

## SPINOZA: DEMOCRACY AND REVELATION

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Is Spinoza's political philosophy radical? A glance at recent publications on the subject would suggest that it certainly is. In an earlier period, Spinoza was seen as a liberal, which was either praise or condemnation.<sup>1</sup> In the Cold War, he became an inspiration for those who called for resisting the "totalitarian onslaught" against democracy.<sup>2</sup> Recently, however, starting perhaps with Antonio Negri's *L'anomalia selvaggia* almost thirty years ago,<sup>3</sup> Spinoza has attracted the interest of radical thinkers<sup>4</sup> and, in the process, emerged as an unmistakably radical thinker himself. Democracy, which he now inspires, has become radical too.

I am leaving this literature and its preoccupations largely aside here. My very opening sentence indicated that.<sup>5</sup> I want to explore instead, by fo-

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<sup>1</sup> See, e.g., Lewis Samuel Feuer, *Spinoza and the Rise of Liberalism* (Boston: Beacon, 1958); and Carl Schmitt, *Der Leviathan in der Staatslehre des Thomas Hobbes: Sinn und Fehlschlag eines politischen Symbols* (Hamburg: Hanseatische Verlagsanstalt, 1938), 86-87.

<sup>2</sup> E.g., Joseph Dunner, *Baruch Spinoza and Western Democracy: An Interpretation of His Philosophical, Religious and Political Thought* (New York: Philosophical Library, 1955), 139-40.

<sup>3</sup> A broader (French) background is given in *The New Spinoza*, ed. W. Montag and T. Stolze (Minneapolis: University of Minnesota Press, 1997); see Montag's "Preface."

<sup>4</sup> English translation of Balibar's *Spinoza et la politique* (Paris: PUF, 1985) appeared in the series "Radical Thinkers." See Etienne Balibar, *Spinoza and Politics*, trans. P. Snowdon (London: Verso, 1998). I want to gratefully acknowledge that this text would not have been written had I not had the privilege of attending Balibar's seminar on *Political-Theological Treatise* at the University of California at Irvine in Winter term 2008.

<sup>5</sup> Warren Montag, "Preface," in Balibar, *Spinoza and Politics*, vii (I am quoting from 2008 edition), pointed out that "Balibar's title, *Spinoza and Politics* (as opposed to 'Spinoza and Political Philosophy'), refuses at the outset the separation of philosophy

cusing on the logic of his argument, how successfully Spinoza in *Tractatus theologico-politicus* (TTP)<sup>6</sup> solved the troubling relation between religion and public authority. In the greater part of its experienced or imaginable variations, the relation between religion and public authority or, broader, between religion and politics, causes misery, oppression and, worse still, death and destruction. This is a burning political issue today. This was a pressing political concern in Spinoza's age, and for Spinoza himself. This is, today, a theoretical issue as well, haunting public debates within and without the academia, in the form of political theology among others. This was a philosophical problem in Spinoza's time, too. I believe this was the core problem behind, or within, the stated goal of TTP. Looking into Spinoza's solution to this problem may tell us in what respects, if any, can we look to him for inspiration, support, or guidance in dealing with, bluntly speaking, religious fundamentalism today.

### *Spinoza's Descriptions of the Problem*

Spinoza's stated goal in TTP was to show that in a free republic everyone is allowed to think what they wish and to say what they think.<sup>7</sup> That goal was spelled out clearly already on the title page – in Spinoza's asser-

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into the speculative and the practical, a separation that is itself a perfect expression of the dualisms of mind and body and of the universal and the particular that Spinoza so vehemently rejected: all philosophy is political, inescapably embodied, no matter how it may strain to deny this fact, in the practical forms of its historical existence.”

<sup>6</sup> I am using Benedict de Spinoza, *Theological-Political Treatise*, ed. J. Israel, trans. M. Silverthorne and J. Israel, Cambridge Texts in the History of Philosophy (Cambridge: Cambridge University Press, 2007), and *Tractatus theologico-politicus/Traité théologique-politique*, ed. F. Akkerman, trans. J. Lagrée and P.-F. Moreau, vol. 3 of Spinoza, *Oeuvres*, general ed. P.-F. Moreau (Paris: PUF, 1999). Akkerman's edition of the Latin text amends the reference edition by Gebhardt: *Tractatus theologico-politicus/Adnotationes ad Tractatum theologico-politicum/Tractatus politicus*, vol. 3 of Spinoza, *Opera*, ed. C. Gebhardt (Heidelberg: Carl Winters Universitätsbuchhandlung, 1925). Both Akkerman and Israel reproduce Gebhardt's pagination. I cite chap. and Akkerman/Israel's numbering of sections within chapters, followed by a colon and page in Gebhardt's ed., e.g., TTP XX,1: 239. I have occasionally consulted Shirley's translation: Baruch Spinoza, *Tractatus Theologico-Politicus* (Gebhardt edition, 1925), trans. S. Shirley (Leiden: E. J. Brill, 1989); a second ed. was published by Hackett, 2001. With some modifications, I cite English translation in Israel's ed. I consistently translate *respublica* as *republic* or *commonwealth*; I never translate *imperium* as *state* but, rather, as *government* or *rule*. *Civitas*, a rare term in TTP, is rendered as *state*.

<sup>7</sup>TTP XX, chap. heading: “Ostenditur in libera republica uniuersum et sentire, quae velit, et quae sentiat, dicere licere.”

tion that his discourses “demonstrate that freedom to philosophize may not only be allowed without danger to piety and the stability of the republic but cannot be refused without destroying the peace of the republic and piety itself” – and repeated almost verbatim in the Preface a few pages later. That repetition was introduced with a tacit reference to Tacitus’s sentence about the happy times when “we can think as we please, and speak as we think,”<sup>8</sup> which is often cited in the *Treatise*, and followed by the explanation that “this is the core thesis” to be demonstrated in TTP. (TTP Praef.,8: 7.)

In order to demonstrate that thesis, Spinoza had to take issue with “our most powerful prejudices about religion” and with “our prejudices about the right of the sovereign [*summarum potestatum jus*]” (TTP Praef.,8: 7). Division of the treatise into two parts followed naturally. But *praejudicia* about religion on the one hand and about the supreme civil authority on the other hand were not the real problem Spinoza had to tackle. That problem emerged where those prejudices materialized, and that happened where the two spheres, religion and public authority (and false notions about either or both of them), intersected, interfered with, or intervened into, each other. We have the first intimation of this difficulty right where Spinoza announced his plan to tackle prejudices about religion and about the right of the sovereign. “For there are many men who take the outrageous liberty of trying to appropriate the greater part of this right and, under the guise of religion, to turn away from the sovereign the soul of the multitude, which is still in thrall to pagan superstition, with the aim of bringing us all back into servitude again.” (TTP Praef.,8: 7.)

This is not a doctrinal statement. Rather, it is a description of a political phenomenon or a political observation. Indeed, at this very point in text, Spinoza was prompted to explain why he was “impelled to write.” (TTP Praef.,8: 7.) He had observed, he told, how men who professed Christian religion were “opposing each other with extraordinary animosity.” They most bitterly hated each other and fiercely persecuted those who disagreed with them. (TTP Praef.,9: 8.)

Spinoza’s immediate explanation of the “reason for this deplorable situation” was quasi historical: corruption of the primitive church. When the *vulgus* – not a flattering term for the common people – began to regard serving the church as a worldly career, the worst kind of people came for-

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<sup>8</sup> “[R]ara temporum felicitate ubi sentire quae uelis et quae sentias dicere licet.” Tacitus *Historiarum* I,i,4. Tacite, *Histoires, Livre I*, ed. and trans. P. Wuilleumier and H. le Bonniec, Collection des Universités de France (Paris: Les Belles Lettres, 1987); English translation: Tacitus, *The Histories: A New Translation*, trans. K. Wellsley (Harmondsworth: Penguin, 1988), 21.

ward to fill the sacred offices, abuse crept in, and spreading God's religion degenerated into sordid greed and ambition. (TTP Praef.,9: 8). The category Spinoza singled out for opprobrium were orators. "Churches became theaters where people went to hear ecclesiastical orators rather than to learn from teachers," he wrote. In order to win a reputation they denigrated those who disagreed with them, and to seize attention of the *vulgus* they taught controversial doctrines. They reduced piety and religion to ridiculous mysteries, believed to be accessible only to those who possess the "divine light." In fact they disseminated "speculations of the Aristotelians and Platonists," adapting Scriptures to them. (TTP Praef.,9: 8-9).

More descriptions of such deplorable phenomena followed later in the treatise. The sway of religious prejudice, which bred violence, was owed to the *vulgus* and to theologians. Spinoza saw "common people," refusing to live by the teaching of Scripture, as "advancing false notions of their own as the word of God and seeking to use the influence of religion to compel other people to agree with them." Heading into "bitter controversies," such "sacrilegious persons" were not "afraid to corrupt Scripture." Instead of "consisting of love," religion was overwhelmed by "human delusions," and "vice and ambition," and "turned, under the false labels of holy devotion and ardent zeal, into the promotion of conflict and dissemination of senseless hatred." (TTP VII,1: 97; cf. XII,2: 159.)

We have to deal with a double abuse here. First, there was the vulgarization of Scripture, which equaled adoring "the books of Scripture," "images and pictures," "paper and ink" as "the word of God" (TTP Praef.10: 10; XII,3: 159). Such "superstitious veneration of the letter" (which today is a basic trait of what we call religious fundamentalism) was based on an incapability to discern the historical form of prophetic revelation, accommodated to the notions of the common people at the time of the prophets, from the revealed truth.<sup>9</sup> That incapability led either to an uncritical reproduction of ancient vulgar notions and prejudices or to mystification of Scripture: to making claims that "the most profound mysteries" and "fabulous secrets" were hidden in Scripture, which for Spinoza was "stupidity beyond belief."<sup>10</sup> (TTP IX,13, 135-36; cf. VII,1: 98; XII,2: 159; XIII,2: 167-68).

