The *Political Treatise* (TP) is Spinoza's last work, begun probably around the end of 1675 or early in 1676, and left unfinished at Spinoza's death on the 21st of February 1677.\(^1\) After the *Ethics* and the TTP, it's his most substantial work, and deserves careful attention. Primarily concerned with questions about the relative merits of the different forms of government and the best ways of organizing them, it offers us the materials for a much deeper understanding of Spinoza's political philosophy than we could glean from his other works. He is quite outspoken in his criticism of Christian theology, sharply challenging the doctrine of original sin (ii, 6), while articulating a theory of human nature which acknowledges that there is some truth in that doctrine. His grounds for generally preferring democracy to aristocracy, and aristocracy to monarchy, become much clearer. And perhaps in this work he rejects social contract theory of the TTP,\(^2\) though that is unclear. If he does reject it, that would be evidence of a significant change in his thought about the foundations of the state. What can't be disputed is that here Spinoza makes significant appeals to experience and history which need to be taken into account, not only in discussions of his political theory, but in also discussions of his theory of knowledge.\(^3\)

**The Benefits of Community**

The central thesis of Spinoza's moral and political philosophy is that nothing is more useful to us than living in a community with other people, and binding ourselves to our fellow citizens by such ties as are most apt "to make us one people." (E IV App. §12) The TTP enumerated the advantages we can gain from such associations: they give us the security without which our enjoyment of any other good is at best precarious; and they make possible a division of labor which not only provides us with the means to subsist, but also frees us to cultivate the arts and sciences. The more we advance in the arts and sciences, the better we understand the world we around us, both natural and social. The better we understand that world, the closer we come to the knowledge and love of God. So living in a community with others is essential to bringing us closer to our greatest good.

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1 See Letter 84, the annotation there, and *Continuum Companion 2011*, 36.
2 The principal advocate of this view is Alexandre Matheron. See Matheron 1969, 1990.
3 On experience, see i, 2, 3; ii, 6; vii, 30; xi, 2. On history: vii, 14, 18, 24.
The prospective benefits of community, then, are immense. But the path to these goods is not easy. We are not very rational. Much of the time we don't know what it would be good for us to do; when we do know, much of the time we don't do what we know we should. In the *Ethics* Spinoza had quoted Ovid's Medea:

> A strange power draws me on against my will. Desire persuades me one way, reason another. I see the better and approve it, but I follow the worse.⁴

He might have quoted Paul:

> I do not understand my own actions... For I do not do the good I want, but the evil I do not want is what I do. (Romans 7: 15, 19)

Paul seems here to take himself as representative of sinful humanity:

> All, both Jews and Greeks, are under the power of sin... There is no one who is righteous, not even one.⁵

Spinoza's version of this will say:

> it's not possible for anyone to always use reason and to consistently be at the height of human freedom. (TP ii, 8)

But this allows that some people – not many, but some – act rationally, and hence are virtuous, most of the time, and that more could act rationally than do. Virtue may be extremely rare, but it does exist. (TTP xii, 7; TP vi, 6)

Trying to develop strategies an individual might use to overcome his bondage to the passions was the main project of the later parts of the *Ethics*. In the *Political Treatise* Spinoza treats this problem as a political one. Many of our passions stand in the way of the communities and collective action we can see that we need. (TP i, 5) Though we may pity the less fortunate among us, and acknowledge a religious duty to help them, the teachings of religion often give way when they seem to conflict with self-interest. We find reasons to think that the poor have brought their poverty on themselves, and that it is better to leave them to their own devices than to help. Eve-

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⁴ Ovid, *Metamorphoses*, VII, 19-21, LCL translation. Spinoza quotes part of this passage in E IV P17S.

⁵ Romans 3:9-10. The interpretation of Paul is controversial, and some recent interpreters would emphasize passages which make him sound less pessimistic about the human capacity to do good than he does here. See, for example, Sanders 2001 or Wills 2007. Both these works are popularizations, of course, but popularizations by highly respected scholars, who represent a significant trend in New Testament scholarship. I've discussed the issues in Curley 2015b. See also the annotation of TP ii, 8.
ryone wants others to live as he thinks they should live, approving what he approves, and reject-
ing what he rejects. Everyone wants to be first, even at great cost to others. These are all obsta-
cles to community.

