does not appear, however, to be entirely comfortable with that argument. Here again Spinoza's phrase "reason as well as experience shows" comes to mind. But in this case reason seems to show that freedom of thought must be demanded categorically, regardless of whether it is possible (in some instances) to interfere with free thought; while experience does not yield convincing evidence that nature has adequately protected freedom of thought and all that is required to realize it.

Thus Spinoza maintains that his doctrine of natural right, and to some extent the inalienable natural right to freedom of thought, are based on experience. He appears to imply here that human nature and human behaviour materially corroborate a theory of natural right and an inalienable natural right to freedom of thought. Thus if natural right, as opposed to man's rational nature, is part of human nature,

then natural right is a legitimate part of the description of the state of nature. I think, however, that the concept of natural right cannot be traced back to a state of nature since it is founded in that which distinguishes man from beast, namely his rationality. But rationality evolves in the social context. Therefore, whereas the concept of power may reasonably be traced back to a state of nature, the concept of natural right demands a different account. I believe that an argument can be developed which, although associating the idea of power with the state of nature, rejects this association with respect to natural right.

Let us suppose, for example, that someone has discovered a state of nature that he wishes to study. He will carefully observe events about him. He is sufficiently gifted to be able to give a causal account of everything that he observes. On the basis of certain recurring phenomena he is then able to formulate laws that allow him, first of all, to predict a sequence of events from certain circumstances. More important, he will be able to theorize that there are certain forces or powers causing each event. Ex hypothesis, the observer goes about the business of ordinary everyday empirical research.

So far our observer has discovered forces or powers underlying certain events. The question now is whether he is also able to find something in this state of nature that allows him to infer not only that there are certain

powers, but also that there is something which may be called natural right. Or, to put it another way, do any of his observations imply the existence of natural right in the state of nature? We must remember that there are no societies in the state of nature, not even any which, in an anthropological sense, may be called 'primitive'. There are just individuals. Some appear to repel each other while others seem to experience a force of attraction towards one another in accordance with the theory.

I wish to argue that the observer of this state of nature is not justified in claiming that there is a natural right, along with power, in that state because such a claim can result only from a perspective not held by the hypothetical observer. To alter this perspective, we must consider the following steps.

On the one hand, our observer is proceeding along a 'scientific' course. In so doing, he does not personally involve himself with his subject matter. He is engaged merely in an act of understanding. That is, he is acquiring a way of looking at the state of nature, of making sense of it. He does not, however, actually create order in that state of nature. Now, this perspective allows him to hypothesize certain forces and powers operative in that state.

When, on the other hand, we begin to speak of natural right we can no longer retain the perspective of an impartial observer. Natural right is not just another fact about the state of nature or the world in which we live. That means that our interest in natural right is not simply an interest in the world, it is, rather, an interest in our relationship to the world more specifically, to our fellow humans. (We would not be so foolish as to argue our natural right to existence when confronted by a lion). We do not have only an interest when we begin to speak of natural right, we also have an intention. Our intention is to bring about order, to create order in a world of which we are a part. The kind of order we seek allows coexistence, for example, or, in less enlightened cases, for one group of men to dominate another. In either case, order is what is desired. Hence there is no natural right in the state of nature because, according to my construction here, there is no order among the individuals who live in that state. And, conversely, there is no intention to create order owing to a lack of concern towards one's fellow beings.

Another consideration is that the notion of power does not effect any change in the state of nature. The notion of natural right when held by men, however, does change aspects of their relationship to one another. It is interesting to note in this connection that Spinoza's

transfer of power or right from the individuals to the sovereign involves no qualitative change. The only effect Spinoza's transfer of right and power appears to have is that it enables the sovereign to behave in the same way individuals do in the state of nature, the difference being that it can do so on a grander scale, by employing the man-power transferred to carry out its will. The individual in the state of nature has only his own muscle-power to rely upon.

Since apparently there is no basis for the notion of natural right in the state of nature, we may now ask whether this implies that the notion cannot be traced to any characteristics found in human nature. I believe that it can be. Rationality and moral cognition would seem to lead to a notion of natural right. At a level removed from rationality and moral cognition, the idea of natural right may arise, perhaps out of man being, or becoming, self-conscious. As he attains self-consciousness, he will recognize that he has more natural rights. At one time, perhaps, slaves were content to be slaves. The idea of freedom of the individual and of equality may have appeared absurd to them, even undesirable. I believe that this has changed. The reason may be that societies have developed in man a different kind of self-awareness.

I have argued that natural right is not a principle

that can reasonably be traced back to some archetypal condition such as a state of nature. Instead I suggest, that it has its origin in man's view of his relation to other men and, therefore, in man's idea about what is reasonable, rational, moral and last but not least, what is right. As such, natural right, when transferred to the sovereign, carries with it the expectation that the sovereign will administer the power thus bestowed upon it accordingly. This means that sovereignty is an institution with the moral obligation to protect and preserve the rights of its subjects. This interpretation of the purpose of the sovereignty leads directly to Spinoza's view that the sovereign will lose power in the degree to which it fails to act in the best interest of the state. Spinoza is committed to the view that the sovereign has as much right as it has power.

Another feature of natural right which is not dealt with by Spinoza is that it operates much in the sense of a regulative principle. For to say that men have natural rights is to say, in a modern sense, that there are some rights fundamental to man which must be respected by civil law. Thus if civil law fails to respect them, men have a natural right to demand a remedy. In this way natural right tends to regulate the relationship between sovereign and subject to bring about the greatest common

good. It reminds the sovereign that there are some rights fundamental to the welfare of man. This is an ongoing process. It is, for example, possible that at some future time men will have increased or changed their self-awareness in some respect. This may result in their being able to argue rightfully for some corresponding changes in the legal structure, enabling them to pursue the different mode of life such a change in self-awareness would create.

The notion of natural right that I have attempted to develop differs from Spinoza's in its relationship to the idea of an inalienable natural right to freedom of thought. My notion of natural right allows one to relate natural right directly to the inalienable version. Here the word 'inalienable' implies that an inalienable natural right is an even more imperative demand than a simple natural right. One may paraphrase this by saying that when a natural right is inalienable, it is absolutely essential on moral and rational grounds and for the good of society that such a right is not denied. Thus the question of whether an inalienable natural right such as freedom of thought can in fact be suppressed is irrelevant. This is as it should be because, as I have pointed out, if it could not be denied in fact, there would be no point in arguing for it.

Spinoza demonstrates his awareness of this point when

he introduces the discussion on the effects of suppression by saying "but let us assume that such freedom can be suppressed...". To do Spinoza justice it must be repeated that he did imply, if only vaguely, that thought can not in fact be suppressed. His major contention is that attempting to suppress freedom of thought has undesirable effects which no government can afford to ignore.

THREE

SUPPRESSION IS LITERALLY INEFFECTIVE

Spinoza argues ⁽¹⁾ that it is not possible to control people's thoughts effectively or to suppress their freedom to think what they wish. One of the reasons Spinoza gives for this assertion is that individuals cannot surrender their natural right to such freedom:

...it is impossible for thought to be completely subject to another's control, because no one can give up to another his natural right to reason freely and to form his own judgement about everything, nor can he be compelled to do so.

