

NATURAL RIGHTS AND SPINOZA'S ESSAY ON
LIBERTY.

It is known that one of the earliest statements of the doctrines of religious and political toleration is to be found in the *Tractatus Theologico-Politicus* of the great Jewish thinker, Spinoza. The seventeenth century is noted in the history of political and moral science, as the age when a number of efforts were made by men of no small ability, to construct philosophical theories of law and ethics on a purely rational basis, without reference to theology. The speculative idea or principle on which these theories were founded, was that of the so-called "Law of Nature." The purpose of the authors was to determine the universal and eternal elements in human institutions by means of an analysis of man's character and place in the world. "Nature," as was assumed, has made man with certain powers, desires, rights, and duties. By introspection, or by some general study of human destiny, these "natural" characteristics may be discovered and formulated. Knowing these, we may possibly deduce with mathematical accuracy all particular rules and conventions about rights and duties in so far as these are of enduring worth for humanity. The result of our investigation would be a complete code of "natural" polity, embracing the features that ought to be found in every organized society, and so laying down the law to the lawgivers themselves.

This doctrine of "Natural Law" is now out of favor. Nevertheless many elements of it are still retained in our modern social doctrines and speculations. The fault of it lay in the arbitrary and subjective character of its method. One wishes to find out the law of Nature. What then is Nature? Do we mean by natural duties or rights or sentiments those that are in fact common to all men? Then our list will be limited to certain ethically unimportant qualities that do indeed distinguish men from beasts, but do not serve as guides to proper action.

The objections to the method of analysis as the seventeenth

century philosophers practised it, do not make their work of any less historical importance. Their theories were an important step forwards. As speculative masterpieces they will always remain of interest. As expressing the revolt against ecclesiastical tradition, they have made possible all that has been done in political science since their day. And, for the rest, that word Nature has in our time by no means lost its power. The theory of evolution seems to give it new life and meaning.

For Hobbes, natural law has its basis in the act of the complete and undiluted selfishness of the natural man. Because of this complete selfishness of human beings, the state of nature is one of perpetual war. Government, being thus not an immediate result of the natural condition, must be the result of a social contract, whereby men have agreed to restrain their individual liberty for the sake of avoiding the perpetual warfare, and of thus better satisfying their own selfishness. The only way out of this natural condition would be a general agreement to submit the wills of all to the will of one sovereign. The sovereign may be the popular majority, or the majority in a legislative body, or a single man. The sovereign's authority must be in all cases supreme and final; and thus through absolutism, we may escape some of the calamities of selfishness.

The doctrine of Hobbes is so lucidly and cogently stated, and so plausibly deduced from first principles, that in reading the *Leviathan*, we are strongly tempted to overlook the author's gloomy and severe view of human nature, while enjoying the sober beauty and architectural elegance of his reasoning. Hobbes, however, saw only one aspect of human nature.

It is Spinoza who sees the other aspect. But before speaking especially of the *Tractatus*, let us glance hastily at the life and character of the author. Spinoza was by early training neither philosopher nor student of politics, but Hebrew scholar. In Rabbinical literature, he found, perhaps, the most important of the suggestions that led him finally to the composition of the *Tractatus*. Certain it is that the theological views set forth in this work belong to the first period of his independent thought, and that they are the ones that led to his expulsion from the syna-

gogue. But, perhaps, study of the philosophic commentators among his own people would have made him only a speculative rationalist; it was his life after he was cut off from Israel that made him the author of a more practical work on religious toleration and political freedom. For after his own people had declared him accursed (as they did formally in the year 1656, when he was twenty-four years of age), Spinoza lived much alone, always a keen observer of what went on in the world about him, always a good patriot and a great lover of mankind. One thing he saw during this unprejudiced study of the world, namely, that one of the saddest of things is the strife of religious sects. As he himself explains in the preface to the *Tractatus Theologico-Politicus*, he noticed that the fundamental principles of virtue, such as charity and piety, were taught by all sects alike, and violated by all in their treatment of one another. And the cause for this singular agreement in diversity, Spinoza found to be the tendency of the sects to lay stress not upon the really fundamental virtues, but upon certain peculiar doctrines that each claimed to have received from some obscure and supernatural source. This tendency resulted in the fashion of each sect to find in the Scriptures just what pleased itself, and to accuse every one else of spiritual blindness for not finding the same thing. Reflecting upon this matter, Spinoza was led to think that a strife so dangerous to the public welfare might be rendered less violent if people could be brought to see, first that Scripture ought not to be interpreted in the ordinary manner of the sects, and then that no sect ought to be allowed to intrude its peculiar creed, as furnishing any rule for lawgivers, into the affairs of government. In consequence of these considerations, Spinoza projected a treatise in two parts, whereof the first should discuss the true nature of religion in its relation to morality, while the second should treat of the proper behavior of the state towards the various religious sects, and toward individual expressions of faith. The outcome of the plan was the *Tractatus Theologico-Politicus*. The first or theological part was the one that was based, no doubt very largely, upon our philosopher's early Rabbinical studies. For the second part he was indebted to his later study of political philosophy, in which he was at least somewhat influenced by the reading of Hobbes.