If we had to rely on reason to get us to do what in our own interest we ought to do, we would be
in trouble. Fortunately, some of our passions have a more positive effect, moving us to form
communities and make the accommodations necessary if we are to live in a community. When a
group of people agree to be led, "as if by one mind," they generally do this because some affect
leads them to cooperate: they have a common hope, or a common fear, or perhaps a common de-
sire for vengeance. (iii, 9) Most of all, they fear being alone, because they know they can't de-
fend themselves alone, or provide for their other needs alone. (ii, 15; vi, 1) So they agree to be
led "as if by one mind."

A Social Contract Theory?
If a social contract is just an agreement – possibly explicit, but also possibly tacit – which men
make with one another to adopt rules of cooperation for their mutual advantage,6 then in the Po-
litical Treatise Spinoza remains the contract theorist he was in the Theological-Political Trea-
tise. If a social contract requires more than that – say, an explicit promise which is morally bind-
ing, or motivation by a rational calculation of the benefits of joint action – then he was not a so-
cial contract theorist even in the TTP. For even in that earlier work Spinoza did not claim that
there was anything inherently binding about having made a promise. A contract is a mutual
promise, and promises "can have no force except by reason of [their] utility." (TTP xvi, 20)
When they seem to lose their utility, they lose their force. And even in that earlier work he did
not think the decision to enter into a contract was necessarily to be explained by the rationality of

6 On a certain view of the matter, Hume was a critic of social contract theory when he wrote in his Trea-
tise of Human Nature: "Two men who pull the oars of a boat, do it by an agreement or convention, though
they have never given promises to each other. Nor is the rule concerning the stability of possession the
less derived from human conventions, that it arises gradually, and acquires force by a slow progression,
and by our repeated experience of the inconveniences of transgressing it. On the contrary, this experience
assures us still more, that the sense of interest has become common to all our fellows, and gives us a con-
fidence of the future regularity of their conduct; and it is only on the expectation of this, that our moder-
ation and abstinence are founded." (III, ii, 2) But the better view, I think, is that he exemplifies a different,
evolutionary form of social contract theory, not open to the same objections as the more rationalistic tra-
dition. For the contrast, see Skyrms 1996.
the agreement for the contracting parties. (TTP xvi, 7) It might well be eminently rational to enter into the agreement; if we judge that it is, we endorse the agreement. But it does not follow that it's not some passion or passions, rather than reason, which actually explains the agreement. Spinoza does not seem to have changed his mind on these points when he wrote the TP. He may have merely changed the way he expressed himself, in order to avoid misunderstanding. It's a notable fact about the Political Treatise that the language of contract is much less prominent there than it was in the Theological-Political Treatise. Less prominent, but not absent.

*Being Led "as if by One Mind"

What tends to replace the language of contract is the idea that people agree to be led "as if by one mind." What does it mean to say that a group of people is led in this way? Clearly, not that they are actually led by one mind, that there is literally one mind directing their affairs. Spinoza dislikes monarchy, or any other form of autocratic government, whatever its name. In one passage (iii, 7) he identifies being led "as if by one mind" with a "union of minds," by which he seems to mean a commonality of purpose, an agreement at least about the basic ends of the union and the principal means of attaining them. In one place he maintains that such a union is required in a state, and that it can only be achieved if the state is predominantly guided by what sound reason tells us is useful to all men. (ii, 21) His primary goal in the TP is to design a variety of constitutional arrangements which will achieve that end, or come as near doing so as possible, given the historical circumstances of the state in question.

Spinoza does not think there is just one way of designing the state which will work equally well in all situations. In the TTP he had expressed his preference for democracy as the most natural form of government, which best preserves the freedom and equality of the state of nature. (xvi, 36) In the TP, even though it comes to an end before Spinoza has managed to say much about democracy, it's still clear that it's his preferred form of government. But like Machiavelli, whose political wisdom he greatly admires, he understands that the history of the state matters. If a people is used to living under a king, it will be hard to establish a republican form of government.