(TT-P, page 227)

(1) TT-P, chapter twenty, on free thought and speech.

Here Spinoza establishes the notion of an inalienable natural right on the basis of what I have called his 'general political theory' in the previous section. He asserts that it is impossible to transfer the natural right to one's own thought to an external authority and that it is also impossible to obey commands from that authority to think or believe X.

Spinoza then turns to the question of thought-control. He maintains that it is difficult, if not impossible, to control thought. (He does not, however, clearly commit himself by stating that it is impossible, although I believe that such a suggestion is implied). First of all Spinoza introduces the notion of an "inalienable natural right" into his political philosophy. In section two of this paper I have suggested that this concept is not merely an incidental addition to Spinoza's ideas, but that it follows from serious philosophical considerations. (See quote, page 33) Inalienable natural right, as Spinoza employs it, seems to support the belief that thought cannot be controlled. It suggests at the same time that it should not be controlled. Yet Spinoza does not pursue the implications arising from the latter assertion. Perhaps this is so because it would appear to be inconsistent with the statement that thought-control is not possible. In any case, the formulation of this inalienable natural right

may be regarded as a 'requirement of reason'. The power of thought is not and indeed cannot be part of a transaction whereby authority is transferred from subjects to sovereign. In fact, Spinoza implies that men are 'forced', by the characteristics inherent in their own nature, to adhere to their freedom of thought even if they should wish to surrender that freedom.

Why is it that Spinoza believes that thought enjoys such a special position? One of the reasons is that, in Spinoza's opinion, attempts to control men's thoughts on any politically significant scale have failed. In accordance with this belief Spinoza says:

Admittedly a man's judgement can be influenced in many ways, some of them hardly credible, so much so, in fact, that though not directly under another's command, it may depend entirely on his words... yet in spite of all that political skill has been able to achieve in this field, it has never been completely successful; men have always found that individuals were full of their own ideas and that opinions varied as much as tastes.

(TT-P, page 227)

Spinoza does allow that it may well be possible in isolated instances that men submit themselves to others to the extent that they become veritable puppets or dupes. Generally speaking, however, Spinoza believes that historical evidence shows that men's thinking cannot be regimented under an external authority. He does not mean to say that

this is so because men value their own opinions more than those of others. Neither does he imply that men generally adhere to some intellectual principle or rule whereby they will reject attempts at thought-control. He merely says that men are so constituted that their minds generate their own ideas regardless of whether they are told or by some means forced to accept official doctrine. Hence, owing to the tenacity of human nature, attempts at thought-control must needs fail.

Evidence in support of the assertion that men's thoughts cannot be controlled or suppressed is, according to Spinoza, to be found in history. He says: "Yet in spite of all that political skill has been able to achieve in this field" (of thought-control) "it has never been completely successful". Spinoza's argument here seems to be somewhat vague, even contradictory. It is difficult to see under what circumstances and to what degree a sovereign's attempts to control thought may be successful or at what point the individual will begin to react against such attempts. Even if we agree that governments have never been completely successful in their efforts to control thought, this observation makes a poor argument for freedom of thought. The only reason governments are called upon to refrain from attempting to control thought is that they will not be very successful anyhow. The extent

to which this is true is not entirely made clear in Spinoza's writings. Governments are not asked to adhere to some moral and rational principle but simply to see the inutility of such controls. This line of argument may in fact have its merits if it is seen to be true. However, even Spinoza admits that people have been known to be turned into "puppets and dupes", a circumstance which would appear to render an argument against such controls based entirely on inutility somewhat irrelevant.

Spinoza's vagueness with respect to thought-control arises from and is in keeping with his theory of transfer of power as outlined in his general political philosophy. He says that if the sovereign uses its power against public consent and approval such action will eventually cost it its power. That is, if no one obeys its orders the sovereign has no power to enforce them. Therefore, if no man will follow its orders to think or believe X, the sovereign's orders with regard to implementing X are beyond its power. Note that the question of legitimacy does not enter Spinoza's argument unless one conjectures about the implications of the notion of inalienable natural right.

An examination of Spinoza's ideas concerning the limits of sovereign power reveals a flaw in his system. What would happen, for example, if the sovereign had convinced enough people so that they could intimidate or even cause harm to others? It may still be true that

those who have remained unconvinced would continue to disobey the sovereign and, as a consequence, would suffer hardship. Yet they could not appeal to the sovereign on moral or rational grounds because Spinoza did not, in his general political philosophy, allow for such an appeal. The only recourse open to those treated unjustly by the powers of state would be to engage in a power struggle with the authorities. Spinoza's argument here has the same limitations as his transfer of power argument in his general political philosophy.

Spinoza's assertion may also be viewed from a somewhat different perspective. He may be understood to be making a point concerning the legitimacy of interfering with man's freedom of thought. He may be saying that it is totally illegitimate to engage in such interference, the reason being that the power of thought never has been and never can be (within limits) transferred to the sovereign. But basically Spinoza does not concern himself with legitimacy. In the state of nature the power-right equivalence is operative, and this equivalence remains unaltered when the individual transfers power to the sovereign. The sovereign, therefore, does not have to consider questions of legitimacy over and above the question of power. The concept of legitimacy requires that there be moral considerations for which Spinoza does not allow.

It follows that Spinoza cannot argue for the inalienable natural right to free thought from the point of view of his theory of power transfer. The moral implications of this right are inescapable. Spinoza's concept of an inalienable natural right to freedom of thought may therefore be considered a new addition to his political theory, one that has not been thoroughly thought out in all its implications.

As a next step in his argument Spinoza approaches freedom of speech. He makes a fundamental distinction between thought and speech. He says:

If no man then, can surrender his freedom to judge and think as he pleases, and everyone is master of his own thought by perfect natural right, the attempt to make men speak only as the sovereign prescribes no matter how opposed their ideas may be, must always meet with very little success in a state; for even men of great experience cannot hold their tongues, far less the mass of people. It is common human failing to confide plans to others even when secrecy is needed.

(TT-P, page 229)

Freedom of speech is not defended here by means of a moral or rational principle. It is simply on account of the frailty of human nature that free speech must needs be granted. Here, as in his argument for free thought, one is inclined to ask whether it is univers-

ally true that men cannot hold their tongues. Can this failing indeed be called a fact of human nature? There is no doubt that men can be forced to hold their tongues in many different ways or that their utterances can be prevented from reaching the general public. One only needs to deny a person the right to publish in order to effectively still his tongue. How could Spinoza's argument be brought to bear in such a case? Ultimately, free speech must also be defended on rational and moral grounds. Men's habit of uttering what is on their minds can only guarantee a token freedom and ways and means of dealing with this 'weakness' are ever being devised.

