Master Thesis
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The Spinozist Moment
Spinoza and the Democratic Republican Tradition

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To Ane and Asta
I conclude, therefore, contrary to common opinion that says that peoples (when they hold power) are variable, changeable, and ungrateful affirming that in them there exist no other sins than exist in particular princes. If anyone were to blame peoples and princes alike, he might be telling the truth; but he would be deceiving himself by excluding princes, for a people that exercises power and is well organized will be stable, prudent, and grateful no differently from a prince, or better than a prince, and will even be considered wise; and, on the other hand, and a prince freed from the restraint of the laws will be even more ungrateful, variable, and imprudent than a people. The variation in their conduct arises not from a different nature (for this in all men is the same, and if there is a surplus of good, it resides in the people), but from having more or less respect for the laws under which one or the other lives.

Machiavelli – *Discourses*, Book 1, Chapter 58
DECLARATION

This dissertation is the result of my own work and includes nothing, which is the outcome of work done in collaboration except where specifically indicated in the text. It has not been previously submitted, in part or whole, to any university or institution for any degree, diploma, or other qualification.

In accordance with the Department of Political Science’s guidelines, this thesis does not exceed 192,000 characters. It contains 191,336 characters.

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ABSTRACT

The study of republicanism in early modern political thought has reshaped our understanding of the origins of modern representative democracy. Machiavelli, not Locke, inspired the moderns. In telling this story, however, scholars have neglected the Dutch Republic. This is unfortunate because Dutch political thought in the 17th century contained some of the fiercest advocates of republican practice and ideology. This study forms an attempt to remedy this situation by drawing on the political thought of Spinoza.

More specifically, I provide an interpretation of Spinoza’s *Political Treatise* that can inform the study of early modern republicanism. While some regard Spinoza as a systematic philosopher disconnected from political practice, others go too far and interpret him as a defender of traditional privileges and ancient customs. Against these views, I promote the interpretative claim that Spinoza, in writing the *Political Treatise*, intended to defend a democratic form of republicanism anchored in a naturalistic and rationalist outlook on politics informed by Machiavellian reason of state literature. I do this by paying attention to Spinoza’s defense of councils, anti-monarchism, naturalistic theory of state, rejection of mixed government, and constitutional proposals. Furthermore, I arrive at my conclusion by situating Spinoza in the debate on freedom and the location of sovereignty in the Dutch Republic between the supporters of the Prince of Orange and the republican ‘staatsgezinden’. In short, Spinoza’s *Political Treatise* constituted a Spinozist Moment – a mechanization of virtú and a democratization of republicanism.
ACKNOWLEDGEMENTS

On the coming of evening, I leave the ancient courts of ancient men and return to my house. At the door, I shove away my books, covered with grime and dust, and put on garments comfortable and serene. Reclothed appropriately, I enter the living room of my family, where received by them with affection, I feed on that food which only is mine and which I was born for, where I am not ashamed to speak with them and to ask them the reason for their actions; and they in their kindness answer me; and for four hours of time I do not feel boredom, I forget every trouble, I do not dread poverty, I am not frightened by death; entirely I give myself over to them.
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LIST OF ABBREVIATIONS AND ACRONYMS

All translations of Spinoza’s works are from Edwin Curley’s *The Collected Works of Spinoza, Vol. I & II*.

For the *Political Treatise* = TP references are to chapter followed by paragraph.

For the *Theological-Political Treatise* = TTP references are to page number in Curley translation plus chapter and Gebhardt pagination.

Other works:

Ep. = Letters

CM = Cogita metaphysica (Metaphysical Thoughts)

E = Ethics

In addition, for the *Ethics* I use Curley’s reference system.

A = Axiom

D (following a roman numeral) = definition

D (following an Arabic numeral) = demonstration

P = proposition

L = Lemma

C = corollary

S = scholium

Def. Aff. = definition of affects
1 SPINOZA AND EARLY MODERN REPUBLICANISM

This study forms part of a field of research on the character of early modern republicanism initiated by scholars in the 60s and 70s, most notably Pocock in his ‘Machiavellian Moment’.¹ This body of literature seeks to revive republicanism as forming an alternative to liberal narratives about the modern political experience heralded by the French and American Revolutions. Pocock’s grand narrative, which has been heavily questioned and debated, starts with the assertion that republicanism as a political language took shape in classical antiquity in the writings of Aristotle and his model of the polis.² Only the life of the citizen, ruling and being ruled in turn by his equals, could realize the telos of man’s nature, a life of virtue through exercise of reason. Around the ‘quattrocento’, this way of talking about citizenship was taken up by the civic humanists³ of the Florentine

² Ibid., p. 74
³ A note on terminology. Civic humanism is a historiographical term first used in Hans Baron, The Crisis of the Early Italian Renaissance: Civic Humanism and Republican Liberty in an Age of Classicism and Tyranny (Princeton University Press, 1966). ‘Civic humanism’ constitutes one reading of the Florentine Renaissance, and despite their methodological differences, Pocock largely agrees with Baron. Furthermore, I use the term ‘classical republicanism’ to include both the civic humanist interpretation and the interpretation of scholars like Skinner, who emphasize the Roman heritage of the Renaissance. Early modern republicanism refers to the diffusion of classical republicanism throughout Europe from the 15-17th
Renaissance, who celebrated the *vivere civile*, a ‘way of life given over to civic concerns and the (ultimately political) activity of citizenship’.\(^4\) From there the language migrated to Civil War England. Harrington, the protagonist of Pocock’s narrative, whose writings celebrated the land-owing soldier citizen participating actively in politics, was the prime example of an ‘English Machiavelli’. The discourse was then transported over the Atlantic and formed the basis of the political thought of the American Revolution. Naturally, in telling this story, the ideological stakes were high. The American revolutionaries did not look to Locke and natural law with its juristic language, but to Machiavellian and Harringtonian civic virtue. While some are deeply skeptical about this interpretation of civic humanism’s influence and effects on the American Revolution and modern republicanism,\(^5\) others opt for a more differentiated approach the topic by locating the origins of humanism and early modern republicanism in Roman and scholastic sources. Cicero and the Stoics, not Aristotle, was the principal inspiration behind humanism and early modern republicanism. While Aristotle’s political principles were sound, it was felt that Ciceronian rhetoric was needed to transform them into practice. Therefore, the humanists were engaged in the study of Ciceronian eloquence to inspire virtuous acts.\(^6\) On this account, the idea of political liberty also transforms from one of self-determination through civic participation to one of non-domination.\(^7\)

Whether looking to Rome or Athens in furnishing the relevant context of republican political language, Pocock and Skinner have remained focused on the Italian communes or the English civil war. Absent from their story is perhaps one of the greatest experiments in republican practice ever conducted, namely the Dutch Republic, or the United Provinces (1581-1795).\(^8\) Drawing attention to this neglect, Kossmann intervened in the debate only to confirm that Pocock had been right in skipping the Dutch Republic. Dutch republican writers largely drew from external sources, which made their enterprise

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\(^{4}\) Pocock, *The Machiavellian Moment, Florentine Political Thought and the Atlantic Republican Tradition.*, p. 56. I use *vivere civile* and *vita activa* interchangeably in this study.


\(^{8}\) I use the United Provinces and the Dutch Republic interchangeably.
'eclectic', and a distinctive ‘Dutch paradigm’ did not develop. The Dutch mentality was one of traditionalism and eclecticism mixed with an avid aversion to theorizing their political experience. The Dutch conception of liberty, consisting of three elements, independence, provincial autonomy, and religious toleration, was a mere leftover from the time of Burgundian rule, and it was only with the brothers de la Court and Spinoza that a fourth element, a republican form of government, was added to the defense of liberty. Furthermore, Kossmann adds, the Dutch only reluctantly embraced their republican fate. After their independence from Spain in 1581, instead of seeking to consolidate a republican form of government, they offered the French and English monarchies to rule them. In sum, the Dutch, inheriting an arcane political structure created by their former feudal overlords, displayed a conservative attitude with respect to political thought preferring to locate their freedom in feudal privileges and ancient customs. In an article from 1987, Pocock wraps up the discussion by comparing Harrington with Spinoza. While the former was a Machiavellian humanist, the latter rejected mixed government and subscribed to the juristic discourse of ‘jus’ and ‘sovereignty’. Here we are ‘a long way from the vivere civile of the Florentines’, Pocock contentedly assures us.