Such "abuse of the authority of the Bible" (TTP XIV,1: 173), such veneration of "the relics of time" as "eternity itself" and mistaking "human beliefs

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<sup>9</sup>The hermeneutic principle of accommodation was far from unique to Spinoza. Cf. Adam Sutcliffe, "Judaism and the Anti-Religious Thought of the Clandestine French Early Enlightenment," *Journal of the History of Ideas* 64 (2003), no. 1, 98 f.

<sup>10</sup>"Insania" referred to Cabbalism in particular. TTP IX,13, 136.

and fabrications” for “God’s teaching” (TTP Praef. 10: 10; XIV,1: 173), either disseminated by theologians or practiced by the *vulgus*, led to the second kind of abuses. Sectarians, with “so many mutually contradictory beliefs,” denied to others the liberty of “adapting the words of the Bible to their own beliefs” and “opinions,” which they themselves used liberally. Instead, they “persecute all who do not think as they do as if they were enemies of God, even though they may be the most honourable of men and dedicated to true virtue while they esteem those who agree with them as the elect of God, even if they are the most violent of men. Surely nothing could be devised which is more pernicious and dangerous to the republic.” (TTP XIV,1: 173; cf. VII,1: 97.) In Spinoza’s reading of the Gospel, they were “the true anti-christs”: those who “persecute honest men and lovers of justice because they differ from them in doctrine and do not adhere to the same tenets of belief as themselves.” (TTP XIV,7: 176.)

Against the background of the “recrudescence of clerical intolerance”<sup>11</sup> in the mid-1660s, which had cost Spinoza’s friend Adriaan Koerbagh his life,<sup>12</sup> the larger part of Spinoza’s depictions of the problem fell into this category, which we may describe as sectarianism and religious persecution. Falling into the other category was Spinoza’s denunciation of monarchical government. Throwing light on the “highest secret of monarchical government [*regiminis monarchici summum arcanum*],” Spinoza said that that secret, “utterly essential to it,” was “to keep men deceived, and to disguise the fear that sways them with the specious name of religion.” Such deceit, he added, would not work in a “free republic,” for “it is completely contrary to the common liberty to shackle the free judgment of the individual with prejudices or constraints of any kind.” Persecution and condemnation of beliefs only occurs where “laws are enacted about doctrinal matters.” (TTP Praef.,7: 7.)

This quick review, supported by what we know of the historical context as well as of the circumstances of, or defining events in, Spinoza’s life,<sup>13</sup> may

<sup>11</sup> Frederick Pollock, *Spinoza* (London: Duckworth, 1935), 91.

<sup>12</sup> For a brief presentation of Koerbagh critique of the Bible, see Jacqueline Lagrée and Pierre-François Moreau, “La lecture de Bible dans le cercle de Spinoza,” in *Le Grand Siècle et la Bible*, ed. J.-R. Armogathe (Paris: Beauchesne, 1989), 105 ff.; Roberto Bordoli, *Ragione e scrittura tra Descartes e Spinoza: Saggio sulla “Philosophia S. Scripturae Interpres” di Lodewijk Meyer e sulla sua recezione* (Milano: Franvo Angeli, 1997), 87 ff.; Michiel Wielema, “Adriaan Koerbagh: Biblical Criticism and Enlightenment,” in *The Early Enlightenment in the Dutch Republic, 1650-1750: Selected Papers of a Conference held at the Herzog August Bibliothek, Wolfenbüttel, 22-23 March 2001*, ed. W. van Bunge (Leiden: Brill, 2003).

<sup>13</sup> For the historical background, in addition to historical works cited in the following notes, see André Tosel, *Spinoza ou le crépuscule de la servitude: Essai sur le Traité*

confirm that the real – or, more precisely, experiential<sup>14</sup> – problem, which impelled Spinoza to write and a solution to which the attainment of his stated goal, the freedom of thought, required, was a non-salutary combination of religion and politics.<sup>15</sup> The problem was, so to speak, Janus-faced. On the one hand, there were religious men who either persecuted, apparently unhindered by the public authority, their neighbors who held different beliefs or strove for, and appropriated to themselves, political power to suppress and persecute the *Andersdenkende*. On the other hand, there was abuse of religion by oppressive political authority.

*Spinoza's Solutions to the Problem: The Freedom to Philosophize and Democracy*

Spinoza's description of the problem dictated the terms of solution. Since at the heart of sectarian persecution was the abuse of Scriptural authority, Spinoza "resolved in all seriousness to make a fresh examination of Scripture with a free and unprejudiced mind." He devised nothing less than a new "method for interpreting the sacred volumes." (TTP Praef.,10: 9.) Spinoza's biblical criticism has deservedly earned him notoriety and fame: from the early denunciations of him as an atheist (the obverse of which may have been the view of Spinoza as "the chief challenger of the fundamentals of revealed religion" and the "intellectual backbone of the European Radical Enlightenment"<sup>16</sup>) to a later cooler and much more positive and appreciative

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Théologico-Politique (Paris: Aubier, 1984), chap. 3. For biographical aspect, see especially Steven Nadler, *Spinoza: A Life* (Cambridge: Cambridge University Press, 1999), chap. 10. Cf. W. N. A. Klewer, "Spinoza's life and works," in *The Cambridge Companion to Spinoza*, ed. D. Garrett (Cambridge: Cambridge University Press, 1996), 36 ff. For older views of personal circumstances under which Spinoza turned to writing TTP, see J. Freudenthall, *Spinoza: Leben und Lehre*, ed. C. Gebhardt (Heidelberg: Carl Winter, 1927), 148 ff.

<sup>14</sup> Cf. Spinoza's reference to *experientia* at TTP XVI,21: 199.

<sup>15</sup> Wiep van Bunge, *From Stevin to Spinoza: An Essay on Philosophy in the Seventeenth-Century Dutch Republic* (Leiden: Brill, 2001), 123, spoke of "profound fear of religious discord, and its political ramifications," in Spinoza and among Dutch scholars of that age.

<sup>16</sup> Jonathan I. Israel, *Radical Enlightenment: Philosophy and the Making of Modernity 1650-1750* (Oxford: Oxford University Press, 2002), vi, 159. But see Wiep van Bunge, "Spinoza and the Idea of Religious Imposture," in *On the Edge of truth and Honesty: Principles and Strategies of Fraud and Deceit in the Early Modern Period*, ed. T. van Houdt, J. L. de Jong, Z. Kwak, M. Spies and M. van Vaeck (Leiden: Brill, 2002), 123, on "the fundamental differences between Spinoza on the one hand and the libertinage and

judgment of his achievement.<sup>17</sup> For my present purpose, it suffices to say that, for Spinoza, his concern in biblical interpretation was “to separate philosophy from theology.”<sup>18</sup> Philosophy stood for reason, which reigned “over the domain of truth and wisdom,” whereas by theology he meant “precisely revelation,” proclaiming the intended purpose of the Scripture, which was “piety and obedience.” (TTP XV,6: 184.)

Through the separation of reason from revelation, or of philosophy from theology, Spinoza established “the freedom to philosophize which this separation allows to everyone.” (TTP XVI,1: 189.) Although this conclusion comes almost three quarters through the *Treatise*, it represents the solution to only half of the task Spinoza had set to himself. Thus at this point, referring to the introductory citation of Tacitus (and anticipating the same citation in the conclusion), Spinoza turned to the inquiry of “how far this freedom to think and to say what one thinks extends in the best kind of republic [*in optima republica*]” (TTP XVI,1: 189).

Given the equation between republic and democracy, both implicit and explicit, this appearance of the “*optima respublica*” in the introductory question to the political part reduces the generic question of the right of the sovereign (*summarum potestatum jus*) to a specific form of government. It gives the answer right away about which public authority ensures the greatest extent of the freedom of thought. Spinoza actually made it clear very soon in this political part of the *Treatise* that he had decided to “discuss explicitly” only democratic government (*imperium*). (TTP XVI,11: 195.) And even this government he did not discuss at great length.

On the basis of his understanding of natural right, Spinoza gave his ver-

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the clandestine radical Enlightenment on the other, in particular regarding the assessment of revealed religion.”

<sup>17</sup> For the historical context, see Lagrée and Moreau, “La lecture de Bible dans le cercle de Spinoza”; Bordoli, *Ragione e scrittura tra Descartes e Spinoza*, 94 ff.; Noel Malcolm, “Hobbes, Ezra, and the Bible: The History of a Subversive Idea,” in *idem*, *Aspects of Hobbes* (Oxford: Clarendon, 2002); reprinted with changes as “Leviathan, the Pentateuch, and the Origins of Modern Biblical Criticism,” in *Leviathan: After 350 Years*, ed. T. Sorell and L. Foisneau (Oxford, Clarendon, 2004); Richard H. Popkin, *Spinoza* (Oxford: Oneworld, 2004), chap. 4, 6. For the appreciation, see Edwin Curley, “Notes on a Neglected Masterpiece: Spinoza and the Science of Hermeneutics,” in *Spinoza: The Enduring Questions*, ed. G. Hunter (Toronto: University of Toronto Press, 1994); J. Samuel Preus, *Spinoza and the Irrelevance of Biblical Authority* (Cambridge: Cambridge University Press, 2001); Roy A. Harrisville and Walter Sundberg, *The Bible in Modern Culture: Baruch Spinoza to Brevard Childs*, 2<sup>nd</sup> ed. (Grand Rapids, Michigan: William B. Eerdmans, 2002), chap. 2.