It is interesting to note that Spinoza does not extend the notion of inalienability to speech also. One reason is, of course, that speech is not inalienable in the same way that thought is. As Dr. Winkler remarked, "you can cut out their tongues and they lose the power of speech, but cut out their brains and they die". But speech, according to Spinoza, is unlike thought in a different way as well. Whereas he believes, apparently, that no interference with thought is necessary or possible and that attempting to do so conflicts with natural right, he holds that the situation with regard to speech differs. He may have failed to give the status of inalienable natural right to freedom of speech not so much because speech

can be controlled, but because it must be controlled to some extent. Spinoza holds that there are some speech-acts which can in fact be detrimental to the state. He says:

Yet it must be admitted that words can be treasonable as well as deeds; and so, though it is impossible to deprive subjects of this freedom entirely, it will be quite disastrous to grant it to them in full.

(TT-P, page 229)

Consequently Spinoza must have thought that the status of inalienable natural right could not reasonably be conferred on a freedom which can only be granted within certain limits. This rationale can be seen more clearly when one considers the difficulties a notion such as 'conditional inalienable natural right' would engender. Another difficulty now presents itself, that is, what argument can be made to safeguard freedom of speech from misuse by an insecure or unprincipled government? At this point Spinoza turns away from human nature and its frailties and brings forward rational and moral considerations. In so doing, he also realizes that his premise that people cannot hold their tongues could have only limited application, for he now acknowledges that men can and must show rational as well as moral discrimination in their speech-acts; moreover, they must be able to exercise self-restraint. Since man is now viewed from a rational and moral perspective, the relationship between government and subject is seen accordingly.

Of the responsibilities of government he says:

...(the state's) purpose is not to subject men to tyranny, or to restrain them through fear, but rather to free everyone from fear so that they may live in all possible security, i.e. may preserve their natural right to act in the best possible way without harming themselves or their neighbours.

(TT-P, page 231)

Thus the moral obligation of the government is defined. The government may restrain speech-acts if it can do so without disregard to its fundamental purpose. Indeed, the government must restrain those speech-acts which will interfere with this purpose.

Spinoza continues in the same vein when he delineates the rights and duties of the subject:

...this means that while a subject necessarily violates his sovereign's right by acting contrary to its decrees, there is no violation whatsoever in his thinking and judging, and therefore also saying, that a decree is ill advised; so long as he does no more than express or communicate his opinion, and only defend it out of honest rational conviction, and not out of anger, hatred or a desire to introduce any change in the state on his own authority.

(TT-P, page 231)

This outline of the subject's relationship to government demands of men the ability to rise above their human frailties and to do what is right. Still, this is not

at odds with Spinoza's earlier argument for free speech, considering that the two arguments, one involving men's frailty and the other calling for self-restraint, deal with two different aspects of man, both of which given the requisite circumstances, may play a part in political life. Let us suppose, for example, that a government wishes to suppress the circulation of rumours about the improper behaviour of some of its agents. The government may then discover that men, even men with experience, are unable to hold their tongues. Thus, if authorities are properly aware of this trait of human nature, they might proceed more prudently for fear of indiscreetly spreading detrimental information.

Consideration of the rational side of man brings Spinoza to his second conclusion in chapter twenty of the TT-P, namely:

...that this freedom (of thought and speech) can be granted to everyone without infringing the right and authority of the sovereign; and that everyone can keep it without infringing that right so long as he does not use it as a license to introduce anything into the state as law, or to do anything contrary to the accepted laws.

(TT-P, page 241)

This conclusion implies that there is a question of legitimacy. Human nature and whatever power the sovereign does or does not possess are not involved here. Spinoza

says that the government may be expected to be open to any constructive criticism and that, by the same token, the subject also must act in good faith. This conclusion is therefore based on considerations which go beyond the scope of Spinoza's arguments for free thought and speech and also beyond his general political theory.

Some questions still remain unanswered with regard to Spinoza's first conclusion in which he affirms that it is impossible to deprive men of the freedom to say what they think. We need to examine whether Spinoza's argument can support that conclusion, although it is already clear that there is room for doubt. Yet it may be that an appropriate interpretation of the term 'deprive' has not thus far been considered. The key to Spinoza's meaning of deprivation is deprivation on a politically significant scale. As was shown, he granted that "...a man's judgment can be influenced in many ways...some of them hardly credible..." (TT-P, page 227). I noted previously that this means that it is quite possible for one individual to force his beliefs and opinions on another. In this sense one man can deprive another of his freedom of thought. But politicians are not so much concerned with one or two individuals as with the public at large. It may be more to the point to assert that it is impossible to deprive the public of its freedom to say what it thinks. That would not alter the sense and intent of Spinoza's argument. It is even

possible to leave the individual completely out of consideration by maintaining that it is of no consequence if one or a small number of individuals are in fact deprived by the government of their freedom of thought and speech, since there will be others to carry the torch. According to this view then, little can be gained of a political nature by suppression, because freedom will ultimately prevail.

The above interpretation of the statement that 'it is impossible to deprive men...' does not, in my opinion, render Spinoza's contention more plausible. I do not think that we have a feature here of human nature qua 'the public' that safeguards it from suppression. It may be true that ultimately suppressive dictatorships cannot prevail. The evidence, however, is not yet at hand and the long wait for it may well exhaust the political theorist. I do not believe that the political theorist can base his arguments upon evidence which takes generations to manifest. To demonstrate that suppressive dictatorships cannot survive longer than, say, ten generations, is a proper task for historians and not for political philosophers. The vision of the latter ought to encompass their own generation and perhaps the next.

Spinoza says that thought cannot be controlled because 'opinions vary as much as tastes'. Yet it is doubt-

ful whether this demonstrates that opinions cannot, on a large scale, be manipulated to further certain political interests. For example, well-organised governments often have created and still do successfully foster the notion that some other country is an enemy of the state, thus preparing the public for war efforts.

It is also doubtful whether human nature alone can supply grounds for a satisfactory argument for certain fundamental freedoms, such as freedom from interference with opinions, by means other than those of rational argument. We require protection based on rational and moral principles which will serve as guidelines in case of doubt and moments of weakness.

Another question in Spinoza's argument for free speech and thought concerns an interesting hypothesis of what conditions would be like:

...could thought be controlled as easily as speech all governments would rule in safety and none would be oppressive; for everyone would live as his rulers wanted and his judgement of true and false, good and bad, fair and unfair would be determined entirely by their will.

(TT-P, page 227)

According to Spinoza's line of thought here, a government

would cease to be oppressive once it had secured control of its subjects' thought. Spinoza does not specify the means by which government could obtain such control. In any case, it follows that a government so successful in controlling thought that it could rule its subjects as if they were without will would not be oppressive. We may also note that Spinoza does not proscribe the use of force and effective manipulation simply because he considers thought-control to be an impossibility. But what if it were possible? Would we not wish to refer to some other insights into the human enterprise allowing us to discriminate between a liberal government and one which is in power by virtue of its success in controlling thought?