Nevertheless, the narrative of Pocock’s and Kossmann’s ‘Atlantic Express Train’, bypassing the republican thought of the Dutch Republic, has been challenged from several angles. While someone like Blom confirms the overall contours of Kossmann’s diagnosis of Dutch political thought, he refrains from calling it ‘eclectic’ and ‘traditionalist’, pointing instead to the advent of Cartesianism and naturalism to explain

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10 Kossmann’s perspective, while pioneering within the field, employs a conception of theory that has some important limitations. The goal of theory, according to Kossmann, is to explain a current state of affairs. A theory, says Spinoza’s, is successful to the extent that it can account theoretically for how politics works in practice. As will be obvious later, such an outlook on the role of historical texts is far removed from my understanding of the same.
12 Kossmann, Political Thought in the Dutch Republic, Three Studies, p. 16
14 Ibid., p. 440
its distinctiveness and how it differs from Italian and English republicanism.\textsuperscript{16} Lamenting, like Kossmann, the lack of attention to Dutch republican thought, other writers have moved beyond the unitary language of Pocock’s analysis. Scott rejects Pocock’s contention that Dutch political thought in general and Spinoza in particular were mainly informed by natural law, and he questions the very distinction between a discourse of jus and a discourse of virtue.\textsuperscript{17} Pocock fails, so Scott alleges, to recognize the plurality of republican writers in the Dutch Republic,\textsuperscript{18} and, he even sets up criteria for what counts as republicanism that are far too narrow. If the juristic language of natural law excludes a writer from being considered republican, then Algernon Sidney and John Milton will fall short as well.\textsuperscript{19}

Moreover, Scott is not alone. Velema, too, rejects the idea that early modern Dutch political thought constituted a ‘particularly and exclusively Dutch form of political discourse.’ She criticizes ‘the myth’ propagated by Kossmann that Dutch writers were hesitant in theorizing their political situation.\textsuperscript{20} The reason that a distinctive ‘Dutch paradigm’ did not develop is precisely that no such distinctive paradigms existed anywhere. The languages of early modern political thought were international, which means that the interesting question is to ask how local contexts adopted international political arguments and not to what extent Dutch political thought was unique. With this in mind, Haitsma-Mülier’s study of the Myth of Venice is a good indicator of how political arguments transcended local contexts. Haitsma-Mülier argues that Dutch republican arguments held the Venetian Republic up as a model to imitate. This myth deeply influenced the republican writings of the brothers de la Court, and, importantly, Spinoza.\textsuperscript{21} Israel, who has gone great lengths to oppose Kossmann’s conservative reading of Dutch political thought by suggesting that Spinoza was one of the main culprits behind

\textsuperscript{18} Ibid., p. 63
\textsuperscript{19} Ibid., p. 64

### 1.1 The Rediscovery of Spinoza

We have seen that the historiography on early modern republicanism has only recently turned to Dutch political thought. A similar fate has befallen Spinoza’s political writings. In 1968, McShea could write that ‘[e]ven today, Spinoza’s political philosophy is slighted, and sometimes misrepresented, in standard works on the subject’.\footnote{Robert J. McShea, *The Political Philosophy of Spinoza* (New York-London, New York, 1968), p. 10} And as recently as 1999, Montag could write that when turning to Anglophone scholarship on Spinoza for information, he was informed that ‘Spinoza was little more than a dissident Cartesian’, whose work was ‘more a matter of curiosity than genuine interest’.\footnote{Warren Montag, *Bodies, Masses, Power: Spinoza and His Contemporaries* (Verso, 2000), p. xiii} Even more astonishingly, Shirley’s publication in 2002 of his English translation of the *Political Treatise* (TP)\footnote{Benedictus de Spinoza, *The Collected Works of Spinoza Vol. 1*, trans. E. M. Curley (Princeton, N.J: Princeton University Press, 1985); Benedictus de Spinoza, *The Collected Works of Spinoza vol. 2*, trans. E. M Curley (Princeton, N.J: Princeton University Press, 2016). In 2016, Curley published the second volume of his 'Collected Works of Spinoza’, which included a translation of the *Political Treatise*. This is likely to remain the standard edition for some time. All references in this study to Spinoza’s works are from Curley’s translations.} was the first English translation of the work since Elwes’ 1883 translation.

Luckily, this predicament is changing. Having suffered an existence in oblivion for centuries, Spinoza’s political thought has been the subject of a gradual revival over the past fifty years. From being regarded as a footnote to Hobbes, Spinoza’s political thought is now receiving its due attention revealing how its subordination to the works of the ‘Monster from Malmsbury’ has been unwarranted. This renewed awareness has resulted in readings assimilating him into traditions as diverse as free-market Libertarianism and revolutionary Marxism. Some Marxists see Spinoza as the vehicle for ideological critique only paralleled by Marx.\footnote{Louis Althusser, *Essays in Self-Criticism*, 1976.} Others focus on the radical democratic imaginary contained in the TP.\footnote{Montag, *Bodies, Masses, Power: Spinoza and His Contemporaries*; Antonio Negri, *The Savage Anomaly: The Power of Spinoza’s Metaphysics and Politics* (University of Minnesota Press, 1999); Etienne Balibar, *Spinoza and Politics*, Radical Thinkers 27 (Verso, 2008); Alexandre Matheron, *Individu et communauté chez Spinoza* (Paris: Les Editions de Minuit, 1969).} In particular; Spinoza’s discussion of the concept of the multitude constituted
through non-hierarchical and spontaneous processes provides radical theorists with an emancipatory subject attuned, unlike the industrial proletariat, to resistance against the totalizing gesture of biopolitical and neoliberal ‘Empire’. A related, but separate, strand of Spinoza scholarship draws on Deleuze’s reading. The impetus behind this reading carries over into the ‘affective turn’ and the ‘new materialisms’ in an attempt to unsettle the dichotomies erected by the ‘linguistic turn’ between mind/body, culture/nature, reason/affect, and human/non-human. Spinoza’s rejection of Cartesian mind/body dualism as well as his naturalistic conception of the affects furnishes these theorists with tools to pry open issues taken for granted by deliberative and liberal political theories. On the other end of the political spectrum, Spinoza is said to anticipate Adam Smith’s thoughts on political economy, the liberal individualism of John Stuart Mill, or to have founded liberal democracy tout court. Others deny that Spinoza is a liberal. Some because he has no theory of natural law, and others because he is a proto-Madisonian liberal republican concerned with ‘checks and balances’.