<sup>18</sup> TTP XVI,1: 189. Political implications of this move are forcefully pointed out by Preus, *Spinoza and the Irrelevance of Biblical Authority*.

sion of social contract theory. He defined “natural right” as the “sovereign right” (*jus summum*) each individual has in the state of nature to do everything that it can do. The logic of the state of nature, where right equaled power, was the driving force toward social agreement (*pactum*). Since under the government of nature (*sub imperio solius naturae*) each individual lived according to his appetites, following his desire as far as his power allowed, being permitted to take everything he wished by any means he could, nothing being prohibited or wrong, he was bound to clash with any one of his equals desiring the same thing. In such a clash of free and equal individuals, one was, Spinoza said, “permitted” to regard his competitor as “an enemy.” Natural freedom generated strife and hatred, anger and fraud and deceit, insecurity and fear.<sup>19</sup> Thus, in order to live “in security and prosperity,” it was “necessary for the people to combine together.” Combined, they collectively had the right to all things that each individual had had from nature, and that right was no longer “determined by the force and appetite of each individual but by the power and will of all of them together.” (TTP XVI,2-5: 189-91.)

That was the birth of democracy: “Society [*societas*] can thus be formed without contradiction to natural right and the contract can be preserved in its entirety with complete fidelity, only if every person transfers all the power they possess to society, and society alone retains the supreme natural right over all things, that is, the supreme rule [*summum imperium*], which all must obey, either of their own free choice or through fear of the ultimate punishment. The right of such a society is called democracy. Democracy therefore is properly defined as a general assembly of men which collectively has the sovereign right over everything within its power. It follows that the sovereign power is bound by no law and everyone is obliged to obey it in all things.” (TTP XVI,8: 193.)

In Spinoza’s view, *imperium democraticum* has a number of good qualities. It is most reasonable of governments, because in a general assembly “it is almost impossible” that the majority would agree on one and the same folly. But the freest republic is that “whose laws are founded on sound reason.” Because the safety of the whole people (not that of the ruler) is the supreme law, obedience does not mean slavery. (TTP XVI,9-10: 194-95.) Democratic government “seems to be the most natural and to be that which approaches most closely to the freedom nature bestows on every person” and which preserves men as equal as they had been in the state of nature.

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<sup>19</sup> At TTP XVI,3: 190, Spinoza used the term *hostis*, which is the public enemy and as such not endemic to the state of nature. Equally inconsistent is Spinoza’s talking of deceit in the state of nature (TTP XVI,3-5: 190-91), even though he stated in Annotation 32 that in the state of nature “it is not possible to conceive that anyone deliberately acts deceitfully.”



Because of its proximity to the state of nature, Spinoza decided to discuss democratic *imperium* first. And because his purpose was to “discuss the advantage [*utilitas*] of liberty in a republic,” democratic government was the only one he chose to discuss. The foundation of the democratic government appeared as the generic foundation of government and, consequently, democracy as something of an *Inbegriff* of the state.<sup>20</sup> With regard to the foundation of sovereign power, what Spinoza said about democracy applied as well to aristocracy and monarchy. (TTP XVI,11: 195.)

### *The Return of Theology*

What calls for attention here is not that Spinoza opted for democracy. That is not what makes TTP most interesting. The view that democracy was the best form of government was neither new or innovative nor exceptional or extreme in the United Provinces in Spinoza’s time. Republican and democratic arguments surfaced during the Dutch Revolt and the founding of the Dutch Republic.<sup>21</sup> A new debate, touching upon the characteristics of republic and monarchical state, followed the death of *stadholder* William II in 1650,<sup>22</sup> whereas the 1660s witnessed “the most extensive and important debate of the Golden Age about the nature of the Dutch state, hereditary power, and republics.”<sup>23</sup>

What calls for attention is, rather, *how* Spinoza argued his case for de-

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<sup>20</sup> See Balibar, *Spinoza and Politics*, 31 ff.; cf. Sylvain Zac, “Spinoza et l’état des Hébreux,” in *Speculum Spinozanum, 1677-1977*, ed. S. Hessing (London: Routledge & Kegan Paul, 1977), 554, speaking of democracy, in Spinoza, as “the essence of the state.” This article is reprinted in Sylvain Zac, *Philosophie, théologie, politique dans l’oeuvre de Spinoza* (Paris: Vrin, 1979).

<sup>21</sup> Cf. Martin van Gelderen, *The Political Thought of the Dutch Revolt, 1555-1590* (Cambridge: Cambridge University Press, 1992), especially chap. 5; James. D. Tracy, *The Founding of the Dutch Republic: War, Finance, and Politics in Holland, 1572-1588* (Oxford: Oxford University Press, 2008), especially Epilogue. A note of caution: Richard Tuck, *Philosophy and Government, 1572-1651* (Cambridge: Cambridge University Press, 1993), 157. Further references: *The Dutch Revolt*, ed. M. van Geldern (Cambridge: Cambridge University Press, 1993), xlii ff.

<sup>22</sup> Cf. Maarten Prak, *The Dutch Republic in the Seventeenth Century* (Cambridge: Cambridge University Press, 2005), 193 ff. See Herbert H. Rowen, *John de Witt, Grand Pensionary of Holland, 1625-1672* (Princeton, New Jersey: Princeton University Press, 1978), chap. 2. Rowen remarked that, in the period that followed, “the experience of 1650 [...] was never out of the minds of the political leaders.” *Ibid.*, 381.

<sup>23</sup> Jonathan Israel, *The Dutch Republic: Its Rise, Greatness, and Fall, 1477-1806* (Oxford: Clarendon, 1995), 758.

mocracy. I do not think that he argued this case as stringently as the points he made in his criticism of the Bible. There are also formal differences between the two parts. For example, in the last quarter of the *Treatise* Spinoza ceased to use Hebrew, so prominent in the first part, even though two out of five “political” chapters were dedicated to the “republic of the Hebrews.”<sup>24</sup> Democracy comes across more as a political choice than as a logical conclusion. Just like Tacitus’s praise of the happy times when “we can think as we please, and speak as we think,” Spinoza’s descriptions of democracy can plausibly be seen as exhortation.<sup>25</sup> The political part of TTP is much more overtly a *Tendenzschrift* than the theological part.<sup>26</sup>

So how did Spinoza make his case for democracy? The question in the opening of chapter XVI, which marks transition from the theological to political part of TTP, is: How far the freedom to think and to say what one thinks “extends in the best kind of republic”? (TTP XVI,1: 189). Most interesting in the formulation of this question is the expressed anticipation that the public authority or, in Spinoza’s words, the right of the sovereign, will be discussed in relation to philosophy. That makes sense in so far as one accepts that the question of religion has been solved by refuting religious prejudices and separating philosophy from theology. But Spinoza himself indicated already in the preface that religion was involved as well in the *arcana imperii*, that is, that the question of religion was broader than the production of prejudices by sectarians. What impeded the freedom of thought was not simply that philosophy was restrained by theological shackles or theology enlivened by philosophical doctrines, but the power they could muster. That is, what was detrimental to the freedom of thought was not an unnatural symbiosis of philosophy and theology *per se*, but the role of the government in that mixture.

The untangling of philosophy from theology requires that the question of freedom of thought is discussed in government’s relation to both, philosophy *and* theology. The question is not only how far the freedom to philosophize extends into the best republic, but also how the “best republic” relates

<sup>24</sup> In this part, Spinoza was not always true to the principles of the interpretation of Scriptures, which he himself had established. Zac, “Spinoza et l’état des Hébreux,” 564.

<sup>25</sup> Cf. Heinz Heubner, *P. Cornelius Tacitus, Die Historien: Kommentar* (Heidelberg: Carl Winter Universitätsverlag, 1963-76), 1.1: 14-15; G. E. F. Chilver, *A Historical Commentary on Tacitus’ Histories I and II* (Oxford: Clarendon, 1979), 38.

<sup>26</sup> “Tendenzschrift” is a characterization used by Rabbi M. Joël, *Spinoza’s Theologisch-Politischer Traktat auf seine Quellen geprüft* (Breslau: Schletter’sche Buchhandlung, 1870), 5; Zac, “Spinoza et l’état des Hébreux,” 543, spoke of “livre de combat.”

to theology. As we have seen with regard to the experiential problem with which Spinoza engaged in TTP, public authority is of central importance: either through its failure to keep religion in check, or as the prize of the secularists, or as the agent of religious abuse. The separation of philosophy from theology alone does not unmake the problem. That is proved by Spinoza's proceeding. The question of religion returns before the close of chapter XVI and dominates the following three chapters, that is, the greater portion of TTP's political part. In this part, theology (as Spinoza understands it) in fact turns out to be a much bigger issue than philosophy.

The quick return of religion in chapter XVI was not dictated by the logic of the exposition of the theme of this chapter: "*de reipublicae fundamentis*." Religion was, so to speak, brought back into discussion from the side. Spinoza imagined two possible objections to his main argument, both phrased as questions, and refuted them. The first question was whether the "sovereign natural right" contradicted with "revealed divine law." Spinoza responded, that the state of nature "is prior to religion by nature, and in time." The obedience to God is not known by nature but is received only from a "revelation confirmed by miracles." Thus, "the state of nature is not to be confused with a state of religion [*status religionis*], but must be conceived apart from religion and law, and consequently apart from all sin and wrongdoing." Divine law "began from the time when men promised to obey God in all things by an explicit agreement." (TTP XVI,19: 198.) Thus Spinoza, in the context of the discussion of the social contract, dropped the weighty idea of a *pactum* with God.