Let us imagine a situation where a government has 'control' over its subjects' thought, yet is not oppressive. In this instance what may appear to an observer as the exercise of 'thought-control' is simply agreement between subjects and government. Such a harmonious, albeit unlikely state of affairs could only be the result of mutual trust and respect. This situation, in turn, must follow from agreements reached through discussion and be accepted by both sides as rational and binding. In this event it would seem that a government has power in the sense of 'influence' without actually acting oppressively. We may disregard the dystopian situation in which all of the

subjects have been rendered incapable of forming an opinion of their own. The difference between these two situations would be obvious to even an uninvolved observer. This, however, is not what Spinoza meant when he said that governments would not be oppressive if thought could be controlled with ease; his meaning of the word 'control' clearly implies manipulation, whereas rational agreement is the very antithesis of manipulation. The state founded upon such rational agreement proceeds from the free exchange of ideas consistent with freedom of thought leading to agreement between subjects and government. This case illustrates the basic conditions of a free state: there is no thought-control nor is there a need for it.

I now wish to consider a more curious type of interference with free thought. Let us assume that a government has achieved some success in this direction: the people do not consider it an oppressive one because the measures were introduced so subtly that no one noticed if anything had been imposed upon or taken away from him. How could this be? To explain this kind of development let us first look at speech-control. Speech is effectively controlled if men are prevented from saying what they think. Supposing free speech to be a normal expectation,

however, men will certainly begin to notice any government interference and in the event will thereby consider themselves victimised. Their government will then be seen to be oppressive.

Now consider a government that is able to prevent men from having certain thoughts, Let us further imagine that it could do so by expunging from the consciousness of men, as they slept, certain ideas and beliefs. (Obviously this hypothetical style of thought erasure is not at all comparable to the conscious and personal rejection of ideas for in this case a person would retain the awareness of his own ideological revision). So here we have a situation in which the government cannot be accused of being oppressive because there is no awareness that an act of oppression has taken place. If a government were able to do this its subjects might even consider it to be liberal. Nevertheless, such a government would be oppressive. A distinction must be made between appearances and what is taking place in fact. It may well be that all those subject to the power of such a government do not realise that they are being oppressed. They do not, therefore, experience any deprivation. But someone outside the power of government would conceivably see the situation in a different light. We may press this argument to the point where such a government would be able to turn its

subjects into willing slaves. I wish to reiterate my point; it is incorrect to maintain that oppression is a concept operating only in situations of direct opposition and the conflict of wills. Oppression carries with it connotations of infringement upon human dignity. I maintain, therefore, that a government which has achieved control by means so subtle that its subjects are not aware of the act nevertheless continues to be an oppressive government when seen through the eyes of an outside observer.

Finally, Spinoza may be saying that a government ceases to be oppressive in the sense that once it has achieved control of thought it may then safely return to a liberal attitude. This would imply, however, that the government in question would then have to abolish whatever measures were used formerly to achieve control over its subjects' thought. But then free minds would once again actively engage in forming beliefs, opinions and ideas and controversy would again arise. Thus the government in its desire to maintain control would once again have to enact oppressive measures.

I believe that these examples serve to illustrate that governments would not cease to be oppressive if thought were easily controlled. One might now wish to

raise the question, what if not a government, but God so ordered our thoughts that we all lived in harmony and happiness? Would this mean that God, by means of thought-control, would be oppressing us? There would be scarcely any criteria by which to gauge such a state of affairs if all mankind were to undergo the same change at the same time. (I shall not go into the question of whether we would retain a memory of our previous state since this example can be stacked appropriately). As far as the present is concerned, a state comprises only part of mankind and therefore events which take place within that state can come to the attention of people living under different circumstances. Consequently we still have a situation where men are unable to exercise universal power. But even if it came to be that men did hold such power it would be desirable to have ready moral arguments to prevent them from using their power to the detriment of their fellow man.

FOUR

SUPPRESSION HAS UNDESIRABLE EFFECTS

As outlined in the previous section of this essay, Spinoza concludes in his chapter on freedom of thought and speech in the TT-P that "men cannot be deprived of the freedom to say what they think". It is clear, however, that some individuals who hold a position of power believe otherwise. Consequently there continue to be attempts to suppress man's freedom of thought and speech. Spinoza maintains that attempted suppression carries with it such disastrous consequences that the effect will be to undermine

the purpose of introducing it in the first place. His point of view with respect to this matter gives rise to the following discussion.

Spinoza begins with an assumption "...but let us assume that such freedom can be suppressed and that men can be so thoroughly coerced that they dare not whisper a word which is not prescribed by the sovereign". (TT-P, chapter XX, pge 235) This is a curious way of introducing his discussion. One may well ask what point there is in discussing the effects of total coercion since Spinoza has previously argued that such a situation is an impossibility because of the presumed fact that men cannot be prevented from saying what they think. Several reasons may be put forward why Spinoza did choose to phrase the above assumption in the manner quoted. The first is that the basis of his argument for free speech is rooted in the notion that suppression may perhaps discourage men from publically stating certain things but that it will not stop them from thinking what they dare not utter. This will result in undermining men's integrity. Thus he is able to explain the effects of suppression of speech in terms of his fundamental distinction between thought and speech. Another reason is that Spinoza holds that suppression is not possible, but this statement must be interpreted with a certain amount of caution. He has already admitted that one man can be made the dupe of

another; this means that suppression (assuming that the above is a manifestation thereof) is possible in isolated instances. This interpretation of the assertion that "suppression is not possible" leads then to an inconsistency between that statement and any discussion involving the ill effects of just such suppression. However, this inconsistency may result in a more meaningful reading of the phrase under consideration, by means of which the inconsistency can be resolved.

When Spinoza says that:

...if honesty is to be valued above servility,
and if the sovereign is to retain full control
without being forced to yield to agitators,
it is necessary to allow freedom of judgement...

(TT-P, page 239)

he implies that suppression will erode the power of the sovereign, and erosion of the sovereign's power will lead to the collapse of the government. Therefore, the sense in which the phrase "suppression is not possible" should be understood, is that suppression is not possible IF the government wishes to retain its power. Spinoza's argument, then, is that suppression will achieve the opposite of what was originally intended; that is, it will result in a loss

instead of a reinforcement of government control. Nevertheless, there seems to be slight shift here in Spinoza's meaning of the phrase "suppression is not possible". He did argue that men cannot in the long run be prevented from saying what they think because of their inability to hold their tongues. This circumstance would appear to result in an absolute statement that "suppression is impossible". Spinoza then proceeds to discuss the consequences of effective suppression and all of these seem real enough rather than hypothetical. He deals here with the impossibility of suppression in the political sense. He cannot, however, resolve this argument by simply discussing the effects of attempted suppression because in so doing he would sacrifice an important conclusion, namely that deceitfulness will result if people are effectively prevented from saying what they think. At this point I wish to anticipate one of Spinoza's subsequent arguments concerning the above. It seems to me that he wanted to make a point in the most general manner possible and that in so doing he introduced some slight inconsistencies. That is, he did not at the initial stages of his argument differentiate between people of different character but advanced an argument that generally applied to all men. Later on Spinoza will, however, single out the response of virtuous

men to suppression. It will then emerge that he believes that these men will choose the stake rather than bow to suppression, whereas other, less virtuous individuals, will become deceitful in order to save their lives. At that point it appears that it is the virtuous who are unable to hold their tongues while men of lesser stature may conform to the argument that suppression breeds deceitfulness.