Turning to contextual readings of Spinoza, we can observe that many focus on the *Theological-Political Treatise* (TTP). These interpretations focus on Spinoza’s

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rejection of miracles and revealed religion and his defense of the freedom to philosophize. Study of the TTP is supported by the relatively easier access to evidence. Spinoza writes, for example, in October 1665 to Oldenburg that his intention in writing the TTP is to fight the ‘prejudice of the theologians’, rebut the charge of atheism made against him by the common people, and defend the freedom of philosophizing.39

Only a few studies relate the TP with early modern republicanism. Some of them, however, devote a great deal of attention to the republican sources of the TP. Haitsma-Müller looks at how Spinoza drew on the Venetian and Genoese constitutions, and how the brothers de la Court played an important role as a transmitter of this knowledge.40 Haitsma-Müller, however, is mainly concerned with the connection between Spinoza and the Myth of Venice and only mentions the local Dutch context in passing. Hans Blom, on the other hand, has produced a series of highly valuable studies, which deal with Spinoza’s political thought in the context of the burgeoning discourse of naturalism and mechanism.41 The goal of the state is to frame laws and institutions that cohere with its conatus to create an eternal political order.42 He is also attentive to the ‘war of pamphlets’ following the murder of raadpensionaris Johan de Witt in 1672, but concludes, contrary to what I will argue, that Spinoza wrote the TP to accommodate himself to the reality of Orangism after 1672.43

Another study of the relationship between Spinoza and early modern republicanism is Prokhovnik’s 2004 monograph.44 In this study, Prokhovnik promotes two controversial claims that I deal with in this thesis. First, she claims that during the writing of the TP, Spinoza had lost faith in democracy as the best form of government and that his ‘mature preference’ was for aristocracy.45 Furthermore, she claims that Spinoza defended an ‘amended form of de Witt’s republican practice and ideology.’ Refuting these two hypotheses will form a significant part of my study, which means that I return to them later in detail.

39 Ep. 30(c)
40 Haitsma Mulier, The Myth of Venice and Dutch Republican Thought in the Seventeenth Century., p. 207
41 Blom, Causality and Morality in Politics., p. 17
44 Raia Prokhovnik, Spinoza and Republicanism (Palgrave Macmillan, 2004).
1.2 Research Question

Considering that the study of early modern republicanism has neglected Dutch political thought and seeing that little attention has been given to Spinoza’s political works within this field of research, we can learn much about early modern republicanism by reading Spinoza in context. This is what I aim to do in this thesis and what leads me to my research question

What did Spinoza do in writing the Political Treatise?

I answer this question by defending a specific interpretation of Spinoza’s Political Treatise. I defend the interpretative claim that Spinoza, in writing the TP, intended to defend a democratic form of republicanism anchored in a naturalistic and rationalist outlook on politics and informed by Machiavellian reason of state writings. More specifically, I claim that Spinoza’s defense of councils, anti-monarchism, naturalistic theory of state/imperium, rejection of mixed government, and fundamental law (constitutional) proposals attest to the soundness of my thesis. I arrive at this conclusion by situating Spinoza in the debate on freedom and the location of sovereignty between the supporters of the Prince of Orange and the republican ‘staatsgezinden’ in Dutch Republic and how the debate revolved around the institutional landscape. This approach allows me to give due weight to the second part of the TP (chapters 6-11) that ‘merely’ contains his proposals for how to organize a monarchy, aristocracy, and democracy. This is important because these chapters tell a great deal about Spinoza’s relation to early modern republicanism and his defense of democracy.

To strengthen my thesis, I seek to rule out a rival hypothesis according to which Spinoza’s intention in writing the TP was to defend ‘an amended’ version of Johan de Witt’s republican True Freedom ideology and a particular ‘Dutch way of doing politics’. I show that Spinoza far from having ‘lost faith’ in democracy after the murder of Johan and Cornelis de Witt in 1672, actually continues and deepens his radical defense of ‘democratic republicanism’. In doing this, I draw out the distinctiveness of Spinoza’s republican political thought, while tracking how he transforms and appropriates ideological material from early modern republican writers.

The formulation of my research question is informed by my methodological allegiance described in the following section. My reason for focusing on the TP and keeping the TTP in the background is that it allows me to bracket the issue of religion. The religious divisions in the Dutch Republic largely maps onto the division between the Orangists and
the republican staatsgezinden. The latter were Arminians or Remonstrant, while the former was Gomarists or Counter-Remonstrants. Nevertheless, including this dimension into the study would be too arduous.

1.3 Structure of Thesis

I divide the thesis into five chapters.

In chapter 2, I explore the methodological foundations of my study. My point of departure is the contextualism of the Cambridge school and their method of interpreting historical texts inspired by speech act theory. I conclude that working intertextually by placing authors in the relevant historical context as well as treating their texts as performatives give me the resources to answer my research question. When interpreting Spinoza’s texts I do not want to recover their meaning. I want to study what Spinoza was doing in writing. Skinner sometimes states this in a colloquial manner. What is the author ‘up to’?

In chapter 3, I examine the origin of the Dutch Republic. The republic emerged out of the revolt against the Habsburg King of Spain Philip II in 1581 and it was accompanied by a defense of liberty that would become paramount to the political struggles of the republic in the 1670s. The Dutch defense of liberty was a legitimation of the revolt against Philip II. Liberty on this account was constituted by a set of fundamental laws, privileges, charters and customs of the provinces, and a number of institutions, in particular the States. These charters and privileges were the constitutional guarantors of liberty. Any Prince that wished to hold sovereignty over the provinces had to swear an oath to uphold the privileges. If he Prince infringed the privileges he could be lawfully opposed. This defense of liberty was legitimized by the notion that the rule of the Hollanders went back to the time of the Batavians described by Tacitus. The privileges, thereby, gained their status and legitimacy from traditions that was held to have persisted since time immemorial. I use this piece of contextual evidence to judge how Spinoza repudiates the cause of the regent republicans during the pamphlet war following the murder of Johan de Witt.

In chapter 4, I survey the political institutions that materialized after the Dutch Revolt. I then track the debate between the supporters of the Prince of Orange and the supporters of the republican minded staatsgezinden lead by raadpensionaris Johan de Witt. These two factions were locked in a struggle over how to resolve the institutional question of where sovereignty was located in the Dutch Republic. The Orangists supported the
Stadholderate, while the staatsgezinden championed the principle of provincial sovereignty informed by the Dutch defense of liberty and the Batavian myth. By tracking this debate, I prepare the terrain for the intervention Spinoza makes in the TP. I conclude that the ideological and intellectual context at the time when Spinoza wrote the TP was characterized by the ascendancy of Orangism and the decline of the staatsgezinden’s aristocratic republicanism.

In chapter 5, I put the pieces together and provide an interpretation of Spinoza’s TP. I start by reviewing Prokhovnik’s rival hypothesis that I subsequently aim to discredit. In favor of my own claim, I cite Spinoza’s rejection of the Cartesian separation-thesis and the theory of mixed government and his redefinition of natural law. Furthermore, I compare Spinoza’s fundamental law (constitutional proposals) with the institutions of the Dutch Republic to show how Spinoza’s proposal is too radical for the moderate republican staatsgezinden. While doing this, I show how the textual, contextual, and philosophical evidence in Spinoza’s TP better fit my hypothesis. I conclude that Spinoza’s defense of councils testifies to his democratic republicanism.
Chapter 2: Methodological Considerations

2 Methodological Considerations

Today it seems superfluous to talk about the methodological innovations of the Cambridge-School. Their method of doing history of ideas has ‘essentially won the battle’. Their insights have become part of our common sense understanding of how to interpret historical texts. Their key contribution consists in the insight that we can only hope to recover the meaning of a historical text if we place it in its social and intellectual context. This sentiment coalesced in the rallying cry that the ‘canonical authors’ must be surrounded by their lesser peers. This recommendation was not made out of antiquarian interest, but because of the belief that paying attention to how the great masters refuted the arguments of their contemporaries could generate new and important knowledge. First, we might acknowledge that the alleged inferiority of the forgotten authors is overstated. Moreover, and second, we might rethink the great masters in a new and refreshing light, which in turn could stimulate the formation of new interpretative conclusions. A demotion from philosopher to pamphleteer can be, in fact, a promotion.

Since the methodological debates of the late 60s and early 70s, much has happened. The demasking of the ‘three mythologies’ that made up the early trust of Skinner’s program have sunk into the collective consciousness of the discipline. In this thesis, I adopt a pragmatic approach inspired by Skinner’s innovations. If methodological parochialism makes the researcher miss important evidence, something has gone wrong. In this chapter, I do four things. In section 1, I give a brief outline of the philosophical underpinnings of

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47 The ‘Canon’, to which Skinner objected, usually consisted in the same range of thinkers: Plato, Aristotle, Augustine, Aquinas, Machiavelli, Hobbes, Locke, Rousseau, and Marx.
my methodology. In section 2, I provide an account of some of the main methodological advances made by the Cambridge School. In section 3, I convert these rather abstract methodological principles into practical guidelines that will inform my study. Lastly, in section 4, I survey two of the main criticisms leveled against this particular way of studying historical texts, the objection from post-structuralism and the objection from esotericism. My goal is to show that their objections will not seriously compromise my conclusions.