The second question was, which commandment should we obey, the divine or the human, "if the sovereign commands something which is against religion and the obedience which we have promised to God by an explicit agreement"? (TTP XVI,21: 199.) A more specific question, derived from this general one and discussed in legal treatises throughout the Middle Ages and early modernity, related to the case of a pagan sovereign.<sup>27</sup> Spinoza's answer was as brief (he anticipated a lengthier discussion in later chapters) as interesting. What he said was that "we must above all obey God when we have a certain and undoubted revelation." But he added that "people are very prone to go stray in religion and make many dubious claims that result from the diversity of their understanding, and generate serious conflict, as experience clearly testifies." The conclusion was that "if no one were obliged by law to

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<sup>27</sup> TTP XVI,22: 200. In Zac's exposition, however, the question relates to the Jewish history. Sylvain Zac, "Le chapitre XVI du Traité Théologico-Politique," in *idem*, *Philosophie, théologie, politique dans l'oeuvre de Spinoza*, 213.

obey the sovereign power in matters that he thinks belong to religion, than the law of the state [*jus civitatis*] would depend upon the different judgments and passions of each individual person. For no one would be obligated by the law if he considered it to be directed against his faith and superstition, and on this pretext everyone would be able to claim licence to do anything. Since by this means the law of the state [*civitas*] is wholly violated, it follows that the supreme right of deciding about religion, belongs to the sovereign power.” (TTP XVI,21: 199.)

In his response to the first objection, Spinoza introduced a theme that, in his contemporary discussions of sovereignty, was quite anomalous, whereas in response to the second objection he took a conventional position in a common debate. But in his argument, Spinoza linked this second position, discussed more substantially in chapter XIX, that the right over matters of religion (*jus circa sacra*) belongs wholly to the sovereign power (*summa potestas*), with the anomalous theme of a *pactum* with God, elaborated more closely in chapters XVII and XVIII, dealing with the republic of the Hebrews. This, I believe, made his discussion unusual, but weakened the case for the subjection of religious matters under the sovereign public authority.

### *Democracy and Religion: Duality of Powers and Forms of Government*

The view that the sovereign power had jurisdiction over both civil and religious matters was the most cogently argued political solution to the problem of religious, or religiously inspired, violence, known to Spinoza from “experience,” that was available in his time – much as the Catholics may have contested it. The formula of the supremacy of sovereign power – which Spinoza presumed, or accepted, was secular power (cf. TTP XIX,1: 228) – over religious power was also suitable to Spinoza’s goal of proving the case for the freedom of thought in a free republic. But Spinoza came very close to rejecting the discursive tradition upon which the argument for the supremacy of secular power was based, which begs the question of how could, then, his argument be upheld.

“I will not waste time on the arguments of my opponents where they strive to separate sacred law from civil law and to maintain that only the latter belongs to the sovereign authorities while the former adheres to the universal church,” wrote Spinoza. “Their arguments are so flimsy that these do not deserve to be refuted.” He even called their views “seditious.”<sup>28</sup> But

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<sup>28</sup> TTP XIX,14: 234. As such, they were exempt from the freedom of expression.

Spinoza nevertheless refuted some of those arguments. He cited Jewish history through the second commonwealth in order to assert that “the right of the priesthood always rested upon the edict of sovereign power.” (TTP XIX,14: 234.) That was meant to dent that Christian argument for *sacerdotium*, which looked for support in the Hebrew high priest.<sup>29</sup> With this historical evidence on his side, Spinoza had no doubt that “in our day sacred matters remain under the sole jurisdiction of sovereigns.” (TTP XIX,15: 234.) That was not only “true,” but also “absolutely essential both to religion itself and to conservation of the republic.” (TTP XIX,16: 235.)

Argument about “*reipublicae conservacioni*” is an argument from a different register than arguments about the rights of the sovereign. I will return to this issue in a little while. Important here is that Spinoza uses this argument to support the sovereign’s jurisdiction over religious matters. For were the sovereign’s right and authority over religious matters denied, his power would be divided, which would upset peace and tranquility. In Spinoza’s words, “any body which attempts to remove this authority from the sovereign power, is attempting to divide the government [*imperium*]. Conflict and discord, like that which occurred between the kings and priests of the Hebrews in the past, will inevitably ensue and will never be resolved. Indeed [...] anyone who strives to appropriate this authority from the sovereign powers is, in effect, preparing a road to power for himself.” (TTP XIX,16: 235.)

Spinoza first introduced the argument about the attempted division of the government in the opening section of chapter XIX. He accused “very many” unnamed people of “vigorously denying” the sovereign’s jurisdiction over religious matters and of trying to “arrogate to themselves licence to accuse and condemn sovereigns and even to excommunicate them from the church (as Ambrose long ago excommunicated the emperor Theodosius).”

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On the limits of free expression in TTP, see Daniel Garber, “Should Spinoza have published his philosophy?” in *Interpreting Spinoza: Critical Essays*, ed. Ch. Huenemann (Cambridge: Cambridge University Press, 2008), 170 ff.

<sup>29</sup> TTP XIX,14: 234; cf. VII,22: 117. Spinoza cited no example, but a likely figure is Melchisedech, to whom especially Pope Innocent III frequently referred in such a way, that the Biblical “king and priest,” linked with the notion of the pope’s vicariate of Christ, came to symbolize the royal powers of the pope. See Innocent III to the Bishop of Fermo, 1205, cited in Kenneth Pennington, “Pope Innocent III’s Views on Church and State: A Gloss to *Per Venerabilem*”, in *idem, Popes, Canonists and Texts, 1150-1550* (Aldershot: Variorum, 1993), 16-17; cf. letter to King John of England, 1214, and the encyclical *Per venerabilem*, both trans. in Brian Tierney, *The Crisis of Church and State, 1050-1300* (Toronto: University of Toronto Press in association with the Medieval Academy of America, 1988), 135-37.

Those people were in effect “dividing the sovereign power and attempting to devise a path to power for themselves.” (TTP XIX,1: 228.)

Ambrose’s excommunication of Theodosius I for ordering a massacre in Thessalonica in retaliation for the murder of an imperial officer had been celebrated by a number of ecclesiastical dignitaries from Pope Gelasius I onward, who strove to defend, or assert the preeminence of, spiritual authority. But was Ambrose dividing *imperium*? He certainly was one of the first to take a relatively clear position over the question of what was the proper sphere of action of the political authority and of the Church. The conflict over basilicas (when Ambrose refused to transfer the church to “heretic” Milanese Arians) is more important for understanding Ambrose’s achievement than his censoring an act of imperial cruelty.

In the conflict over basilicas, Bishop Ambrose disobeyed the imperial order because he did not want to “desert the Church” and because he feared God more than the emperor of this world, who only had authority over his flesh, not spirit,<sup>30</sup> and thus drew a limit to the emperor’s power. Not “everything” lay “within his power,” argued Ambrose with regard to the emperor.<sup>31</sup> In bishop’s view, “divine things” were “not subject to the imperial power.” By right, “palaces belong to the emperor, churches to the priest”.<sup>32</sup> Ambrose believed in a fundamental difference between the Church, founded by God, and civil/political community, founded in nature according to God’s will but subject to the snares of the Devil.<sup>33</sup> The ecclesiastical authority, dealing with all that referred to God, was separated from and independent of the political authority, which was entrusted with temporal affairs. Ambrose advised the emperor not to burden himself with the thought that he had any authority over things pertaining to God.<sup>34</sup> In matters of faith, the emperor could not judge but was himself subject to the judgment of bishops.<sup>35</sup>

So was Ambrose dividing *imperium*? He was spelling the end to that

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<sup>30</sup> Ambrose of Milan *Sermo contra Auxentium de basilicis tradendis* 1, in vol. 16 of *Patrologiae cursus completus, Series latina*, ed. J.-P. Migne (Paris: apud J.-P. Migne, 1841-64). On the conflict, see Erich Caspar, *Geschichte des Papsttums von den Anfängen bis zur Höhe der Weltherrschaft* (Tübingen: J. C. B. Mohr [Paul Siebeck], 1930-33), 1: 271ff.; Neil B. McLynn, *Ambrose of Milan: Church and Court in a Christian Capital* (Berkeley and Los Angeles: University of California Press, 1994).

<sup>31</sup> *Epistola* XX,8, 19 (PL 16).

<sup>32</sup> *Ibid.* (referring to Mt 22.21).

<sup>33</sup> Cf. *Expositio evangelii secundum Lucam* IV,29, 31 (PL 15).

<sup>34</sup> *Epistola* XX,19.

<sup>35</sup> *Epistola* XXI,4 (PL 16; trans. in Claudio Morino, *Church and State in the Teaching of St. Ambrose* (Washington, D. C.: The Catholic University of America Press, 1969), 72).

form of Roman government, where religion was an integral part of the public administration and matters concerning religion and priesthood were regulated by the public law: where the *jus sacrum* was a part of the *jus publicum*, controlled by the emperor. That had not changed with the adoption of Christianity as the religion of the empire. Constantine, for example, maintained the title of *pontifex maximus*, was heavily involved with the affairs of the Church, and invested bishops with magistrates' powers.<sup>36</sup> Under the early Christian emperors, "the whole machinery of the Church was under the Emperor's control."<sup>37</sup>

From the mid-fourth century onward, religious leaders, both heretical and orthodox, began to voice their opposition to such a state of affairs. Probably the first, who in defense of the independence of the church asserted the duality of powers, was Bishop Hosius of Córdoba. "Do not meddle with the things of the Church," he wrote to emperor Constantius in the late 350s, "do not give us directions in these things but receive in them the teaching from us. Into your hands God has given the empire, to us He has entrusted the things of the Church, and just as he who deprives you of your rule militates against God and His order, so you have to fear from burdening yourself with a great guilt by laying hold of the affairs of the Church. There is written: 'Render to Caesar the things that are Caesar's and to God the things that are God's.' Just as little it befits us to rule on this earth, so little have you, O Emperor, the right to burning incense."<sup>38</sup> Ambrose, fighting along these lines, divided the government in the sense that he denied to the emperor the authority to judge over things that "pertain to God." But he did not aim at appropriating for the Church any of the emperor's power in secular affairs. He stands at the beginnings of the process of secularization of political power, which was a result of ecclesiastical refusal to be subjected to political power. That refusal created the condition for the possibility of arguing for the jurisdiction of secular power properly speaking over *sacra*.