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7 Cf. vi, 4, where he writes that "peace does not consist in the privation of war, but in a union or harmony of minds."
among them.\footnote{In the TTP Spinoza used the example of England to make this point. Cf. xviii, 28-37, and Machiavelli, \textit{Discourses} i, 16, and iii, 3. For Spinoza's appreciation of Machiavelli, see TP v, 7.} If they're used to living under a republican form of government, establishing autocratic rule will be difficult.\footnote{Machiavelli, \textit{The Prince} v.} The history of the state for which we're prescribing a constitution limits the kinds of constitution which might work in it.

So Spinoza prescribes different kinds of constitution for different kinds of situation. The bulk of the TP, and what's newest in it, by comparison with his previous work, is a detailed attempt to set out model constitutions for each of the three main forms of government: monarchy, aristocracy, and democracy. It's disappointing that Spinoza's work breaks off just as he's beginning to propose a model constitution for the kind of state most apt to interest us. But there's much to be grateful for in what he's left us. Though he did not live long enough to lay out a model constitution for democracy, what he says about the other forms of government provides important insights into what he thinks their defects are, and why he advocates popular government where possible.

\textit{On Monarchy as the least desirable form of government}

In certain historical circumstances monarchy may be the best solution to the problem of government. But Spinoza has little good to say about it. Its defenders argue, and experience may seem to show, that it's conducive to peace and harmony to confer all power on one man. "No state has stood so long without notable change as that of the Turks."ootnote{TP vi, 4. "The Turks" refers to the Ottoman Empire, which in Spinoza's day was at the height of its power, and could easily seem a great success.} Still, he says, "if slavery, barbarism, and being without protection are to be called peace, nothing is more wretched for men than peace." Autocratic rule, which does not require extended discussion to reach a decision, may seem more efficient than forms of government which require deliberation by a council. Spinoza quotes an ancient proverb: "While the Romans deliberate, Saguntum is lost," referring to the loss of a city in Spain to the Carthaginians in the First Punic War, traditionally attributed to Roman indecision. But he thinks this supposed advantage is illusory. Good decision-making requires consultation and discussion:
when the few decide everything, simply on the basis of their own affects, freedom and
the common good are lost. For human wits are too sluggish to penetrate everything right
away. But by asking advice, listening, and arguing, they're sharpened. When people try
all means, in the end they find ways to the things they want which everyone approves,
and no one had ever thought of before. (ix, 14)

The NS will add: "We’ve seen many examples of this in Holland." With the addition, this pas-
sage unites two important themes in Spinoza's political thought: the importance of discussion,
and the importance of knowing our history.

The idea that one man alone can rule a state is an illusion. (vi, 5) One man alone cannot know
everything he needs to know about the conditions in his kingdom which require attention. He
will need a council of advisers to tell him what's going on and suggest ways of dealing with the
problems. And one man alone cannot see that all his decrees are enforced. As Hobbes empha-
sized in Ch. 13 of *Leviathan*, the natural equality of men in their mental and physical faculties –
the absence of substantial differences of power between them – makes it impossible for even the
strongest and smartest man to establish a stable relation of domination over his fellows. The king
cannot rule by fear of his personal power alone,11 but will require an enforcement cadre, a group
of people willing to obey without coercion his commands to force obedience on those not willing
to obey without coercion, and large enough to be broadly successful in doing that. The need for
an enforcement cadre puts *de facto* limits on his power. Being an enforcer can be a hazardous
duty – more hazardous as popular resistance is greater – and even people who are generally will-
ing to obey enforcement commands may hesitate to do some of the things they are told to do.

What's more, one man, seeking to rule alone, must fear his subjects.12 He depends on his sol-
diers, not only for the enforcement of his commands, but also for his personal protection. Spino-
za likes to cite a story from Tacitus, relating how Otho was able to displace Galba as emperor by

11 See vii, 12. This may not quite be true. Greg Kavka has argued (against Hume and others) that a regime
in which the ruler is never obeyed except out of fear of punishment is theoretically possible. But he con-
cedes that such a tyranny is likely to be quite unstable, and that real-world rulers have generally recog-
nized this. (See Kavka 1986, 254-66.)