2.1 Methodological Foundations

The methodological underpinnings that animate this study relate to developments in theory of language surfacing during the mid-20th century. Broadly speaking, we can say that this development consisted in the move from logical positivism to ordinary language philosophy. Logical positivists argued that the semantic meaning of a statement consist in its method of verification.\textsuperscript{49} To test whether a statement carries any meaning or not, we must verify its assertions to correspond with a state of affairs in the world or with the rules of formal logic. Take, for example, Spinoza’s proposition that the original language of the New Testament was Syriac, a form of Aramaic (TTP Adnotation XXVI). Today, the consensus among biblical scholars is that the New Testament was originally composed in Greek.\textsuperscript{50} On the logical positivist account of language, Spinoza’s proposition is, therefore, meaningless. This is because Spinoza’s utterance is at variance with facts in the world.

Theorists such as Wittgenstein, Kuhn, and Quine, Searle, and Austin cast serious doubt on the logical positivist account of meaning by questioning the status of the verification principle. Without going into detail, we can say that they all arrived at the conclusion that ‘semantic meanings depend on their contexts’.\textsuperscript{51} Language is not referential, an instrument in reporting about a state of affairs in the external world. Rather, language is an activity. In every act of communication, ‘we are always doing something as well as saying something’.\textsuperscript{52} From this perspective, the focus of attention in interpreting texts

\footnotesize
\textsuperscript{49} J. L. Austin, \textit{How to Do Things with Words} (Oxford university press, 1975), p. 4
\textsuperscript{50} Today, a ‘dissenting’ minority holds the same view that Spinoza did. This hypothesis is called ‘Aramaic Primacy’.
\textsuperscript{52} Skinner, \textit{Visions of Politics, Volume 1, Regarding Method}, p. 2
shifts from the ‘meaning’ of an utterance to its ‘use’. In his groundbreaking lectures ‘How to do things with words’, Austin tried to isolate what he calls ‘performative sentences’. These types of sentences or utterances do not ‘describe or report’ anything at all and they are not ‘true or false’. The mere uttering of such a statement is part of ‘doing an action’. To say that ‘I promise that p’ is to perform the act of promising. I have not described the act of promising, nor can my saying ‘I promise that p’ be judged either true or false. In saying something with a certain semantic content, I simply do something, namely, ‘promising that p’.

To isolate the concept of the performative, Austin described three acts that a speaker performs in the uttering of a statement. The locutionary act involves the ‘sense and reference’ of the statement in the traditional sense of meaning found in logical positivism. This is the constative dimension of the statement. The illocutionary act involves the conventional force of the statement such as ‘informing, ordering, warning, or promising’, and the perlocutionary act involves the effect that a statement brings about in the audience. Austin maintained that for an illocutionary act to have force it must secure ‘uptake’. Consider the example of Spinoza’s excommunication from the Talmud Torah congregation in Amsterdam. The uttering of certain words, those contained in the ‘cherem’ or ban, had the conventional force of excommunicating Spinoza from the Jewish community, thereby forbidding any Jew from associating with him. The illocutionary act of excommunicating Spinoza only had force because it secured ‘uptake’. An audience had to be present and recognize that an excommunication was taking place. Also, the person pronouncing the ban would have had to have a certain social standing of authority within the community. The ban would have been without force if a Rabbi had not pronounced it.

This analysis allows me to distinguish between illocutionary force and illocutionary intention. An illocutionary act only has illocutionary force if and only if it secures ‘uptake’ in the relevant social context. Illocutionary intention, however, does not depend

53 Austin, How to Do Things with Words., p. 6. Austin uses ‘performative sentence, performative utterance, and performative synonymously.
54 Ibid., p. 5
55 Ibid., p. 100
56 Ibid., p. 109
57 Ibid., p. 109
58 If the perlocutionary effect had been successful, no one would have associated with him.
on ‘uptake’. It points to the idea that illocutionary acts are always performed with intentionality. Searle argues that every utterance is performed for some minimal reason. He calls this the ‘communicative presumption’. This presumption is the ‘mutual belief that whenever one person says something to another, the speaker intends to perform an illocutionary act’. On this analysis, and here I rely on Skinner’s adaptation of speech act theory, the illocutionary act can be said to have taken place without ‘uptake’. It has merely been an ‘event’ that does not depend on bringing about a ‘new state of affairs’ in the world.

The upshot of his analysis of the performative is that ‘the total speech situation’ is the ‘only actual phenomena which, in the last resort, we are engaged in elucidating’. Therefore, if we aspire to understand what happens in utterances, statements or texts, we must situate them within the social conventions from which we can infer the illocutionary intent of the author. By doing this, we disclose how the author in saying something in a text reminds the reader of a convention, questions that convention, satirizes that convention, opposes that convention, and even redefines that convention.

2.2 The Cambridge School

There is some dispute as to what exactly the proper object of study is for the historian of political thought. These divergences revolve around the differences between holistic and individualistic theories of language.

Skinner recommends that the historian recover the illocutionary intention of an author, or, stated differently, what an author was doing in saying something. Skinner is steadfast in maintaining that recovering intentions in no way requires the scholar to ‘get inside’ the head of the author. To this end, he uses Wittgenstein’s example of a man waving his arms in a field. Supposing initially that the man is chasing away a fly, I suddenly come to understand that he is ‘warning me that the bull is about to charge’. To come to recognize that the man is issuing a warning is to come to understand the intention with which he is acting. In no way does the recovery of this intention depend on anything inside the man’s

60 Skinner, Visions of Politics, Volume 1, Regarding Method, p. 108. Critics of Skinner have maintained that it is a necessary condition for an illocutionary act to have taken place that it has ‘uptake’.
61 Austin, How to Do Things with Words, p. 148
62 Skinner, Visions of Politics, Volume 1, Regarding Method, p. 97
head. It is ‘a matter of grasping that arm-waving can count as warning, and that this is the convention being exploited in this particular case’. The conclusion Skinner draws from this example is that intentions can be inferred from publicly available knowledge embodied in ‘conventional signification’.

Skinner contends that if we wish to recover the illocutionary intentions of authors, we must work intertextually and treat texts and performatives. First, and this is the primary insight of the Cambridge-School, we must work intertextually. The contention is that if we wish to understand what an author was doing in writing a text, we must place it within a broader historical, social, and political context. The most profitable way of proceeding, says Skinner, is ‘to begin by trying to delineate the full range of communications that could have been conventionally performed on the given occasion by the issuing of the given utterance.’ The injunction, therefore, is to elucidate the publicly available conventions that an author would have been able to exploit in making an utterance. An implication of this stance is that the act of interpretation already begins in the specification of the context.

Additionally, the role of conventions in drawing inferences about the illocutionary intent of authors explains why we cannot limit the study of political thought to ‘classical texts’. If we want to be able to know what conventions an author addressed, we must read other texts that were accessible to the author. This has two consequences, one gloomy and one reassuring. The gloomy prospect is that in the absence of contextual evidence, we have little hope of recovering illocutionary intention. Plato’s Republic becomes almost unintelligible due to our limited knowledge of Classical Athens. The reassuring upshot is that contextual evidence enables us to make richer and more refined interpretations. Even more reassuring is the fact that placing authors within the ‘social and intellectual matrix’ of their time connects political thought to political life.