Having dealt with this issue we may now turn to the numerous effects of suppression as described by Spinoza. To begin with, he strongly argues that suppression will produce a moral decline in the nation. Keeping in mind that it is impossible to deny men the freedom to say what they think, he says:

...let us assume that such freedom can be suppressed, and that men can be so thoroughly coerced that they dare not whisper a word which is not prescribed by the sovereign. Will it ever come to pass that they also think nothing but what it wills? Assuredly not. Then the inevitable result will be this. Every day men will be saying one thing and thinking another; belief in another's word, a prime necessity in the state, will thus be undermined, nauseating sycophancy and deceitfulness encouraged; and hence will come frauds and all the destruction of all honest dealing.

(TT-P, page 235)

What Spinoza is arguing is not so much that freedom cannot

be suppressed, but that effective suppression can lead to the extreme outlined above. If it ever came to such an extreme condition he would not call the result a 'civil state' but a 'state of nature'. However, the latter is the very antithesis of the former and no government can afford to allow matters to revert to the state of nature.

Actually Spinoza did not need such an extreme example. The cause and effect relationship he uses to illustrate that suppression will result in a decline of honest dealings would also apply under more moderate circumstances. For example, the government may decide to enact a law against a belief, call it X. We may assume that X is such that it would significantly further man's knowledge but it is not essential to Spinoza's argument that X has any value at all. What is necessary is that there are people who wish to have the freedom to discuss X openly, or people for whom X constitutes part of their system of thought. Thus the law may just as well proscribe something which may be thought to have no intrinsic value whatever.

Now Spinoza's argument will work as follows: men will not mention their belief in X in public. There will be some, however, for whom this belief represents an important philosophical consideration. (I use the phrase 'philosophical consideration' because I do not think

that it is essential to Spinoza's argument that X be deemed a scientific fact). These people then will conduct their philosophical investigations in secret and will secretly communicate with others who share their interest. But to those who do not share their views they will have to lie. Consequently factions will arise in society harbouring mutual distrust. The need to exercise deception will undermine the moral fibre and the well-being of the body politic will decline.

If, on the other hand, information of no apparent intrinsic value were suppressed, the chain of events would be similar. Let us assume that such information would feed what Spinoza calls "the passions" in his Ethics. Now those men who are preoccupied in this respect will strive to satisfy their passions in secret. No one will openly discuss the subject. As a consequence these men will not be able to benefit from discussions with those who may have a clearer view of the matter. The point is, that suppression of information removes it from the public forum. Such action, however, cannot reach the cause of what is thought to be the problem. Given that those determined to circulate and receive contraband information in whatever form have the energy, they may go underground; whereas they might lose their fascination if the subject were openly discussed. Thus

suppression of information, regardless of its nature, may have an effect opposite to that which was intended.

Spinoza's argument concerning the suppression of free speech deals only with an extreme case where, he must have thought, it was most obvious that the whole of the state would actually be affected and suffer, even revert to the state of nature. I have endeavoured to show that his argument also holds in isolated cases and it is not difficult to see how suppression may spread from these to the extreme described by Spinoza. Clearly the government is an interested party since it has initiated the whole chain of events by introducing suppressive legislation in the first place. There are two ways in which the government can become entangled in the web of its own suppressive measures. First, it may not be able to draw the line at suppressing merely the speech-act it originally wished to prohibit; that is, in order to make the law against one speech-act effective it may have to extend suppression to other areas thought to be contributing factors. Although this suggests a line of argument which could elsewhere be examined in full, I shall merely say that, given the above circumstance, matters would obviously deteriorate within that state by virtue of the fact that, according to Spinoza's argument,

more restrictive laws would produce more deception and fraud.

Secondly, government agents may develop a vested interest in the controversy resulting from suppression and may themselves become deceitful. Thus their own character suffers. They will no longer be able to act as disinterested agents of the public. In short, government itself will become corrupt.

Hence, it may be argued that suppression, even on a deceptively insignificant scale, might cause more damage within a society than those responsible wish to allow.

From the above discussion it can be appreciated that Spinoza's argument has an impressive range. The argument seems to hold true in all instances of suppression of freedom of speech. No distinction need be made with respect to the intrinsic value, desirability or popularity of the speech-act in question. So long as freedom of speech is denied by force, Spinoza's argument can be applied.

Thus far Spinoza has discussed the effects of suppression in general. He has considered society as a whole without distinguishing between different types

of individuals. According to the argument discussed above, everyone is affected equally. Now however, he takes his discussion a step further and considers the different responses to suppression as determined by the character of the individuals concerned. It appears that those who are most adversely affected are more likely to be of benefit to society than those who are not. He suggests that the former are individuals possessing certain valuable qualities of mind. He says that:

...the more the sovereign tries to deprive men of freedom of speech the more stubbornly is it opposed; not indeed by money-grubbers, sycophants and the rest of the shallow crew, whose supreme happiness is to gloat over the coins in their coffers and to have their bellies well-stuffed, but by those who, because of their culture, integrity and ability have some independence of mind.

(TT-P, page 237)

This rather impassioned passage distinguishes between those who have material interests only and those who think that values of mind and spirit are more important. As may be expected, Spinoza shows a preference for human enterprises which are not essentially concerned with material gain. He says that those who concentrate on their coffers and bellies are not likely to be much concerned about freedom of speech (he does not consider the case of publishers who fought Spinoza's battle for

free speech but who were nevertheless motivated by self-interest and profit, as Dr. Rowan pointed out). That is to say that they feel no compulsion to oppose the sovereign. However, Spinoza does allow the possibility that these individuals also may be affected. But the point is, that they will simply change their beliefs and bring them into line with those of the government. In this way they are then able to escape reprisals and to continue to pursue their real interests. Consequently the government will look to them for support which they are presumably all too willing to give. Hence a general deterioration of values can be anticipated in such a society.

Meanwhile, men who respect certain qualities of mind feel the effects of suppression. They cannot, without great sacrifice, denounce beliefs they hold to be true. As a result they will oppose the sovereign. Spinoza's assertion concerning the purpose of the state appears to allow that they are justified, in this instance, in resisting the government. In any event, these individuals may be considered the ones who are aware of the purpose of the state and who realise, therefore, that suppression is not in keeping with that purpose. They know that their government's policy not only deprives them personally of their freedom, but that in so doing it deviates from its true *raison d'être*.

As a consequence the social and moral core of the state is undermined. Being cognizant of this, those suppressed will oppose their government with good reason.

Spinoza's argument, then, is that suppression will result in opposition to the government from those it can least afford to alienate on the one hand, and, by implication, support from those who are least able to render support on the other. With this the government sows the seeds of corruption and of its own undoing.