12 TP vii, 11. As an aficionado of Antonio Perez, Spinoza no doubt knew this aphorism: "The use of abso-
lute power is very dangerous for kings, very hateful to their vassals, very offensive to God and to nature,
as a thousand examples show." (Pérez 1644, 287)
suborning two members of his bodyguard. So what may appear to be the rule of one man is always, in fact, the rule of at least a few, pretending to be the rule of one. (vi, 5)

Spinoza's remedy is to acknowledge the de facto situation by setting up a complex system of councils with legal rights which place formal limits on the powers of the king, creating what we would now call a constitutional monarchy. Simplifying considerably, there is to be a large, term-limited council, which can inform the king about conditions in his kingdom and give him advice about what needs to be done. Although the king makes the final decision, he is limited in his choices to the options the council offers him. A smaller council, selected from the large one, administers the policies the king has decided on. Yet another council, made up of jurists, administers justice. As a further protection against royal abuses of power, the army must consist only of citizens. (vii, 17) There is to be no reliance on foreign mercenaries.

On Aristocracy as a better form of government
In view of the care with which Spinoza built institutional limits on the power of the king into his model constitution for a monarchy, it comes as a surprise to find, in Ch. 8, that for aristocracies he favors a government whose power is as absolute as possible, on the ground, it seems, that the more absolute a government is, the better it is, and the more suitable for preserving freedom! (viii, 7) His constitution for an aristocracy calls for government by a large Supreme Council, drawn from an even larger patrician class. In a state of moderate size Spinoza thinks that the Supreme Council needs to have at least five thousand members, that number being necessary to yield at least a hundred members who have outstanding ability and are capable of providing the Council with leadership. (It's clear that he does not have high expectations for the ability of his patricians.)

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14 This is a lesson Spinoza probably learned from Machiavelli. See, for example, the condemnation of mercenary troops as either worthless or dangerous, in Ch. 12-13 of *The Prince*.
15 To be more precise, Spinoza considers two different kinds of aristocracy: one in which the patricians are citizens of one city, which is the capital of the whole state (the models here are Rome, Venice, and Genoa), and one in which they are citizens of several cities, none of which is preeminent (the model being the Dutch Republic). Because the two kinds of aristocracy have different problems, Spinoza devotes separate chapters to each (Chh. 8 & 9). But the differences are not relevant to the points I wish to make, so I'll ignore them.
There are no institutional checks on the Supreme Council's power to make and repeal laws, appoint public servants, or choose those who will succeed to membership in the Council. What check there is on their power is just another council, called the Council of Syndics, drawn from the patricians, and serving for life, which oversees its actions, to make sure that the laws the Supreme Council has enacted are obeyed by the officers it appoints to implement them. So the Council of Syndics has only oversight powers. Spinoza also calls for a second subordinate council, drawn from the patrician class, and called 'the Senate,' which has executive powers, including the power to declare war and peace (but subject to the approval of the Supreme Council). So the formal powers of the Supreme Council are very great, but not unlimited.

Spinoza's statements about the powers of his model aristocracy can be confusing. In viii, 3, he says that rule by "a sufficiently large council is absolute, or comes nearest to being absolute." (my emphasis) This seems to mean that it comes as close to being absolute as possible, without actually being absolute. In the next paragraph he says that because the rule in an aristocracy of this kind never "returns to the multitude" – as it does in a monarchy, when the king dies (vii, 25) – and because there is "no consultation with the multitude in it... we must in every respect regard this aristocracy as absolute." (my emphasis) I take this to mean: this may be how we must think of it, but it is not, strictly speaking, how it is. At the end of viii, 3, he had said, conditionally, that "if there's any absolute rule, it's really the rule which occurs when the whole multitude rules." (my emphasis) Later, introducing his discussion of democracy in Chapter 11, he drops the condition: "I come, finally, to the third, and completely absolute state, which we call Democratic." (xi, 1) So there is such a thing as absolute rule, but it's not aristocratic (much less monarchic); it's democratic.