Second, when trying to recover illocutionary intention we treat texts as performatives. Skinner is not alone in this enterprise. Dunn, explicitly drawing on Austin, also stresses

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63 Ibid., p. 97
64 Ibid., p. 120
65 Bevir, “The Contextual Approach.”, p. 11
66 Skinner, *Visions of Politics, Volume 1, Regarding Method*, p. 87
that the history of ideas should be concerned with ‘thinking’ as a ‘social activity’. A social activity that generates and resolves conflicts. Blom, whom I will discuss later, adopts the same approach as Skinner remarking that political philosophy does not deal with ‘eternal truths’. Instead, the participants in political discourse seek to ‘conceptualize their political experience’ by partaking in ‘an ongoing debate’. To summarize, in treating texts as actions, we avoid reifying ideas by turning them into abstract entities battling against each other in the realm of thought. We might be able to discern agency and in turn see what the authors were doing when they wrote their texts. We can see, not just what arguments they were presenting, but also what lines of thought they endorsed, repudiated, questioned, or ignored. We might see things their way.

Not all historians of ideas are content with embracing the ‘meaning’/’use’ distinction derived from Austin and Wittgenstein. Pocock, himself a ‘member’ of the Cambridge-School, take a more holistic approach. Illocutionary intentions, Pocock explains, are embedded within ‘languages’ and ‘vocabularies’ and the scholar must first identify these before moving on to intentions. The difference between Skinner and Pocock, however, is one of emphasis. Pocock, too, believes that the historian of political thought should be concerned with elucidating how actors criticize and legitimate political behavior and observe ‘to what symbols or principles they referred, and in what language and by what forms of argument they sought to achieve their purposes.

For now, it suffices to remark that Skinner places greater stress on the writers’ ability to do something creatively with language, whereas Pocock lends greater weight to the structural constraints on agency.

Bevir, on the other hand, thinks that the history of ideas should recover meaning, ‘which is the subject-matter of the history of ideas’. Bevir distinguishes between three kinds of meaning. First, semantic meaning relates to the truth conditions of an utterance, second, linguistic meaning relates to the conventional use of language, and, third, the hermeneutic meaning of an utterance, which is the meaning the historian should recover, derives from

69 Ibid., p. 88
70 Blom, “Virtue and Republicanism. Spinoza’s political philosophy in the context of the Dutch Republic.”
71 Skinner, Visions of Politics, Volume 1, Regarding Method., p. vii
74 Bevir, “The Contextual Approach.”, p. 17
75 Bevir, The Logic of the History of Ideas., p. 27
Chapter 2: Methodological Considerations

the ‘intentions of the author in making it’. While this sounds very familiar, Bevir questions the semantic holism of Pocock and the conventionalism of Skinner for his procedural individualism.

Bevir’s principal objection is that any theory that reduces hermeneutic meaning to semantic or linguistic meaning will have a hard time accounting for ‘linguistic and conceptual change’. There must be a doer behind the deed so to speak. To illustrate this point, Bevir draws a distinction between two forms of intentionalism. Strong intentionalism ‘regard[s] intentions as conscious and prior to utterances’, whereas weak intentionalism ‘allows for the unconscious and for changes of intent during the act of making an utterance’. Historians, says Bevir, should recover weak intentions defined as the meanings utterances have for individuals. Weak intentionalism implies that historians need study only the meanings utterances have for specific individuals whether authors or readers. While Bevir’s plea for recovering meaning instead of illocutionary intent is plausible, it is a theoretical task to adjudicate the differences between his and Skinners position. For now, I remark that the difference between them is that the former castigates conventions and ‘languages’ as ahistorical abstractions and focusses on the meaning a text has for a particular individual. The latter contends himself with understanding what an author is doing in saying something based on evidence provided by conventional signification.

Bevir’s distinction between weak and strong intentionalism is useful, however, because it lets me discuss the extent to which the author is in control of her intentions. Skinner is clearly a weak intentionalist. He fully concedes and even embraces the conclusion that ‘a writer may not fully understand his or her intentions, or may be self-deceiving about recognizing them, or may be incompetent at stating them’. This follows from his conventionalism because an author cannot adopt a strictly instrumental or strategic attitude in writing a text. If an author wishes to perform a certain range of actions in writing a text, she will have to adopt the prevailing normative vocabulary found in conventions. This means that authors are incapable of legitimating every possible course

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76 Ibid., p. 27  
77 Ibid., p. 48  
78 Ibid., p. 27  
79 Ibid., p. 57  
80 Ibid., p. 54  
81 Skinner, Visions of Politics, Volume 1, Regarding Method., p. 101
of action, which further means that the conventional constraints have the effect of making the author incapable of unilaterally being in control of illocutionary intention. Conventions are both a resource and a constraint.

A stronger objection, however, is that an author is not in control of illocutionary intention, because polysemy and ambiguity is a fundamental feature of language. Even if we only wish to recover ‘weak intentions’, the slipperiness or indeterminacy of language will always make our interpretations contestable. This difficulty poses a serious challenge to the aspiration of recovering illocutionary intent because it casts doubt on our ability to infer intentions from conventional signification. While embracing that every interpretation is slippery, I provide three ways to mitigate the problem. First, we must remember that illocutionary intent is inferred from publicly available conventions. By mapping the relevant linguistic community, something I do in my study, the less likely the chances are that I make an inference grossly at variance with what the author intended.

Second, if we accept that the indeterminacy of language – the idea that the same evidence can give rise to multiple different interpretations is ineliminable then our best hopes are to proceed comparatively. The testing of rival hypotheses about the evidence lessens the possibility that our interpretations end up confirming subjective preconceptions and falling prey to ambiguity and polysemy. To avoid this methodological trap, I test competing hypotheses regarding the intended meaning of Spinoza’s political works. Third, since comparative evaluation of rival hypotheses only mitigates the fact that ‘every plausible interpretation might be wrong’, I present the strongest possible evidence that confirms my view, while rejecting or specifying alternative interpretations. Interpretation, therefore, is a public process that seeks to elucidate how confident we can be in our claim, while remaining aware of the putative and contestable nature of our enterprise.

2.3 Practical Guidelines

The abstract methodological debates within the discipline of the history of political thought only rarely contain methodological advice that can be used in practice. To make the abstract more palatable I will go through some of Blau’s analytical distinctions. By

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83 This is the objection from poststructuralism.
85 Ibid., p. 1184
doing this I plan to achieve two things. First, I want to convert the theoretical insights into tools that can guide my research, and, second, I mention some techniques that rely on methods that remain under-articulated in the methodological literature.

By now, I have established that to answer my research question, I recover Spinoza’s illocutionary intentions in writing the *Political Treatise*. This is the empirical phenomenon under investigation. This is distinguishable from two other empirical phenomena, namely, beliefs and motives. Beliefs concern what an author believes to be the case and, motives concern why an author wrote a particular text. Not all intellectual history, though, is primarily empirical. Sometimes we ask questions that are partly conceptual and partly empirical such as whether Spinoza was a democrat. In recovering illocutionary intent, and communicating the results to contemporary readers, we cannot avoid using concepts that would have been alien to the texts under scrutiny. Sometimes this is problematic when scholars castigate writers of historical texts for failing to present a coherent account of a concept, live up to certain normative standards, or when writers are said to ‘anticipate’ a certain concept or idea. All of these modes of reading historical texts are, of course, legitimate in themselves; however, they are of little historical relevance (except of course to the Whig historian).

The primary methodological tool for testing my claims is triangulation. If different types of evidence support the same interpretation, then that interpretation is strengthened. The types of evidence I bring to bear in my interpretations of historical texts are, following Blau, textual, contextual, and philosophical.

First, as we have seen, by placing a text in its context, we can make inferences about the intentions of the author and indicate to what extent she conforms to or departs from convention. Clearly, contextual evidence is necessary in interpreting a text, but it is not

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86 Justin Steinberg, “BENEDICT SPINOZA: EPISTEMIC DEMOCRAT,” *History of Philosophy Quarterly* 27, no. 2 (2010): 145–164. On Steinberg’s analysis, Spinoza’s conception of democracy comes closest to David Estlund’s epistemic proceduralism. He evaluates passages of Spinoza’s political works (the empirical part) against conceptions of democracy derived from contemporary democratic theory (the conceptual part).