Spinoza makes a revealing remark with regard to the passing of suppressive laws. It is interesting because it indicates what kind of political situation pressed Spinoza to urge intellectual freedom. He says:

Yet how much better would it be to curb the furious anger of the mob, instead of passing useless laws which can only be broken by those who love the virtues and the arts, and reduce the state to such straits that it cannot support men of liberal views. What greater calamity can be imagined than that good men should be sent into exile as malfactors because they hold unorthodox beliefs and cannot pretend otherwise.

(TT-P, page 237)

In another instance Spinoza describes more fully what

took place in his time:

...laws which prescribe what everyone must believe and forbid men to say or write anything against this or that opinion, are often passed to gratify or rather appease the anger of those who cannot abide independent minds, but by their savage influence can easily change the fervour of an unruly people into frenzy, and direct it against anyone they please...

(TT-P, page 237)

This eloquently describes the situation Spinoza encountered. The churches, notably the Calvinists, were striving to gain power. They attempted to eliminate all beliefs which might interfere with their objectives. This they did by agitating the so-called masses with a view to creating general disorder and to terrorise certain individuals who were in disfavour with the clergy. Then the church lobbied the by now fearful civil authorities, encouraging them to outlaw beliefs that were contrary to church doctrine. The government was only too willing to comply in the hope that order would be restored.

Faced with this situation, Spinoza advised that the government should not give in to the church, but that it should go about its rightful business and restrain the mob tactics. This was easier said than done because

conditions had already greatly deteriorated. Eventually the Calvinists triumphed and the Republic fell.

Having taken this opportunity to remind ourselves of Spinoza's political environment, I shall now consider the question of whether he made allowances for civil disobedience. According to my suggestion that Spinoza may have thought that men of principle may rightfully oppose suppression of their freedom of speech, it stands to reason to ask whether this means that he would have accepted civil disobedience as a legitimate political tool. In other sections of his political philosophy he seems to shy away from this possibility. Presumably that is so because of the difficulties the doctrine of civil disobedience would raise within the framework of his theory of the transfer of natural right. There he contends that the individual must transfer all of his right to 'act' contrary to the decree of the sovereign. As we saw, this is contrasted with thought and speech which the individual, according to Spinoza, cannot transfer. Civil disobedience, however, implies 'action', even if only in the form of non-action when action is demanded by the authorities as, for example, in the case of passive resistance to conscription.

Spinoza's arguments, when dealing with free thought and speech, revolve around the good of the state. It may be

supposed, therefore, that he felt that men of principle, in opposing suppression, believed that reason was on their side rather than on the government's and that their actions were, ultimately, in the best interest of the state. The question of illegitimate exercise of power is one which may lead to the formulation of the concept of civil disobedience. One can further strengthen this argument by adding that these men were not actually opposing the state, but certain individuals who, as agents of that state, were in error. Spinoza repeats his main theme in the most uncompromising terms when he says:

...ordinary human nature is such that men find nothing more irritating than to have the views which they hold to be true branded as criminal, and the beliefs which inspire them to piety towards God and men held up against them as wickedness; this encourages them to denounce the laws, and to go to all lengths against the magistrate, in the belief that it is not disgraceful but highly laudable to stir up sedition and attempt the most outrageous crimes in such cause.

(TT-P, page 237)

This passage suggests that Spinoza has some sympathy for what we might term civil disobedience, but it would be unfounded to state that he embraces such action willingly and with conviction. In historical terms perhaps only the experience of certain political events which occurred subsequent to the formulation of most of

his theories led him to consider the possibility of civil disobedience.

In the passage quoted above wherein it is implied that the individuals who commit seditious acts believe that they are on the side of right and justice, Spinoza also suggests that they conceive of themselves as exercising certain rights of civil disobedience. It is conceivable that, in accordance with Spinoza's statement, they hold the belief that they must oppose the government in the name of humanity. Needless to say, neither the government, nor Spinoza for that matter, would share their opinion. Their acts would be considered seditious at worst, illegal at best.

However, the fact remains that, according to Spinoza's construction of the argument, the whole situation has been brought about by the government's subjecting these individuals to an inexcusable injustice in the first place. This makes the government the initial offender. The burden of guilt must thus be borne by it since it has acted out of weakness and without wisdom thereby bringing about an untenable situation.

In this way, then, Spinoza, while he does not justify sedition and crime for the sake of freedom of speech, is prepared to consider the possibility of such acts as being the inevitable consequence of suppressive legislation.

Spinoza cannot be said to have had an evolved notion of civil disobedience. The subject is mentioned only briefly and little or no consideration is given to the resulting implications. What is there, for example, to prevent the possibility of people believing that they are suppressed by the state when, in actual fact, they have become dissatisfied and frustrated for personal reasons? They may, owing to their inner state, hold some political theory in keeping with their self-inflicted disillusionment. Their freedom of speech may consequently be justly curtailed. This would then encourage them to commit acts of terrorism in the name of justice and the betterment of mankind or, at least, of that portion of mankind which does not fall victim to them.

To do Spinoza justice we must remember that he has stipulated that the rational objective of the state and its citizens is to act in such a manner that each may 'preserve their natural right to act in the best possible way without harming himself and his neighbour'. Still, he does say that the government is capable of driving ostensibly good citizens to commit unjust or at least illegal acts. Given such a general, insufficiently qualified assertion, it is difficult to keep terrorism distinct from civil disobedience.

Thus, the question of whether Spinoza allowed for civil disobedience must be left open. I believe that it

may be said, however, that moved by the events of the day, he tended toward justifying some forms of civil disobedience since he strongly supports men who 'because of their culture, integrity and ability have some independence of mind', and who exercise that independence even in the face of great peril. (In this context martyrdom may certainly be viewed as the supreme expression of civil disobedience). In fact, Spinoza states that these men are the real mainstay of a healthy society.

While terrorism can only be feared, civil disobedience may often be viewed as a moral and rational challenge to what a government may regard as legitimate. Civil disobedience is by definition not legitimate but it endeavours by rational, albeit illegal, means to seek a rational solution to certain problems. Its aims are to point out the possibility that legality need not necessarily be synonymous with legitimacy. The notion 'legal' can be viewed without connotations of what is rational and moral, but the notion 'legitimate' often cannot.

On the whole, Spinoza's argumentation leads from the general to the specific. Usually, it is his general argument which presents the greatest problems and challenges while specific situations are always extremely well defined. An example of his ability to sum up the

situation at hand is found in the following passage:

Finally, the readiness of the magistrates to settle the disputes of the scholars by legislation has been the main source of innumerable divisions in the church; for were men not captivated by the hope of getting the laws and magistrates on their side, of triumphing over their opponents amid the general applause of the mob, and of attaining high office, they would never quarrel with such spite or be driven to frenzy. And this is the finding of experience as well as reason; for each new day brings instances to show that laws which prescribe what everyone must believe, and forbid men to say or write anything against this or that opinion are often passed to gratify... (those of influence)

(TT-P, page 237)

This is a continuation of the familiar theme. Up to this point he has described the reaction of the individual affected by suppression but now he goes on to discuss another ill-effect.

Spinoza argues that the deleterious effect of suppression is two-fold. The government must expect trouble not only from those suppressed but also from those (or rather among those) who support suppression.