One would look in vain for appreciation of that achievement in Spinoza. Ambrose, however, is not his only reference to the history of the struggles between *regnum* and *sacerdotium*. Spinoza spoke, for example, about the "right to judge and decree what is pious and what is impious, what is holy and what

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<sup>36</sup> See A. H. M. Jones, *Constantine and the Conversion of Europe* (Toronto: University of Toronto Press in association with the Medieval Academy of America, 1993); Timothy D. Barnes, *Constantine and Eusebius* (Cambridge, Mass.: Harvard University Press, 1981).

<sup>37</sup> Charles Howard McIlwain, *The Growth of Political Thought in the West: From the Greeks to the End of the Middle Ages* (New York: Macmillan 1932), 145.

<sup>38</sup> Cited in Caspar, *Geschichte des Papsttums*, 1: 180.

is sacrilegious,” and said that “this right was conceded to the Pope of Rome without restriction.” As a result of that, the pope “gradually began to bring all the kings under his control until finally he ascended to the very pinnacle of supreme power. Henceforward, any ruler who sought to lessen his authority even a little, and especially the German emperors, entirely failed to achieve this; in fact, on the contrary, by attempting it, they enormously further enhanced his authority.” (TTP XIX,16-17: 235.)

Spinoza’s account of the struggle between the spiritual and secular power is biased. It is also wrong, turned upside down, as it were. No one had “conceded” to the pope the fullness of jurisdiction over the “pious” and “holy.” Appropriation of that jurisdiction for the popes was a long drawn contest, first and foremost within the Church itself, and only then between the Latin and Greek Churches, and between the ecclesiastical authority and royal power.<sup>39</sup> Rather than being “conceded” that *jus*, Roman popes were often seen as usurpers. The “pinnacle of supreme power” yielded by the pope – the papal monarchy – was the outcome of the investiture contest. German emperors did not seek to lessen that power, as Spinoza mentioned. To the contrary, papal monarchy resulted from a successful lessening of *imperial* power by the popes, who led the eleventh-century church reform. At the core of that reform, which generated the investiture contest, was the claim of the reformers that no lay person had the right to administer the *sacra* and *sacramenta* – precisely that right, that is, which Spinoza conceded was the exception to the Hebrew kings’ authority over sacred matters.<sup>40</sup> Prior to the investiture contest, especially under the Carolingian and Ottonian rulers, the Church was subjugated to the imperial government, and not the other way around.

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<sup>39</sup> This terminology was authoritatively established in Pope Gelaisus I’s letter to Emperor Athanasius in 494: “Two there are, august emperor, by which this world is principally ruled: the consecrated *auctoritas* of bishops and the royal *potestas*.” *Epistola XII,2*, in *Epistolae Romanorum pontificum genuinae et quae ad eos scriptae sunt A. S. Hilario usque ad Pelagium II: Tomus I, A. S. Hillario ad S. Hormisdam, ann. 456-523*, ed. A. Thiel (Braunsberg: Eduard Peter, 1868). On terminological problems, see Walter Ullmann, *Gelasius I. (492-496): Das Papsttum an der Wende der Spätantike zum Mittelalter* (Stuttgart: Anton Hiersemann, 1981), 200; Alan Cottrell, “*Auctoritas* and *potestas*: A Reevaluation of the Correspondence of Gelasius I on Papal-Imperial Relations”, *Medieval Studies* 55 (1993), 98-99, 104, 106; Alain Dubreucq, “Introduction” to Jonas of Orleans, *Le métier de roi/De institutione regia*, ed. A. Dubreucq, Sources chrétiens 407 (Paris: Les Éditions du Cerf, 1995), 74.

<sup>40</sup> The Hebrew kings “were not allowed to turn their hand to performing the sacred rites in the temple.” TTP XIX,; 234. For an energetic formulation of the eleventh-century ecclesiastical reformers’ position, see Humbert of Silva Candida, *Adversus simoniacos*, especially III, vi-ix (in PL 143).



I believe that the clericalization of the Church and secularization of the royal power – both produced by that big clash between the *regnum* and *sacerdotium*, which Spinoza deplored – was actually more conducive to the “enhancement of [true] religion and piety”<sup>41</sup> than what came before. But my main point here is not that the historical struggles for the jurisdiction over *sacra* – characteristic for Christian countries, as Spinoza pointed out<sup>42</sup> – and especially the investiture contest, allowed for a very different interpretation than Spinoza’s. My point here is that an effective argument for the authority of the sovereign over religious matters, at least through Spinoza’s time, could not be made by disregarding, or dismissing, the discursive tradition of duality of powers (or of the two swords). The construction of the sovereign as holding the supreme, undivided, and thus absolute power can only be fully understood against the background (if not always in the context) of the duality of powers arguments. The concept of the early modern sovereign (and of the state as the modern form of public authority) was to a degree that should not be underestimated a specific solution, and thus a “definitive” response, to the duality of powers.

I take Hobbes to be a paradigmatic case for the construction of the “Lawfull Sovereign” against the duality of powers.<sup>43</sup> For the duality of powers generated “Faction, and Civil war in the Common-wealth, between the *Church* and *State*; between *Spiritualists*, and *Temporalists*; between the *Sword of Iustice*, and the *Shield of Faith*; and (which is more) in every Christian mans own brest, between the *Christian*, and the *Man*.” In order to prevent that from

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<sup>41</sup> “True” inserted by Israel. In the original: “religionis & pietatis incremento.” TTP XIX,18: 236.

<sup>42</sup> In TTP XIX,20: 236-37, Spinoza set himself the task “to explain why there has always been controversy about this right *in Christiano imperio*, whereas, so far as I know, the Hebrews never had any doubts about it.” In his explanation, Spinoza again referred to the primitive Church: Christian religion was first taught by private men, not by kings. Those *virii privati* acted against the will of those who held *imperium*, and were not concerned about the government (“nulla imperii ratione habita”). When Christianity was “first introduced into the government,” these churchmen instructed emperors in the new religion, they were its professors and interpreters, and among the measures they took to prevent the kings from arrogating religious authority for themselves, were the prohibition of ecclesiastical dignitaries from marrying, and increasing the number of religious dogmas and intertwining them with philosophy, so that no one who was not both a consummate philosopher and theologian was able to interpret them. I would lay this account aside as a rhetorical, rather than historical, argument.

<sup>43</sup> “*Temporall* and *Spirituell* Government, are but two words brought into the world, to make men see double, and mistake their *Lawfull Sovereign*.” Hobbes, *Leviathan*, chap. XXXIX. I cite Thomas Hobbes, *Leviathan: A Critical Edition*, ed. G. A. J. Rogers and K. Schuhmann (London: Continuum, 2005), 2: 369.

happening, the power must be one: "There is therefore no other Government in this life, neither of State, nor Religion, but Temporall; nor teaching of any doctrine, lawfull to any Subject, which the Governour both of the State, and of the Religion, forbiddeth to be taught: And that Governor must be one."<sup>44</sup> Rousseau, one of the more acute readers of Hobbes, clearly understood his achievement. He praised Hobbes as the sole among the "Christian authors" who had "dared to propose to reunite the two heads of the eagle."<sup>45</sup>

Spinoza's argument, on the other hand, was rather atypical. Central to Spinoza's argument about the supreme power were the forms of government. Whereas Spinoza, in TTP, hardly used the term form(s) of government itself,<sup>46</sup> he made good use of specific forms of government. Indeed, democracy was a vehicle of his argument. But while sovereignty is indifferent to the forms of government – any form of government may be sovereign, but from the form of government one cannot deduce sovereignty<sup>47</sup> – focusing on the forms of government may lead to losing sovereignty out of sight. (Hobbes in his late work even regarded the marshalling of forms of government arguments as aiming at loosening sovereignty.<sup>48</sup>) In TTP, Spinoza's strong case for democratic republic seems to be complemented by a weak concept of sovereignty. That is, Spinoza argued for a strong sovereign, but his conceptual construction of the sovereign was weak.<sup>49</sup> He may have indeed construed democracy

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<sup>44</sup> *Ibid.*, 369-70.

<sup>45</sup> Rousseau pointed out that wherever the clergy had had a corporate existence, it had claimed a share in ruling and legislating, so that there had been two powers and two sovereigns. The result of such duality of powers had been a perpetual conflict rendering any kind of "good polity impossible in Christian states." Hobbes had clearly recognized and wanted to remedy that evil, since without political unity neither state nor government can ever be well constituted. Rousseau *Du contrat social* IV,viii, in vol. 3 of *Oeuvres complètes*, ed. B. Gagnebin and M. Raymond (Paris: Gallimard, 1959-69).

<sup>46</sup> This language was much more prominent in the *Political Treatise* than in TTP. In TTP, the term itself only appears only in chap. XVIII. Cf. Emilia Giancotti Boscherini, *Lexicon Spinozanum* (The Hague: Martinus Nijhoff, 1970), s.v. Forma.

<sup>47</sup> Empirically, this has become incontestable in the 21<sup>st</sup> century.

<sup>48</sup> Cf. Thomas Hobbes, *Behemoth, or the Long Parliament*, ed. F. Tönnies, with an Introduction by S. Holmes (Chicago: The University of Chicago Press, 1990), 116; see my "Behemoth: Democraticals and Religious Fanatics," *Filozofski vestnik* 24 (2003), no. 2, 148 ff.