87 Consider the following two examples. Spinoza is sometimes reproached for excluding women from his ideal democracy. We may criticize him for excluding women, in fact, a good case can be made that Spinoza was failing to live up to his own normative standards. Whether he was wrong in excluding women, however, is not relevant to the historical task of finding out what he was doing in writing the TP. This does not mean that writing the kind of history I am writing is without normative import. Once the narrative has been laid out, we might see things we had not seen before, and thus becoming of aware of our own parochialism.

88 Blau, “History of Political Thought as Detective-Work.”, p. 1190-1193
sufficient. Textual analysis is also necessary. Reading a text closely and carefully is paramount to good interpretation. Is an author consistent or inconsistent? Can other texts by the author, like letters, tell us something the text itself cannot? This means that reading other parts of Spinoza’s work can inform and must inform the reading of a particular passage. If Spinoza changes his view about what the best form of government is, as some think he does, then this change should be considered in our interpretations. Ultimately, though, the border separating text and context is fluent.

Careful reading should also be sufficient to allow for Strauss’ claims that the existence of persecution engendered a ‘peculiar technique of writing’, namely, that of ‘writing between the lines’. Esotericism can tell us that authors had ulterior motives, used irony, or held controversial views that they did not dare say in print. In my view, this claim ought to be treated like every other hypothesis. If authors, indeed, hid their messages between the lines, then a careful reader should be able to discern them. If not, then the hypothesis is unfalsifiable. Recently, however, Melzer has made the case that esotericism is ‘an art of writing’ and a ‘form of rhetoric’. When testing my interpretation and reporting my findings I do not regard them as facts. Instead, I report how confident I am in my inferences about illocutionary intent. To evaluate my confidence in specific interpretations, I look to their necessity and overlap with other interpretations. If another hypothesis explains the evidence just as well, then my confidence in that hypothesis is lowered. Moreover, if the hypothesis has a low degree of necessity, that is, if the presence of a specific piece of evidence renders a hypothesis highly unlikely, then my confidence in that hypothesis is lowered. The goal, therefore, is to show that my interpretation is necessary and does not overlap with other

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89 Prokhovnik, “From Democracy to Aristocracy.”

90 Leo Strauss, Persecution and the Art of Writing (Glencoe, Ill: The Free Press, 1952)., p. 24. Due to persecution, an author put into his texts two teachings. An exoteric or ‘popular’ teaching intended for the masses and the unlearned persecutors, and an esoteric teaching intended for few wise and learned individuals. Strauss intimates that the insincerity with which writers wrote amounted to a noble lie. The lie is justified, because what engenders it is a society committed to illiberal principles, which in turn means that esoteric writing only occurs in the absence of the liberal right of freedom of speech. See p. 35-36.


92 Arthur M. Melzer, Philosophy between the Lines, the Lost History of Esoteric Writing (Chicago: University of Chicago Press, 2014)., p. 2. While Melzer broadens the definition of esotericism, his methodological advice from page 292-303 is valuable to everyone interested in interpretation of historical texts.
interpretations. I do not arrive at a true interpretation, this is impossible, but hopefully, I should be able to show that my interpretation is better than competing ones.

Philosophical evidence is difficult. It relates to ‘the implications of one or more concepts, propositions or passages’. By using philosophical evidence to recover illocutionary intent, we should be mindful not to assume that an author is consistent in his use of concepts and we should be careful to avoid anachronism. However, sometimes it can be useful to think through the philosophical implications of an argument and relate the result back to the writers’ illocutionary intention. Again, though, this must be done cautiously, since assuming coherence and consistency might make us depart from the writer’s intentions. I use philosophical evidence to make inferences about Spinoza’s illocutionary intent in the section on how he rejects the Cartesian ‘separation-thesis’ and in the section on Spinoza’s defense of liberty.

A final methodological caveat. Spinoza only published *Descartes Principles of Philosophy* and the TTP during his lifetime with only the former having his name attached. The *Ethics* and the TP remained unpublished until his death in 1677. This should not pose a problem for me for two reasons. First, I am not concerned with the reception of the TP since this would have no relation to what Spinoza intended in writing the work. Second, the inferences I make about Spinoza’s intentions can be made regardless of anyone ever having read the material. The illocutionary intention concerns what conventions Spinoza drew on and challenged when he sat in his room in The Hague in 1675-77 and put pen to paper. Finally, would Spinoza have published the TP in a different form and would this have changed my conclusions? Perhaps, but from the material we are left with this counterfactual could never be answered.

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93 Blau, “History of Political Thought as Detective-Work.”, p. 1191
94 In communicating to a contemporary audience, we cannot avoid anachronism. By spelling out the context, we engage in *re*-description, which can never transcend our own use of concepts. We can ‘see things their way’ only to a certain extent.
To understand what Spinoza’s intention was in writing the TP we must outline the conventions he addresses and the debate in which he is intervening. This debate, fought mainly between the republican staatsgezinden⁹⁵ and the Orangist faction surrounding the Prince of Orange, is intertwined with the origins of the Dutch Republic, its institutions, the Stadholderate, and ancient privileges and customs.

In this chapter, I track this debate by providing an account of how the Revolt against the Spanish Habsburgs was legitimated and how it reverberated through the subsequent creation of the institutions of the newly formed Dutch Republic. I start by outlining the historical background of the Revolt and proceed to an account of the Union of Utrecht and the Act of Abjuration. I then turn to how the forming of the Union and the secession from Spain completed by the Act of Abjuration was discursively legitimized through a defense of freedom that would shape the debate in the Dutch Republic to the time of Spinoza. The Batavian myth propounded by amongst others Grotius, became the pinnacle of this ideological justification.

3.1 The Grand Privilege of 1477

In 1428, Philip the Good of Burgundy, who ruled the southern provinces of the Netherlands, Flanders and Brabant, became ruler of Zeeland and Holland. These two provinces of the Northern Netherlands fell into Philip’s hands because of the death of the last independent count of Holland.⁹⁶ The Northern Netherlands were now part of a major European state: Burgundy.

In 1477, following the death of Charles I, Mary the Rich, last of the Burgundian rulers, was forced to concede the celebrated ‘Grand Privilege of 1477’. A Charter which gave

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⁹⁵ Known in the English literature as ‘The States-Party’.
the States General\textsuperscript{97} of the Burgundian Netherlands the right to gather on their own initiative whenever they saw fit and drastically curbed the power of the ruler to levy taxes, or gather troops, without the consent of the provinces.\textsuperscript{98} Mary married Maximillian, Archduke of Austria, and thereby passing control of the Netherlands to the Habsburgs. Maximillian wanted to abolish the constitutional concessions made to the States General and the provinces of the Netherlands. In 1493, he became Holy Roman Emperor and installed his son Philip the Handsome as Count and Duke of the Netherlands. In the process, Maximillian had forced the States General to make all privileges void.\textsuperscript{99}

The struggle for hegemony over the Netherlands thus played out as a tension between Habsburg centralization and provincial particularism embodied in the granting of privileges. When the Netherlands came under the rule of the Habsburgs a slow process of conflict escalation began. The tension stood between the long tradition of autonomy in the Netherlands and the tendency towards centralized monarchical administration.\textsuperscript{100}

### 3.2 Count Philip II: The Usurper

In 1566, at the request of Philip II, the Habsburg King of Spain who now wielded sovereignty over the Dutch provinces, the Duke of Alva arrived at the head of 10.000 Spanish and Neapolitan troops, supplemented by German auxiliaries to wreak havoc on the rebellious Dutch. Conflict rose to extreme levels and by 1572, the Dutch revolted openly. An event, which marked the beginning of the Eighty Years’ War laid to rest with the Peace of Münster in 1648. Alva’s merciless policies undermined the legitimacy of the Spanish Habsburg King, and many sought to dispose of Philip.\textsuperscript{101}

In 1572 on 19 July, The States of Holland convened with the aid of William I, holder of the Principality of Orange. It had been the policy of the Habsburg sovereigns to appoint a Stadholder of the provinces to represent them in their absence. William had been Philip II’s Stadholder of Holland, Zeeland and Utrecht from 1559-1567, however, in 1572 defying Philip, he proclaimed that he was still ‘governor-general and Stadholder of the

\textsuperscript{97} An assembly representing the Estates of the Netherlands.