The practice of government above quoted may be thought to be merely unwise, however, according to Spinoza's argument for freedom of thought and speech, it may actually be called wrong. In the above instance the government oversteps its authority. The mandate of the government's authority covers acts, but not speech-

acts, although Spinoza makes allowances for some exceptions. In the case under discussion the reason for the government's overstepping its authority is that it has already lost the power to resist forceful pressure groups.

The above encapsulates Spinoza's main motive for writing the TT-P. First he wished to make a distinction between belief and reason. Only in this way, he must have thought, could individuals begin to learn to think for themselves without having to rely on the church for guidance. Next he advocated the separation of religious and civil authority. He argued that the church had no right to interfere with matters of state. These objectives did nothing to enhance his reputation.

As a final example adduced against suppression Spinoza cites the phenomenon of martyrdom:

What, I say, is more disastrous than that men should be branded as public enemies and hauled off to execution for no crime or misdeed, but simply because they have independent minds; and that the scaffold, the terror of the wicked, should become a glorious stage for presenting - to the signal disgrace of the sovereign - supreme examples of courage and endurance? For men whose consciences are clear do not fear death or beg for mercy like criminals...what are men taught by their death, only to emulate them, or at least to hold them in reverence.

(TT-P, page 239)

He thus rules out fear of death as a sure means of keeping men under control. Other men can inflict pain, but men with clear consciences do not fear pain or death. This argument is of importance because it is a decisive step away from Hobbes' position that the ultimate persuader in political life is fear of death. It is implicit in Spinoza's argument that there is no ultimate weapon with which men can be forced into submission. This significantly limits the power of government which Hobbes thought to be absolute because of the universal fear of death. Spinoza, on the other hand, maintains that men are capable of remaining free agents even when their lives are threatened. In other words, ideally man is a rational being and places greater value on rationality and freedom than on his physical welfare when the situation demands a choice.

This completes Spinoza's argument concerning the undesirable effects of suppression. I believe that on the whole his assessments are correct. They remain so even though it may occur that some governments succeed in suppressing their people for a long time. Suppressive governments create a quality of life which would not be acceptable to Spinoza. He concedes that a nation may be forced to be peaceful, but he goes on to say that peace without freedom is worthless.

Spinoza repeatedly gives examples of the way in which people will react if the government employs suppressive measures. He says that the consequences of suppression are dictated by human nature as given. If a government wishes to create and maintain stable conditions within the state it must consider human nature as a constant and its wisdom in legislating as a variable. The government cannot hope to change human nature, but it can and must strive to implement appropriate laws. The government does have the power, by means of legislation, to diminish the number of men who follow their undesirable propensities and to increase the proportion of men of culture. Its laws can encourage either culture or deceitfulness.

It is evident that Spinoza's arguments place a great responsibility on government. If he is correct, as I believe him to be, it is not enough for the government simply to maintain conditions within the state or to administer the business of government. It is also responsible for the moral and cultural climate that prevails within its borders. This does not mean that government is expected to create those conditions by itself, but rather that it has to make it possible for

those who have the capacity for being active in the cultural sphere to thrive within that state. This, Spinoza holds, is best accomplished by protecting the freedom of the individual and by encouraging freedom of thought and speech.

Spinoza also points out to government that readiness to resort to suppression is motivated by fear and weakness. He says that a government must be able to resist strong pressure groups for the sake of the good of the state. This it can only achieve if it has established a reputation for impartiality and non-involvement in disputes other than those which contravene ordinary civil or criminal laws.

I believe that this sums up Spinoza's thoughts on the ill effects of suppression.

FIVE

LEGITIMATE RESTRAINTS ON FREEDOM OF SPEECH

I now wish to enlarge on the question of legitimate restraints on freedom of speech. An argument for intellectual freedom would not be complete without some thoughts on this subject. At least this is true if one thinks it conceivable that some speech-acts and their effects may be detrimental to the fabric of civil society. Spinoza's views on the matter rest upon the notions of "sovereign right and power", the "purpose of the state" and the fundamental principles underlying the social contract and the thought-action

distinction. However, because of the unfortunate inter-dependence he establishes between right and power, Spinoza is unable to clarify the issue satisfactorily. He says:

It is true that he (the ruler) has the right to treat as enemies all who are not in complete agreement with him on every point; but what I am discussing now is not his right, but the good of the state. Admittedly he has the right to rule with the utmost violence, and to haul citizens off to execution on the most trivial pretexts; but everyone will deny that he can do so with the approval of sound reason. Indeed, just because he cannot do such things without great danger to the whole of the state, we may even deny that he has the full power to do them, and hence deny that he has full right to do them either; since, as I have shown, a sovereign's right is determined by his power.

(TT-P, page 229)

What then are the legitimate rights of the sovereign with respect to the control of speech-acts? The question does not arise in the passage quoted except in the negative: he has as much legitimate right as he can safely embrace. Spinoza states that the sovereign has the 'right' to commit atrocities so long as he has the power. All that prevents the sovereign from becoming a tyrant is the qualification concerning the good of the state. But why should he care about the good of the state? The answer lies in Spinoza's doctrine of self-interest. Just as the individual is interested in self-preservation so the sovereign, or rather the ruler also is thought to be interested in maintaining his power. But, Spinoza argues, he can preserve his power only if he acts in the best interest of the state, and to endanger the state by committing atrocities is not in its

best interest. Hence, if he were to do so anyway, his power would diminish; right, in turn, is maintained through power and with the loss of one the other also vanishes.

Even if this model of sovereign authority were accepted, there would be no way of determining which of the ruler's actions were legitimate and which were not; for the question of legitimacy would depend on how much power a ruler possesses. But since power cannot be a criterion for legitimate right, the question of legitimate restraints on freedom of speech is not incorporated in Spinoza's theory of sovereign authority. We recall that, according to Spinoza's original transfer of natural right and power, sovereign authority was to be based on the power-right equivalence that existed in the state of nature. Consequently the concept of legitimacy did not enter into the creation of the civil state or sovereign authority. Spinoza nevertheless wishes to render legitimate some form of restraint on freedom of speech. He says:

Yet it must be admitted that words can be treasonable as well as deeds; and so, though it is impossible to deprive subjects of such freedom entirely, it will be quite disastrous to grant it to them in full. Hence we now inquire how far it can and must be granted to everyone if the peace of the state and the right of the sovereign are to be preserved.

(TT-P, page 229)

This inquiry has two parts; first Spinoza explains the right of the sovereign and its limitations and then he explains

the subject's rights. He outlines the former by drawing upon the original contract which was assumed to have been made between subjects and sovereign. He says that the subjects only surrendered their right to act, but not the right to judge and think as they wish:

Thus it was only his right to act as he pleased that everyone surrendered, and not his right to think and judge.

(TT-P, page 231.)