<sup>49</sup> In Spinoza's exposition of the "social contract," it appears that no right is transferred. By Hobbes's standards, for whom contract was the "mutuall transferring of Right" (cf. *Leviathan*, chap. 14), Spinoza's social contract is no contract. In Spinoza, free and equal individuals, each endowed with a "sovereign" natural right, combine together for reasons of *utilitas* and form a "society." The result of the *pactum* is not the sovereign, or political organization, but *societas*. That *societas* then comes to learn that

as the generic state, so that the institution of a democratic republic would explain the institution of any state, but what the concept of democracy – and of other forms of government – addresses is, strictly speaking, not how the sovereign is instituted but how the instituted sovereignty is organized.<sup>50</sup>

*Democracy and Religion: Arte dello Stato*

Spinoza first extracted from his discussion of the “foundations of the republic” the democratic government as the one, which is “most natural” and most relevant for the discussion of the “advantages of liberty in a republic.” He then made clear that he was disregarding “foundations of the remaining powers [*reliquarum potestatum fundamentis*]” (TTP XVI,11: 195). Having, thus, said little about the institution of sovereignty or, rather, having left the institution of sovereignty quite vague, Spinoza turned to the question of the limits of sovereignty, of how far “*imperii jus et potestas* extend.” (TTP XVII,2: 201.) Chapter XVII, which follows the chapter on the “foundations of the republic,” opens with a demonstration that “no one can transfer all things to the sovereign power, and that it is not necessary to do so.” (TTP XVII: 201.)

Spinoza envisaged “a quite extensive right and power of government,” but then quickly pointed out that those who hold it will never be able “to do whatever they want.” (TTP XVII,3: 203.) This is a description of arbitrary government rather than of sovereignty. A sovereign government may act arbitrarily, but arbitrariness is not what defines sovereignty. Neither is sovereign government by definition total (not to say totalitarian) in its reach. This is what would follow from Spinoza’s proof, that “there will never be a sovereign power that can dispose of everything just as it pleases.” As Spinoza explained, “[i]n vain would a sovereign command a subject to hate someone who had made himself agreeable by an act of kindness or to love someone who had injured him.” (TTP XVII,1: 201.)

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it cannot subsist “without government and compulsion, and hence laws, which moderate and restrain desires.” The “agreement” to “curb their appetites” is posterior to the formation of society. See TTP V,8: 73-74; XVI,5–8: 191-93. For the argument that Spinoza subverted the social contract theory, cf. Warren Montag, “Preface” to *The New Spinoza*, xix; Vittorio Morfino, *Il tempo e l'occasione: L'incontro Spinoza Machiavelli* (Milano: LED, 2002), 84 ff.

<sup>50</sup> Zac, “Spinoza et l’état des Hébreux,” 554, mentioned *en passant* that Spinoza did not distinguish the problem of the foundation of the state from the problem of the form of government.

This might in fact be true, but does not have much to do with sovereignty. Sovereignty is not about commanding someone to love or hate. Love and hate are not at all alien to power, but they do not pertain to a conceptual discussion of *sovereign* power. They may belong to a discussion of what in Machiavellian language we call the *arte dello stato*, or statecraft.<sup>51</sup> They may be a concern of *ars imperandi*, or perhaps of *arcana imperii*.<sup>52</sup> Spinoza on a few occasions spoke of “administration of government,” *administratio imperii*. (E.g., TTP XVII,10: 208.) These are, of course, completely legitimate, and unquestionably relevant, issues to discuss, but this should not be mistaken for a discussion of sovereignty.

Indeed, what Spinoza discusses here, in chapter XVII, is not sovereignty but the effectiveness of government. And the effectiveness of government is judged by its ability to induce the ruled into submission. The way Spinoza phrased the issue, this may appear as a question of the limits of sovereignty, as the question of how far sovereignty extends. For as Spinoza wrote, “sovereignty must necessarily extend to everything that might be effective in inducing men to submit to it.” (TTP XVII,2: 202.) Fear and compulsion alone do not suffice to ensure obedience. Obedience, in Spinoza’s understanding, “is less a question of an external than internal action of the mind.” Ideally, obedience should be wholehearted: “those exert the greatest power who reign in the hearts and minds of their subjects.” While the mind cannot be controlled to the same extent as the tongue, “still minds too are to some degree subject to the sovereign power, which has various ways to ensure that a very large part of the people believes, loves, hates, etc., what the sovereign wants them to. (TTP XVII,2: 201-2.) A privileged means of exercising that sublime art of governing was religion.

Thus, in his discussion of the exercise of sovereignty (which he represented as a discussion of sovereignty), and the object of which was the maintenance, or preservation, of government,<sup>53</sup> Spinoza turned to Moses and divine revelation: “I will point out what divine revelation formerly taught Moses

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<sup>51</sup> On the prominent presence of Machiavelli in this part of TTP, see Morfino, *Il tempo e l'occasione*, 84 ff.; cf. Carla Gallicet Calvetti, *Spinoza lettore del Machiavelli* (Milano: Vita e pensiero, 1972), 82 ff.

<sup>52</sup> Spinoza used this term at TTP Praef. 7: 7, speaking of “*regiminis monarchici [...]* *arcanum*.”

<sup>53</sup> The ironical result of this argument was that democracy’s distinguishing trait became the effectiveness and durability of the government rather than the fairness of procedures. As Tom Sorell, “Spinoza’s unstable politics of freedom,” in Huenemann, *Interpreting Spinoza*, 162, put it: “Spinoza’s preference for democracy is likely to contribute as much to the theory of making the state last, as to the theory of making the state procedurally fair.”

in this connection.” (TTP XVII,3: 203.) But before he examined Moses’s “stratagems” and “the history and vicissitudes of the Hebrews,” Spinoza mentioned the kings of bygone times who, in order to enhance their own security, “tried to persuade their people they were descended from the immortal gods.” The examples were Augustus, Alexander, and Persian kings. The goal of like monarchs was to persuade people that “majesty is sacred and fulfils the role of God on earth [*vicem Dei in terra gerere*] and has been instituted by God rather than by the consent and agreement of men, and is preserved and defended by a special providence and divine assistance.” (TTP XVII,6: 204-5.)

The Hebrews, as we will see in a moment, were a special case. But the role of religion in the art of ruling was not their uniqueness. “Everyone knows how much influence right and authority [*jus et auctoritas*] in sacred matters have with the common people [*populus*] and how much everyone listens to someone who possesses such authority. I may say that whoever has this power has the greatest control over the people’s minds... For what decisions can sovereigns make if they do not possess this authority?” (TTP XIX,16: 235.) What in the Preface was a denunciation of the monarchical government – that it kept men “deceived” and disguised “the fear that sways them with the specious name of religion” (TTP Praef.,7: 7) – became in the political part of TTP, with the discussion focused on democracy, a necessary ingredient in maintaining the government.<sup>54</sup> Without notice, Spinoza shifted his discussion from the need to ensure sovereign’s jurisdiction over religious matters to the virtue of using religion for the maintenance of the government.

Here, we have a recourse to a distinctively republican, and (the Hellenistic background notwithstanding) ultimately Roman, discursive tradition of civil religion. In that tradition, religion is considered as a civil institution, or as a human institution used for civil purposes – for “civilizing” a rude people, for establishing a law-abiding society, for bringing multitude to living piously and keeping faith, for fostering justice and prosperity, for strengthening the prince, and for ensuring peace, stability, and longevity of the republic. As such, civil religion is religion of the state, and under state control. In performing its civil functions, what matters is not the truth but utility of religion.<sup>55</sup>

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<sup>54</sup> Spinoza spoke of *imperii conservatio* (e.g., TTP XVII,4: 203). Maintenance of the state was the language used by Machiavelli and in the *ragion di stato* literature. Cf. Machiavelli’s statement of purpose in *The Prince*: “disputerò come questi principati si possino governare e mantenere.” *Il Principe* II, in Niccolò Machiavelli, *Opere*, ed. C. Vivanti (Torino: Einaudi/Gallimard, 1997), 1: 119.

<sup>55</sup> See Mark Silk, “Numa Pompilius and the Development of the Idea of Civil

The tradition of civil religion stretches back to the late Roman Republic. From the first century B. C., when some among Roman intellectuals began to “think in earnest about religion,”<sup>56</sup> is Varro’s tripartite division of theology, in which the third species was civil or political theology, which he called the theology of the people.<sup>57</sup> The concern of civil theology was public worship.<sup>58</sup> “There is,” Varro wrote, “a third kind, which the citizens and particularly the priests in cities ought to know and practice. It belongs to this theology to explain what gods should be worshipped in public and by what rites and sacrifices each one should do this.”<sup>59</sup> Cicero, who knew Varro and his *Antiquitates rerum divinarum*, explained the importance of the devotion to the gods and religious obligation for men’s relation to one another and their loyalty to the republic as follows: “Once these disappear, our lives become fraught with disturbance and great chaos. It is conceivable that, if reverence for gods is removed, trust and the social bond between men and the uniquely pre-eminent virtue of justice will disappear.”<sup>60</sup>

Religion in Western Thought,” in *Teologie politiche: Modelli a confronto*, ed. G. Filoramo (Brescia: Morcelliana, 2005).

<sup>56</sup> Arnaldo Momigliano, “The Theological Efforts of the Roman Upper Classes in the First Century B. C.,” in *idem, On Pagans, Jews, and Christians* (Middletown, Connecticut: Wesleyan University Press, 1987), 59.