\textsuperscript{98} Israel, \textit{The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806.}, p. 28

\textsuperscript{99} Ibid., p. 32


\textsuperscript{101} Ibid., p. 135
king in Holland, Zeeland, and Utrecht’, since he had not been ‘dismissed in the manner
required by the customs and privileges of the country’. 102 William urged the States to
abandon the Spanish and fight for the ‘Fatherland’ to secure the historic ‘rights and
privileges’ of the provinces. 103

3.3 The Union of Utrecht and the Act of Abjuration

The southern provinces and Utrecht joined with the Prince of Orange and the States of
Holland and Zeeland in driving out the Spaniards and setting up a single States General
meeting in Brussels. 104 On 23 January 1579 the alliance was formalized in The Union of
Utrecht. Negotiated with a mandate from its constituent provinces 105 it became the
foundational constitutional document of the United Provinces. The aim was to provide
support for each other in the face of their common enemy, the Spanish king. However,
they explicitly stipulated that the Union not amount to a secession from the Holy Roman
Empire (this would come with the Act of Abjuration two years later). The Union
stipulated that the provinces ‘shall ally, confederate and unite…to hold together eternally
in all ways and forms as if they were but one province…’. 106 Nevertheless each province
and the individual cities were to retain undiminished their ‘special and particular
privileges, freedoms, exemptions, laws, statutes, laudable and traditional customs, usages
and all other rights of each province of each town, member and inhabitant of those
provinces’. 107 The provinces agreed to ‘support and defend each other’ 108 if someone
usurped these privileges. Although they agreed that the States General could impose taxes
necessary for the common defense, 109 no wars or taxes could be levied without consent
of provinces. 110 If the provinces disagreed, the matter was deferred to the Stadholders.
Importantly, Holland and Zeeland remained free in matters of religion. 111

102 Israel, The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806., p. 175
103 Ibid., p. 176
104 Ibid., p. 186
105 The provinces of Holland, Zeeland, Utrecht, Gelderland, Groningen, Friesland, Overijssel, Drenthe,
Brabant, and Flanders signed the Union. The last three would not become part of the United Provinces.
106 E. H. Kossman, Texts Concerning the Revolt of the Netherlands (Cambridge University Press, 1974.),
Article I, p. 166
107 Ibid., Article I, p. 166
108 Ibid., Article III, p. 167
109 Ibid., Article V, p. 167
110 Ibid., Article IX, p. 169
111 Ibid., Article XIII
On 26 July 1581, The States General took the final step and passed the most important resolution of the Revolt: The Act of Abjuration. In the document we learn that the United Provinces ‘have been forced (in conformity with the law of nature and for the protection of our own rights and those of our fellow countrymen, of the privileges, traditional customs and liberties of the fatherland, the life and honour of our wives, children and descendants so that they should not fall into Spanish slavery) to abandon the King of Spain and to pursue such means as we think likely to secure our rights, privileges and liberties.’ The Act was a milestone in Dutch history and it inaugurated the rise of the Republic. The exact date of the birth of the republic is open for debate, but after the seizure of Groningen in 1594, the republic as a federation of autonomous provinces enjoyed de facto independence from the Spanish Crown. After eliminating ‘internal difficulties’ related to the relationship between the individual provinces, the Union crystallized into a federal state, directed from The Hague, by the States of Holland.

3.4 The Dutch Defense of Liberty

Van Gelderen laments the neglect of the Dutch Revolt in political thought. He rejects the prevailing opinion that Dutch political thought during the Revolt was simply application of French Monarchomach thought. He argues that resistance against Philip II was articulated as a defense of liberty that had its roots in the ancestors of the Dutch. These ancestors had created the political order with liberty in mind, and they had done so through a set of fundamental laws, privileges, charters and customs of the provinces, and a number of institutions, in particular the States. These charters and privileges were the constitutional guarantors of liberty. Any Prince that wished to hold sovereignty over the provinces had to swear an oath to uphold the privileges. The States themselves were not ‘inferior magistrates’, but the actual holders of sovereignty and the ‘guardians of liberty’.

112 Ibid., p. 225
114 Israel, The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806., p. 240
116 Ibid., p. 263
The defense of liberty, however, went further than this. It also contained the idea that if the Prince acted against the common good or laws of nature he forfeited his authority and could be lawfully opposed. Liberty was more than just the granting of privileges within a feudal structure; it contained a strong notion of popular sovereignty. However, even though the people ultimately held sovereignty, only the States, the representatives of the people, could only administer it.\textsuperscript{117}

This discourse was fiercely articulated in the text \textit{Short Exposition}\textsuperscript{118} published by the States of Holland\textsuperscript{119} in 1587 and written by Francis Vranck. Vranck opens with the assertion that ‘It is well-known that for 800 years’ Holland has been governed by counts ‘to whom the rule and sovereignty over these countries was legally entrusted and granted by the knights, nobles and towns, representing the estates of the country’.\textsuperscript{120} This meant that if a prince is absent, insane or for any other reason unable to rule, ‘it was always the States which legitimately assumed the administration of the countries’ sovereignty’.\textsuperscript{121} In fact, the task of the delegates to the States has always been to ‘maintain the rights, freedoms and privileges of the country and to oppose every violation of these.’\textsuperscript{122} However, when people declare that sovereignty resides with the States of the provinces, they are not speaking about ‘private persons or delegates, but about the constituents, that is, the nobles and towns of the country whom the members of the States represent in virtue of their commission’.\textsuperscript{123}

Even though this text makes it clear that the provincial States hold sovereignty, the issue remains obscure. For how exactly can the idea that the States hold sovereignty be taken to mean that the constituents hold sovereignty? Is it not inconsistent to claim that both the constituent and the constituted level of government hold sovereignty? Furthermore, the notion, which contradicted actual historical events, that Holland had been independent for upwards of 800 years would become embroiled in what is called ‘The Batavian myth’.

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\textsuperscript{117} Ibid., p. 265
\textsuperscript{118} The full title is ‘A Short exposition of the rights exercised by the knights, nobles and towns of Holland and West Friesland from time immemorial for the maintenance of the freedoms, rights, privileges and laudable customs of the country, 16 October 1587’.
\textsuperscript{119} The States of Holland was the assembly representing the Estates in the province of Holland. See figure 1 for the relationship between the States of Holland and the States General.
\textsuperscript{120} Kossmann, \textit{Texts Concerning the Revolt of the Netherlands.}, p. 274
\textsuperscript{121} Ibid., p. 276
\textsuperscript{122} Ibid., p. 279
\textsuperscript{123} Ibid., p. 281
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The issue was not settled and in the next section, I show how the question of the location of sovereignty ran right to the heart of the Dutch Republic and how the Batavian myth constituted the main ideological justification of regent authority.