This is apt to puzzle a 21st Century reader, who tends to associate absolutism with monarchy, and to think it's a bad thing. But Spinoza wants to turn these normal assumptions on their head. His position is that, contrary to what we might unreflectively think, monarchy is inherently the least absolute form of government. Whatever formal powers the constitution may give the king, the possibility of discontent among his subjects, and the consequent threat of a coup or a rebellion, limits those powers. The more the power of the state is theoretically concentrated in one or a few men, the fewer the men it takes to overthrow the government. The constitution of a monar-
chy (or a small aristocracy) may permit the king (or the aristocratic council) to do things which the practicalities of politics do not allow. An 'absolute' monarch will not have to stand for re-election; but in deciding what he can do without jeopardizing his rule, he must still take into account the distribution of power in his state and the views of his subjects about their interests. The same would be true of an aristocracy in which power is concentrated in the hands of a small number of aristocrats.

In a large aristocracy, Spinoza thinks, these constraints are a much smaller problem than they are in a monarchy or a small aristocracy. A large aristocracy is better able to defend itself against a coup or a popular uprising and maintain the rule of law. That is, it is better able to maintain a situation in which the government is able to enforce rules governing the cooperation of the citizens, which it has arrived at by a procedure the citizens generally support. But even the power of a large aristocracy can never be completely absolute; the best it can do is to approach that condition. Even a large aristocracy must consider the people's reaction to its policies, and the possibility that they will rebel against the policies the government has approved. What Spinoza seems to mean, when he compares the different degrees of absoluteness in the different forms of government, is that a government will be more absolute the less its decisions are liable to be overruled or checked by some other body, whether that body is one to which the constitution has given a well-defined legal status, or simply an undisciplined multitude.

*On democracy as the best form of government*

By this logic, the most absolute form of government should be a democracy, understood as that form of government in which a council made up of the whole citizenry rules. In a democracy everybody is part of the decision-making process, and there is no one on the outside, waiting to try to overturn the results if they don't like them. In a democracy, as Spinoza seems to conceive it, collective decisions are made by an orderly deliberative process, which the people as a whole accept and participate in. If good decision-making requires broadly-based discussion, conducted in an orderly way, then a democracy has the least reason to fear a coup or popular rebellion, not merely because there it's the people themselves who rule, who are eligible to vote in the supreme council and to hold public office, but because everyone has had an opportunity to shape the final result, and has some grasp of the considerations which can be brought for and against a given
policy. Accordingly, Spinoza characterizes democracy as the only completely absolute form of government.

This will surprise readers of the TTP, who may object that this way of thinking about democracy is much more optimistic about the wisdom of the common people than Spinoza seems to be in that work. In my translation the phrase "the common people" generally translates vulgus, and seems, typically, to have very negative connotations. At a minimum, the vulgus are not distinguished by great intelligence, learning, or moral excellence. Sometimes the negative connotations are stronger than that. The vulgus are ignorant, stupid, prejudiced, superstitious, governed by their passions rather than by reason, easily swayed by rhetoric, stubborn, prone to interpret perversely what they read, hostile to philosophy and scientific inquiry, and given to wonder. How can we expect people like that to reach intelligent decisions, or even contribute anything intelligent to a discussion in which they're participating?

But this characterization of the vulgus is drawn largely from the TTP. That term rarely occurs in the TP, where it tends to be replaced by terms like multitudo (multitude, in my translation), or plebs (ordinary people, or plebeians), or populus (people), whose connotations generally don't seem to be nearly so negative. In fact, the only passage in the TP in which vulgus occurs (vii, 27) is one in which Spinoza defends the vulgus against the kinds of aspersion cast on them by the Roman historians who exercised such a strong influence on his political thinking! The common people have their faults, Spinoza admits, the same faults the classical historians accused them of. But those faults aren't peculiar to any particular social class. They are faults common to humanity as a whole. And to some extent they can be remedied if the government shares with the people the information on which it bases its decisions.