<sup>57</sup> “Tria genera theologiae [...] esse, id est rationis, quae de diis explicatur, eorumque unum mythicon appellari, alterum physicon, tertium civile [...] Mythicon appellant, quo maxime utuntur poetae; physicon, quo philosophi; civile, quo populi.” Varro *Rerum divinarum* frag. 7. I cite Burkhardt Cardauns, *M. Terentius Varro, Antiquitates Rerum Divinarum. Teil I: Die Fragmente; Teil II: Kommentar* (Mainz: Akademie der Wissenschaften und der Literatur, and Wiesbaden: Franz Steiner, 1976), 1: 18. Cf. Varro *Rerum divinarum* frag. 6, where the third genus is called *politice*; see Cardauns, *op. cit.*, 2: 140. See also Hubert Cancik, “Augustine als constantinischer Theologe,” in *Der Fürst dieser Welt: Carl Schmitt und die Folgen*, 2<sup>nd</sup> ed., vol. 1 of *Religionstheorie und Politische Theologie*, ed. J. Taubes (München/Paderborn: Wilhelm Fink/Ferdinand Schöningh, 1983), 136-39; C. M. C. Green, “Varro’s Three Theologies and their Influence on the *Fasti*,” in *Ovid’s Fasti: Historical Readings at its Bimillennium*, ed. G. Herbert-Brown (Oxford: Oxford University Press, 2002), 71-78.

<sup>58</sup> “[T]heologia civilis is a representation of the Roman religion, in so far as it is governed by the state, elaborated with the help of philosophical concepts and antiquarian-philological erudition.” Cancik, “Augustine als constantinischer Theologe,” 136. “From the first century BCE on, Rome’s state religious practices were identified as *theologia civilis*.” Silk, “Numa pompilius,” 338.

<sup>59</sup> Varro *Rerum Divinarum* frag. 9. I follow translation in Saint Augustine, *The City of God*, trans. D. B. Zema and G. G. Walsh, The Fathers of the Church (Washington, D.C.: The Catholic University of America Press, 1962), 1: 316.

<sup>60</sup> Cicero *De natura deorum* 1,3-4. I cite Cicero, *The Nature of Gods*, trans. P. G. Walsh (Oxford: Clarendon, 1997), 4. Cf. Arthur Stanley Pease, *M. Tullii Ciceronis De natvra deorum: Bimillennial Edition* (Cambridge, Mass.: Harvard University Press, 1955-58), 1: 6.

Civil religion was a potent idea, the importance of which could not escape Spinoza, a reader of Machiavelli, who has been credited with the first attempt at a “comprehensive rehabilitation of this-worldly religion.”<sup>61</sup> But republicanism was not a prominent source, or inspiration, for the elaboration of the idea of sovereignty. It also did not sit comfortably with the Judeo-Christian traditions, which had such an important place in Spinoza’s argument. In particular, civil theology failed to take root in Christian thought.<sup>62</sup> The problem regarding Spinoza’s argument is, thus, twofold: first, a weak notion of sovereignty undermines the case for the freedom of thought, since that liberty necessarily requires a strong sovereign to assert his jurisdiction over religious matters; second, if discussion of sovereignty is allowed to slip into a discussion on statecraft, the question of sovereign jurisdiction over religious matters turns into a question of the uses of religion for the maintenance of government or prince. The weightier part of Spinoza’s discussion of the relation between the government and religion is on the usefulness of religion as an instrument of *imperium*. This does not strengthen Spinoza’s case for the freedom of thought.

### *Democracy and Religion: Theocracy*

This problem is compounded with Spinoza’s introduction of theocracy. The notion is introduced in the context of his *arte dello stato* discussion, but Spinoza linked it with the question of the foundations of government, thus linking religion with the “foundations of the republic.” The concept of theocracy appears to be an invention of Josephus, a first century A. D. Jewish

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<sup>61</sup> Andrew Shanks, *Civil Society, Civil Religion* (Oxford: Blackwell, 1995), 96; cf. Silk, “Numa pompilius,” 345-47.

<sup>62</sup> Cf. Guy G. Stroumsa, “Moses the Lawgiver and the Idea of Civil religion in Patristic Thought,” in Filoramo, *Teologie politiche*. In the closing sentence, *ibid.*, 148, Stroumsa paid homage to Peterson, saying that his own conclusion that the attempt to build a Christian civil religion failed, “corroborates Peterson’s original intuition.” Peterson, in his polemics with Carl Schmitt’s “political theology,” set himself the goal of demonstrating “the theological impossibility of ‘political theology.’” See Erik Peterson, *Der Monotheismus als politisches Problem: Ein Beitrag zur Geschichte der politischen Theologie im Imperium Romanum* (Leipzig: Jakob Hegner, 1935), 158 n. 168. Arnaldo Momigliano, “The Disadvantages of Monotheism for a Universal State,” in idem, *On Pagans, Jews, and Christians*, 153, called Peterson’s work “the most remarkable book ever produced” on the subject.

historian who wrote in Greek, or of a source of his,<sup>63</sup> and seems to have lay dormant since then until the early seventeenth century.<sup>64</sup>

For Josephus, theocracy meant “placing all sovereignty and authority in the hands of God.”<sup>65</sup> In Spinoza’s exposition, the Hebrews, returning to their “natural state” upon their departure from Egypt, decided on the advice of Moses to transfer all their right, with an agreement and an oath, to God. (TTP XII,7: 205-6.) Consequently, God alone held the government (*imperium*) of the Hebrews, which was thus a kingdom of God, where civil law and religion were one and the same thing. “For that reason this *imperium* could be called theocracy, since its citizens were bound by no law but the Law revealed by God.” (TTP XVII,8: 206.)

Why did Spinoza introduce the concept of theocracy? The prevailing explanation nowadays seems to be that he used the *exemplum* of the ancient Hebrew republic, which was a theocracy, to warn his Dutch contemporaries of the dangers of the establishment of an independent clergy within the state. In Spinoza’s analysis, it was precisely the instauration of the tribe of Levi as a separate priestly order and the usurpation of the authority of the civil government by the priests during the later period of the second commonwealth, which led to the degeneration and ruin of the Hebrew state. The “political lesson” which Spinoza derived from the biblical narrative was thus that the form of the Dutch government should not be changed, that political

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<sup>63</sup> The possibility of a “source” is mentioned in an editorial note in Flavius Josèphe, *Contre Apion*, ed. and annotated Th. Reinach, trans. L. Blum, Collection des Universités de France (Paris: Les Belles Lettres, 1930), 86.

<sup>64</sup> See Bernhard Lang, “Theokratie: Geschichte und Bedeutung eines Begriffs in Soziologie und Ethnologie,” in *Theokratie*, vol. 3 of *Religionstheorie und Politische Theologie*, ed. J. Taubes (München/Paderborn: Wilhelm Fink/Ferdinand Schöningh, 1987); Wolfgang Hübener, “Die verlorene Unschuld der Theokratie,” *ibid.*

<sup>65</sup> “There is endless variety in the details of the customs and laws which prevail in the world at large. To give but a summary enumeration: some peoples have entrusted the supreme political power to monarchies, others to oligarchies, yet other to the masses. Our lawgiver [Moses], however, was attracted by none of these forms of polity, but gave to his constitution the form of what – if a forced expression be permitted – may be termed theocracy, placing all sovereignty and authority in the hands of God.” *Against Apion* II,164-165, in vol. 1 of *Josephus*, trans. H. St. J. Thackeray, The Loeb Classical Library (Cambridge, Mass.: Harvard University Press, 1961), 359. A nineteenth-century American editor remarked that this language was “harsh in the ears of Jews and Christians,” because Josephus, writing this work “for the use of the Greeks and Romans,” accommodated himself to “their notions and language [...] as far as ever truth would give him leave.” *The works of Josephus, with a life written by himself*, trans. W. Whiston (Boston: C. T. Brainard, s.a.), 4: 433.



power should be denied to religious functionaries, and that religious beliefs should not be legislated.<sup>66</sup>

It seems, however, counter-intuitive to employ the concept of theocracy to argue for the subordination of religious matters to the civil government. Theocracy is a religious government, which begs the question of whether Spinoza, by bringing theocracy so prominently into his discussion, did not actually open the conceptual space for religion in the government and in politics – and thus undercut his stated goal of ensuring the freedom of thought and speech in a free republic, where prejudices about religion are removed and religious matters are placed under the sovereign’s jurisdiction?

His antiquarian and non-antiquarian anti-clericalism notwithstanding, Spinoza indeed brought religion into the political constitution (or left it there). Let me cite some examples: Moses made laws and prescribed them to the people “on the basis” of his “divine virtue.” (TTP V,10: 75.) With his divine connections, he strove to construct a *bona respublica*. (TTPVII,7: 104.) “Human laws” can be “sanctioned by divine revelation” (TTP IV,5: 61), “true morality and politics,” *vera politica*, are contained in the knowledge of God (TTP IV,12: 67), the “foundations of the best state [*optima respublica*] and the rules for living among men” are to be derived from the “commands of God” (TTP IV,4: 60), and civil affairs, or more precisely: affairs affecting the “security of life,” can be conducted “through God’s external assistance” (TTP III,6: 47). By divine command, Moses “introduced religion into the commonwealth [*respublica*], so that the people would do its duty more from devotion than from fear.” (TTP V,11: 75.) And generally speaking, theology and Scripture are of great value to the republic. (TTP XV,7: 187.)

As we can see from these scattered remarks, revealed religion is imaginable as present both in the foundations of the state and in statecraft. In his discussion of theocracy, Spinoza explained that the transfer of the natural right to God, exemplified by the Jews on the *exodus*, “was made in the same way that [...] it is made in an ordinary society, whenever men make up their minds to surrender their natural right.”<sup>67</sup> But the idea of a

<sup>66</sup> See Zac, “Spinoza et l’état des Hébreux,” 562 ff.; Steven B. Smith, *Spinoza, Liberalism, and the Question of Jewish Identity* (New Haven: Yale University Press, 1997), 150 ff.; Preus, *Spinoza and the Irrelevance of Biblical Authority*, 30, 192; Michael A. Rosenthal, “Why Spinoza Chose Hebrews: The Exemplary Function of Prophecy in the *Theological-Political Treatise*,” in *Jewish Themes in Spinoza’s Philosophy*, ed. H. M. Ravven and L. E. Goodman (Albany: State University of New York Press, 2002), 242 ff.