Spinoza applies this to a situation where a subject might wish to appeal or argue against a law which has been passed. He says that the sovereign has no legitimate right to suppress such criticism because freedom of speech was not surrendered to it at the time of the making of the contract. But he adds the qualification that the subject can do so only "as long as he does no more than express or communicate his opinion, and only defends it out of honest rational conviction, and not out of anger, hatred, or a desire to introduce any change in the state on his own authority." (TT-P, page 231)

Here, then, he appears to have abandoned the notion that the sovereign's right is limited only by its power. According to the statement quoted, the sovereign's legitimate right is limited by a contract situation or

an agreement among all members of the body politic. Still, by Spinoza's argument a ruler is not prevented from formulating his own notion of what he considers "honest rational conviction" or "anger" and "hatred". The few things Spinoza does mention about the "contract" do not give any indication that the government is powerless to interpret those conditions to suit its own purpose. Thus the argument does not satisfactorily resolve the question of legitimate restraint of freedom of speech.

Spinoza now moves from what appear to be legitimate limitations on the freedom of speech dependent upon the attitude or motives of the speaker, to beliefs (it is not clear whether silently held or actually communicated) that are seditious and, one must assume, may be legally dealt with. He says:

(seditious beliefs are those) which, when accepted, immediately destroy the covenant whereby everyone surrendered the right to act as he pleased. For instance, if anyone believes that the sovereign does not have absolute right, or that nobody is bound to keep promises, or that everyone should live as he pleases, or hold similar views which directly contradict said covenant, he is seditious, not so much, to be sure, because of his judgement and opinion, as because of the action which it involves; i.e. because merely by thinking this way he breaks the promise he has given either tacitly or expressly to the sovereign. Hence other beliefs which do not involve action like the breaking of the covenant, the venting of anger, or the taking of vengeance are not seditious.

Spinoza does not say whether those beliefs may legitimately involve prosecution, that is, whether it is right for the sovereign to prohibit them by statute; but because he considers them seditious we assume he deems the sovereign entitled to 'protect' itself against such beliefs. Note how he argues that these beliefs involve action. He does not mean that transmitting seditious beliefs results in undesirable action on the part of those who accept them. He suggests rather that the holding of such beliefs, even if they are not overtly acted upon, involves an action: the mere thinking of seditious beliefs represents the 'action' of breaking the promise. In this instance, then, the strict distinction between physical action and thought appears to disintegrate. Apparently the sovereign has authority to prosecute certain beliefs if they are brought to its attention. In any case, Spinoza must, as a consequence, also believe that freedom of speech ends here; that is, no one has the right to challenge the legitimacy of the government. Now it is clear that actions which might arise from holding such beliefs must be appropriately dealt with by government. It is not so clear, however, how the government should treat someone holding but not acting upon a seditious belief. It may be granted that certain beliefs are seditious but how they may be prevented by prohibitive legislation is quite unclear. Indeed, the government may have to resign itself to connivance at such speech-acts or beliefs. Is Spinoza's intention to set forth a moral argument aimed at everyone rather than

an argument concerning the legitimate rights of the sovereign? This question must be left open since Spinoza does not shed any further light on it. He says that it would be disastrous to grant freedom of speech in full. Presumably he had in mind that seditious beliefs had to be curtailed for he explains that some attitudes and beliefs cannot rightfully be held by a subject, but he fails to say what a government should do to ensure that they are not and how the subject is protected from misinterpretation of what the government takes to be its rights. Thus the argument seems to go full circle, back to the sovereign right-power ambiguity: the sovereign decides arbitrarily what is legitimate and it will be vindicated or condemned by maintaining or losing its power.

In essence Spinoza appears to maintain two conflicting positions. The one is that the sovereign can and must expect from its subjects some form of moral discrimination. That is, the sovereign may expect its subjects to approach their government with, in his words, "honest rational conviction" and must place the interest of the community before their own thus shunning seditious beliefs and intentions. It seems clear that a government cannot enforce the attitudes it can reasonably expect from its subjects. But a government can encourage those attitudes: on the one hand by acting in such a way as to foster them

by appropriate policies, and on the other by educational means. Most governments do exert a great deal of effort in encouraging education to make men recognize the requirements of citizenship. Thus sovereignty cannot in principle be divorced from certain moral implications and Spinoza implicitly acknowledges this when considering the need for subjects to be reasonable in their relations with government. A further point is that it would be unthinkable to believe that while the subject is required to exercise reason and good judgement, the government is exempt from this requirement. By Spinoza's own admission then, sovereignty binds subject and government in a relationship that must of necessity be ruled by rational and moral principles.

Spinoza's other contention is that moral requirements and rationality along with 'right' are in the service of power. The sovereign has but one aim and that is to preserve power. Here Spinoza denies that the notion of sovereignty has any moral implications. He endeavours to make this appear acceptable by arguing that power could not be preserved if rationality and morality were disregarded. So moral and rational considerations exhibited by the ruler are merely a means to an end constituting a pragmatic base for the decision-making process. Spinoza seems to fail to recognize that practical consequence of this

position, not to speak of the conceptual difficulties that it raises. The wavering between these two positions presents a fundamental difficulty in Spinoza's political theory.

CONCLUSION

Spinoza was confronted with a dilemma. On the one hand he had formulated a profound ethical view in his non-political writings. On the other, he believed that arguments of an ethical nature would not be received with great enthusiasm in the world of political reality. Yet he also knew that the lack of rationality and moral commitment were the very source of the ills of society. In view of the fact that the power of the church was undermining the power and authority of the civil government he believed that a political theory which would give the sovereign absolute power was required. Yet Spinoza had difficulty in preserving sovereign right while, at the same time, arguing for reasonable limitations of this power. Thus natural right became synonym-

ous with power, and so it remained even after the power transfer that created the civil state. As a consequence Spinoza could impose guidelines on the sovereign's actions only by introducing the notion of self-interest thought to be motivating the sovereign. That is, the sovereign would act in the best interest of the state because such action was fundamental to the preservation of its power, and not because it respected the rights of men. Thus the sovereign did not have to consider the fact that man is essentially a rational being.

Now freedom of thought and speech must somehow be incorporated into this scheme. Spinoza goes about this by suggesting that freedom of thought is inalienable since it is a natural right that literally cannot be taken away from man. This claim, however, lacks conviction as Spinoza also must have realised. He therefore approached freedom of thought by giving it the status of a categorical demand. This notion, while it leads away from his political theory, appears to follow from his ethical theory.

Spinoza's arguments concerning the ill-effects of suppression are well taken. His ability to capture the spirit and the dynamics of the political climate of his

time is well demonstrated here.

Given the conclusions reached in this essay, Spinoza's assertion that "it is impossible to deprive men of the freedom to say what they think" may be approached from a slightly different angle. Let us assume that suppression has the effects described. We may then conclude that "it is impossible to deprive men of the freedom to say what they think, unless one is prepared to seriously damage the state". Alternatively, given that freedom of thought must be demanded categorically and assuming that thought cannot be considered truly free unless speech also enjoys that freedom, one may conclude that "men must not be deprived of the freedom to say what they think".

On the whole, Spinoza presents a considerable number of thought-provoking arguments in support of freedom of thought and speech. However, they are presented in a condensed and germinal state and, as a consequence, they invite misunderstanding and misinterpretation.

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