The more serious problem with the line of thinking I have so far pursued is that it seems to assume an understanding of democracy which Spinoza in the end rejects. From everything I've said so far, we might suppose that he makes the distinction between the different forms of government in a pretty traditional way: monarchy is rule by one; aristocracy, rule by a relative few; and democracy rule by the many. Early in the TP that seemed to be the contrast he had in mind. There he wrote that if the responsibility for public affairs
is the business of a Council made up of the common multitude, then the State is called a Democracy; if the council is made up only of certain select people, it's called an Aristocracy; and finally, if the responsibility for Public Affairs, and hence sovereignty, is vested in one person, it's called a Monarchy. (ii, 17)

But later in the TP he makes the distinction between aristocracy and democracy differently. In TP viii, 1, and xi, 1-2, it appears that a democracy is a form of government in which eligibility for the governing body is a matter of legal right, not of choices made by the existing members of that body. Aristocracy is a form of government in which membership in the ruling council is determined, not by law, but by the choice of the members of the existing body.

Now Spinoza never says who is supposed to make the laws which define the criteria determining who is eligible for the governing body in a democracy. This seems to me a serious, and perhaps irremediable flaw in his argument. He does suggest a number of different criteria the law might in principle prescribe: being born to citizens, or being born on the country's soil, or having served the republic well, etc. The law might make the criteria for managing the business of the state very inclusive or it might make them very exclusive. It might allow only older men who have reached a certain age to have a share in ruling, or eldest sons as soon as they reach the age of majority, or people who have paid a certain sum of money to the state, and so on. Depending on the criteria by which citizens acquire this right, it might be enjoyed by many or by only a few. If only a few have it, the choices made in an aristocracy might result in a much larger governing body than the one you might expect from the operation of the laws in a democracy.

Spinoza is aware of this possible consequence and accepts it:

> The result of such a law could be that the supreme Council [in a Democracy] is composed of fewer citizens than the Council of an Aristocratic state of the kinds we've discussed.

(xi, 2)

He sees that this feature of democracy may make it seem inferior to an aristocracy, but he replies that it won't be, because he thinks the choices aristocrats would make, when they add members to their council, will generally favor the rich, or their relatives, or their friends, or some other group of people not chosen on the basis of merit. He thinks history has shown this, and he may
well be right about that, though his defense of democracy would be more persuasive if we knew that the criterion for rule in a democracy was one which did favor people of merit.

That, however, is a question he deliberately leaves open:

We can conceive different kinds of Democratic state. I don't plan to discuss each one, but only one in which absolutely everyone who is bound only by the laws of his native land, and who is, furthermore, his own master and lives honorably, has the right to vote in the supreme Council and to stand for political offices. (xi, 3)

This will exclude resident aliens (arguably reasonable enough), and also, it seems, criminals and people who have disgraced themselves. (xi, 1, 3) Without knowing more about these stipulations – do we make distinctions between different kinds of crime, treating some as more disqualifying than others? who defines what constitutes a disqualifying disgrace and determines that someone's conduct has fallen afoul of that rule? – it's hard to know how reasonable these exclusions are. The condition that someone must be his own master evidently excludes servants (quaint in our more democratic times), children and students (arguably reasonable, if they are below a certain age), and of course, women (a great embarrassment, nowadays, to most of those who would otherwise think of Spinoza as a wise and good man).

I do not propose to discuss any further the merits of these exclusions. I will simply close by pointing out that the more groups a democracy excludes from eligibility for its governing body, the smaller its base of support is. If the size of the governing body and the class of people from whom it is drawn is supposed to give it more protection from coups or popular rebellions than the governing body in an aristocracy would have, and if this is the key to its being the most absolute form of government, and if being absolute is such a desirable feature in a form of government, then having a smaller governing body would deprive democracy of its chief advantage over aristocracy. Perhaps Spinoza would have found good answers to the questions his political philosophy raises, if he had lived long enough to work them out. But it is difficult to see how.