<sup>67</sup> TTP XVII,7: 205. Aldo Trucchio, “Democrazia, insurrezione, esodo: Una riflessione sul limite della teoria politica di Baruch Spinoza,” in *Spinoza: individuo e moltitudine. Atti del convegno internazionale di Bologna, 17-19 novembre 2005*, ed. R.

direct contract with God was not a common idea. It that might be found among more militant Protestants, by whose action Spinoza was alarmed and whose ambitions he wanted to see thwarted. But this was not an idea accepted by another resolute critic of Christian fundamentalists, Hobbes, whom Spinoza knew quite well. For Hobbes, it was impossible to make covenants with either “bruit Beasts” or God: Covenant with God was possible only “by Mediation.”<sup>68</sup>

Why did Spinoza, speaking of the first *pactum* of the Jews with God, bracket out such mediation? There have been attempts to explain away Spinoza’s move as something Spinoza himself did not mean literally. Such explanations followed, as it were, Spinoza’s lead, when he wrote that “all these things were more opinion than reality.” (TTP XVII,8: 206.) Since “in reality the Hebrews retained absolutely the right of government” (*ibid.*), this may be taken to mean that God, upon the first covenant with the Jews, in fact ruled through their collective mediation and, following the second covenant, through Moses.<sup>69</sup> But this explanation applies to any theory of social contract – “people” or “government of the people” is a fiction of the

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Caporali, V. Morfino and S. Visentin (Cesena:Il Ponte Vecchio, 2007), 367, focusing his discussion on *Tractatus politicus*, suggested that the democratic government, because of its natural primacy, needs to arise in an absolutely new political space: “The search for a new territory to cultivate, or indeed the exodus, appears to me in fact as a first, effective image, suitable for the radical character of Spinozan concept of the passage to democracy.” This strikes me as a radical image of colonization/American democracy. But what I want to highlight here, and what Trucchio highlighted well, is the *nexus* between exodus and democracy in Spinoza.

<sup>68</sup> Hobbes, *Leviathan*, 111.

<sup>69</sup> Zac, “Spinoza et l’état des Hébreux,” 557. Hobbes, *Behemoth*, 28, wittily wrote of the Scottish nobility that they entered, “by their own authority, into a Covenant amongst themselves, which impudently they called a *Covenant with God*.” The idea that the government of God was a fiction is radicalized in its interpretation as Moses’s manipulation. See Rosenthal, “Why Spinoza Chose Hebrews,” 223 and *passim*. It may not be unfair to regard this latter view as a warming up of the Moses image from the *Traité des trois imposteurs*. On this text, cf. Françoise Charles-Daubert, “Les principales sources de *L’Esprit de Spinoza*: Traité libertin et pamphlet politique,” in *Lire at traduire Spinoza*, Groupe de Recherches Spinozistes, Travaux et Documents, 1 (Paris: Presses de l’Université de Paris Sorbonne, 1989); Schröder, *Ursprünge des Atheismus*, 452 ff. Popkin, whose view is that the “Hebrew commonwealth was, in Spinoza’s account, established by Moses in a completely human state of affairs,” adds that “Spinoza seemed to be following some aspects of the *Three Imosters* thesis in ascribing to Moses the creation of the Hebrew commonwealth.” Popkin, *Spinoza*, 60; cf. *idem*, “Spinoza and the Conversion of the Jews,” in *Spinoza’s political and theological thought: International Symposium under the Auspices of the Royal Netherlands Academy of Arts and Sciences, Commemorating the 350th Anniversary of the Birth of Spinoza, Amsterdam, 24-27 November 1982*, ed. C. De Deugd (Amsterdam: North Holland, 1984), 177.

same nature or degree as “God” or “government of God” – and can be discarded as a possible objection against taking Spinoza’s *pactum* with God seriously.

Theocracy is a form of government in the same right as democracy. Moreover, theocracy is a form of government that seems to have a special affinity with democracy. In Spinoza’s account, the Hebrews “all gave up their right, equally, as in a democracy, crying with one voice: ‘We will do whatever God shall say’ [...] they all remained perfectly equal as a result of this agreement. The right to consult God, receive laws, and interpret them remained equal for all, and all equally without exception retained the whole administration of the government.”<sup>70</sup> This conceptual assimilation between democracy and theocracy seems to go beyond a mere homology. Given the identification of the republic, as the opposite of monarchy, with democracy (TTP Praef.,7: 7), theocracy may indeed appear – as it actually did appear in early Latin and English translations of Josephus – as the divine republic: *diuina respublica*<sup>71</sup> or *Divine Common-wealth*.<sup>72</sup> Theocracy might be seen as a

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<sup>70</sup> TTP XVII,9: 206. The foundation of theocratic democracy strongly reminds me of the constitution of the Crusading army. In one report of the Council of Clermont, when Pope Urban II had finished his speech, “all present were so moved that they united as one and shouted ‘God wills it! God wills it!’” The pope responded that, “had the Lord God not been in your minds, you would not have spoken with one voice [...] Let me tell you that God elicited this response from you after placing it in your hearts. So let that cry be a warcry for you in battle because it came from God. When you mass together to attack the enemy, this cry sent by God will be the cry of all – ‘God wills it! God wills it!’” *Historia Iherosolimitana* I,ii. I cite *Robert the Monk’s History of the First Crusade: Historia Iherosolimitana*, trans. C. Sweetenham (Aldershot: Ashgate, 2005), 81. The Crusade was the march of the Christian people led by God Himself: *Sine domino, sine principe, solo videlicet Deo impulsore*. Guibert of Nogent *Gesta Dei per Francos* I,i. English translation: *The Deeds of God through the Franks*, trans. R. Levine (Woodbridge: The Boydell Press, 1997), 28. That was a God’s army, its enemies were the enemies of God. That was a war fought for God and with God’s aid. Crusaders’ law was divine law, their military labors were the deeds of God or *opus Dei*. I admit this is an extreme example, which cannot be elaborated here, but which can indicate why so many militant religious ventures into politics are – with good reasons – called crusades. In Spinoza’s own account of theocracy, I can see civil life, or politics, in the last instance descend to holy war. I discuss this in greater detail in a yet unpublished paper “Holy War and the Question of Humanity: The Crusades as Political Theology,” presented to Center for International History, Columbia University, in November 2007. For crusading democracy, cf. my *Crusading Peace: Christendom, the Muslim World, and Western Political Order* (Berkeley and Los Angeles: University of California Press, 2002), 145-47.

<sup>71</sup> *Flavii Iosephi Opera, Ex versione latina antiqua*, pt. VI, ed. C. Boysen, *Corpus scriptorum ecclesiasticorum latinorum*, 37 (Vindobonae: F. Temsky, 1898), 109.

<sup>72</sup> *The Works of Josephus, With great diligence Revised and Amended, according to*

perfect democracy. And since democracy functions in TTP as generic state, it would follow that a theocratic moment is inherent to the state.

In republican political thought, religion is inherent to the state as civil religion. But with theocracy, religion is inherent not only to the maintenance of the state but also to the foundation of the state. The Hebrews founded their republic with a covenant with God, and Moses then, on divine command, “introduced religion into the commonwealth [*respublica*], so that the people would do its duty more from devotion than from fear.” (TTP V,11: 75.) In so far as theocracy refers to the foundation of the republic, theocracy is a founding moment of civil religion.<sup>73</sup> In his descriptions of the institutions of the Hebrew theocracy, Spinoza gave place of pride to the quintessential republican institutions – such as the citizen’s army and the liberty of the soldier-citizen, pious devotion to one’s country, the resting of government on virtue (TTP XVII,18-23: 212-15) – so that the Hebrew republic appeared as an idealized vision of the Roman republic in a divine cloak.<sup>74</sup> What we end up having in TTP, seems to be a synthesis of Judeo-Christian revealed religion with Roman, and civic-humanist, civil religion. And since, when it comes to civil religion and *arte dello stato*, what counts is what is useful and efficient – not the philosophical truth but the *verità effettuale* – and since what is useful and efficient is anthropomorphic religion,<sup>75</sup> the price for establishing the freedom of thought in a democratic republic appears to be the suspension of Spinoza’s critique of theology and, thus, of his Biblical criticism.

### Conclusion

I do not think that in TTP, Spinoza provides a coherent and compelling argument against a role of revealed religion in the founding of the state and

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*the Excellent French Translation of Monsieur Arnauld d’Andilly*, etc. (London: Printed for Nath. Ranew, 1676), 807. D’Andilly’s translation, however, has “Theocratic.” See Wolfgang Hübener, “Dossier: Texte zur Theokratie,” in Taubes, ed., *Theokratie*, 79, citing the Amsterdam ed. of *Histoire des Juifs, écrite par Flavius Joseph*, 1681.

<sup>73</sup> From John of Salisbury onward, Numa and Moses have been analogized. See Silk, “Numa Pompilius,” 342.

<sup>74</sup> A similarity between Roman republican civil theology and Hebrew theocracy seems not to have been lost to Seneca. As Augustine reported, in his lost *De superstitione*, Seneca “included among other reprehensible superstitions of civil theology the sacred institutions of the Hebrews, especially their Sabbaths.” Augustine *De Civitate Dei* VI,11; I cite Augustine, *The City of God*, 1: 335.

<sup>75</sup> See Garber, “Should Spinoza have published his philosophy,” 172-73, 179-81.

in statecraft. A minimalist conclusion would be that Spinoza allows for a role of revealed religion in democracy. A more daring conclusion would point at the affinity between republican democracy and theocracy. In either case, with the TTP's help, we cannot get away from either theological politics or political theology.