In elegance of expression, the clear-witted and learned Englishman far surpasses the profound and perhaps a little uncouth Hebrew. But in insight the political parts of the *Tractatus heologico-Politicus*, brief as they are, outweigh the ingenious constructions of even the *Leviathan*. To Spinoza as to Hobbes, man is by nature a selfish animal. In Spinoza's theory, as in the other, each being has an original right to all he can get. But while Hobbes has but the way of absolutism, whereby to escape from this labyrinth of individual desires, Spinoza finds that individual sacrifice is necessary and natural, not merely in case of the supreme act of the social contract, but in the whole conduct of life. For Spinoza, selfishness is only the starting-point. Because of the continual inner conflict of the selfish desires, the wise man ultimately seeks to rise above desire, and to be free from self in the contemplation of enduring truth. Such is the doctrine of the *Ethics* and of the *Tractatus de Deo*. On its political side this doctrine becomes one of a conservative republicanism, a belief that every man's welfare is best helped by granting the greatest possible freedom of development to his neighbor, and that a certain degree of unselfishness is not only useful but natural to man. With Hobbes the state is the last desperate resort of war-weary savages; with Spinoza it is the expression of the higher consciousness of mankind. The truly useful state is therefore for Spinoza the one whose laws are founded on mutual charity, freedom, and justice. If every man begins by desiring first of all his own preservation, every man must come in the end to desire his neighbor's preservation quite as much as his own.

As to the forms and duties of government, Spinoza holds with Hobbes that the first requisite is stability; but unlike Hobbes he prefers the republican form, since in it is best expressed and secured that mutual interest of man in man which, according to his view, government is chiefly to express. Hobbes had objected to the republican form of government that the people will quarrel, and that they will be at the mercy of demagogues. Spinoza finds that the people will know best what satisfies them, and that the majority will be trained into such respect for the minority as not to make immoderate laws. Like Hobbes again, however, Spinoza holds that revolutions

are injurious, and that the form of the government should not be changed, as had been attempted in the English rebellion.

In particular, Hobbes had held that the sovereign can make the most arbitrary decisions as to special laws, religion, and the forms of social life. Spinoza maintains that a government which does not recognize the wishes of the public it governs, is in the highest degree dangerous, both to its own interests and to the general peace. It must use force indeed, but only in cases where this force can be employed in the name of the mass of the people. Theoretically, the government is the fountain of all law, and can therefore change every law at pleasure. Practically it is to make and change laws only for the promotion of peace and harmony. Theoretically, it has complete right over the person and property of the subject; but practically, it has not a particle of control over the thoughts of the subject, and so must respect these thoughts. For if the subjects do not think favorably of the government, the government will not long exist to maintain its rights, theoretical or practical. In a single sentence the sum of the whole is: It is not the ultimate purpose of government to rule, nor to put men under the restraint of fear, nor to subject them to external authority; but on the contrary to free every one from fear, and to secure him his life, his natural right to existence, and that apart from any hurt to himself or to another.

Finally, Spinoza's *Tractate* is an example of the highest results that could be reached in political philosophy, by those who based their theories on the abstract assumptions about Nature and Right, that were current in the seventeenth century. In his views about toleration, liberty, and the functions of government, he anticipated ideas often regarded as axiomatic, but then so far ahead of the times that even in the free Dutch republic the book was condemned by authority, while its author did not dare to undertake or to permit a translation of it into the vulgar tongue. And the theological speculations of the work anticipate much of the later efforts of scholars to bring about an historical understanding of the Hebrew literature. On the whole, neither the great author himself, nor this, the most immediately practical of his books, ought in our studies to be neglected.

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