3.5 The Batavian Myth

As we have seen, the Dutch Revolt was based on the idea that supreme authority rested with the States and the Counts only ruled by delegation. Sovereignty could always be withdrawn if the Count violated the privileges of the States or usurped the common good. The finest ideological legitimation of this policy was the Batavian myth. Originating in the writings of Tacitus, the myth was proliferated by writers, poets, and artists like Rembrandt. The myth stipulates that the liberty of the United Provinces can be traced back to the Batavians, the direct ancestors of the Dutch, and that this liberty had remained uninterrupted ever since. Public buildings were decorated with paintings of the Batavians, (see Rembrandts 1661-62 work, The Conspiracy of Claudius Civilis on the Title page) but it was Grotius, who, in his 1610 De antiquitate reipublicae Batavicae, wrote the most famous contribution to the myth. In the work, Grotius argues that the Hollandish or Batavian common good has always resided in the States and not with the prince or people. Ever since the time of the Batavians, Holland has been a virtuous republic and after the Batavian revolt against the Romans the Hollanders were established as a free, self-governing people willing to do everything to retain their freedom. Grotius announces at the beginning of De Antiquitate that he wants to demonstrate and prove 'how that the chief Soveraignty of the publike affairs, hath ever had place in the principall of the two States, which were then the Battavers; but now the Hollanders and the West Freises. The which Soveraignty through a consequent Succession, is now at this present established in your

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124 See Tacitus’ Germania 29, Annals 2.6, and Histories 4.12, for comments on the Germanic tribe called the ‘Batavers’ and the Revolt against the Romans by one of their leaders ‘Gaius Claudius Civilis’.
127 Consider also that until 1949, the capital of Indonesia, the former Dutch East Indies, was called ‘Batavia’.
Lordship’. Grotius then links the narrative of the Batavians onto that the privileges by stating that the ‘Lawes and Priviledges’ of the Batavian commonwealth, ‘which are holy and unviolable, have likewise also continually been preserved safely in the custody and possession, and as it were in the bosome of the States’. Having documented the history of the Batavian commonwealth up until the Dutch Revolt, Grotius begins to ‘Tyrannicall Government’ proceeds from man’s inclination to be dominated but it is especially obnoxious when ‘the Prince transgresseth the limits of the Lawes of the Land’. Philip II ‘being of that unsatiable nature, that was content with nothing else but with an absolute power’ did not respect the ‘Generall States’, and sent the Duke of Alva ‘to take possession of the absolute Soveraignty’. The Duke then ‘openly published that both the States, Cities, and People of the Netherlands, and every person in particular had forfeited all their priviledges, and that from hence forward they were to expect no other Lawes but what it pleased the King to command’. Then in 1572, the nobles and deputies of the cites ‘according to the example of their Fore Fathers, who tooke up Armes against the Romanes, when they pressed to bee Dominators, undertook the warre against the Duke of Alba’. Then at last the States General ‘upon the 26. Of July, in the yeare 1581, declared that King Philip, by reason of the nullifying of their Lawes of Government, according to all Lawes, and ipso iure had forfeited his Principality’.

This was the pinnacle of the ideological justification of the Dutch Revolt. The ‘Lawes and Priviledges’ constituted the essence of freedom and the States of Holland was their guardian nesting them safely in their ‘bosome’. Consequently, the legitimacy of the political order rested on the idea that sovereignty ‘hath ever had place’ in the States of Holland. In this vision of Holland, the powers of a prince or monarch were always derived or delegated powers that ought not to transgress the privileges, which constituted the fundamental laws.


130 Ibid. Ch. VI

131 Ibid. Ch. VI

132 Ibid. Ch. VI

133 Ibid. Ch. VII. Chapter 7 of the treatise also contains a description of the constitutional workings of the States of Holland.

134 van Gelderen, “The Machiavellian Moment and the Dutch Revolt: The Rise of Neostoicism and Dutch Republicanism.”, p. 212, 220. Van Gelderen notes that the defense of liberty during the Dutch Revolt and later during the time of the Republic had many similarities with what Skinner calls the ‘scholastic defense of liberty’. Liberty, on this view, was, like the vivere civile, the ideal of political independence and self-government. Contrary to the civic humanists, the scholastic defense of liberty, most influentially articulated by Marsiglio of Padua, did not reach these two by means of active participation in civic life. Instead, they envisioned supreme power, or sovereignty to reside with the people, who delegated it to a king. This king must not be hereditary and only have minimal discretion in administering the law. To ensure this checks must be placed on all magistrates through efficient institutions. Skinner, The Foundations of Modern Political Thought, Volume 1, The Renaissance., p. 65
At least one element unites the literature on Dutch political thought. All agree that political thought in the Dutch Republic took place within a highly fragmented political system. The mixture of federal institutions, such as the States General and the Stadholder, and the towns and provinces formed the basis of an ongoing debate as to the location of ‘suprema potestas’. A debate, as we will see later, in which Spinoza intervenes with a radical republican argument. Any analysis, therefore, of Dutch political thought in the 17th century and Spinoza’s TP must take notice of this.

As Price contends, the Dutch Republic was an anomaly with respect to developments in European state building in the 17th century. As the French and English monarchies consolidated their power through centralization and bureaucratization, the Dutch Republic resisted attempts to centralize decision-making through reference to the principle of provincial autonomy. The discourse of provincial autonomy and the Batavian myth prevented a strong state from developing, and the loose confederacy was held

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135 van Gelderen, “Aristotelians, Monarchomachs and Republicans: Sovereignty and Respublica Mixta in Dutch and German Political Thought, 1580-1650.”, p. 197
together only because it served the interest of the leading province, Holland, whose
correction to the total revenue of the republic was around 50-60 percent. In much historiography on the Dutch Republic, the discourse of provincial autonomy has
been made responsible for many of the failings in the republic. Price, however, argues
that it was precisely, the insistence on provincial autonomy and sovereignty and ‘its
elevation to the principle of the Dutch constitution’ that held the seven provinces
together. Deeply entrenched in the political culture of the Dutch Republic was the idea
that authority in the hands of a single person was dangerous. Councils were instituted at
all levels of government to avoid this danger, and especially the Generality institutions
reflected this preoccupation.

In this section, I sketch the institutional landscape of the Dutch Republic as it emerged
out of the Dutch Revolt. In doing this, I can compare the Dutch political institutions with
the content of the Spinoza’s fundamental law (constitutional proposals) in the TP. The
differences and similarities between the two are important pieces of evidence in
supporting my hypothesis regarding the illocutionary intent of the Political Treatise.
Furthermore, I track the debate between the followers of the Prince of Orange, and the
republican staatsgezinden. During the first stadholderless period the latter gained
hegemony through their discourse of True Freedom, while the former gained the upper
hand after 1672. It should be noted, though, that in the section on provinces and towns, I
focus on the province of Holland. The other six provinces were governed in a like manner
with some minor deviations. See figure 1 for a visual summary of the chapter.

4.1 Provinces

According to Israel, the institutional framework of the Dutch Republic came into being
between 1572 and 1588 and settled in 1609. The institutions were a mix of a federal
state and a confederacy with reality and practice being closer to the former than the latter.

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137 Ibid., p. 279
139 Price, *Holland and the Dutch Republic in the Seventeenth Century.*, p. 289
140 Ibid., p. 279
141 van Deursen, “The Dutch Republic, 1588-1780.”, p. 149
142 Israel, *The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806.*, p. 276
143 Ibid., p. 277
Despite the formal recognition of provincial rights and liberties in the Union of Utrecht, the province of Holland de facto governed the republic. Israel, like Price, surmises that the Union only existed because it converged with the interests of Holland. Due to Holland’s dominant position, the States of Holland became the focal point and the most important decision-making body of the republic. The States of Holland was composed of nineteen members with one vote each. The nobility (ridderschap) and the 18 voting towns. Notably, The Hague was not represented and thus lacked political rights. The town delegations convened in The Hague up to 200 days per year and could only discuss items that had been put on the agenda by the Gecommitteerde Raden, the standing committee of the assembly, which had to circulate its items in the voting town governments beforehand and obtain their approval. The overall interaction that emerged was that of an elaborate process of consultation in which the local towns, the States, the ridderschap, and the Gecommitteerde Raden vied for supremacy. The States of Holland was, therefore, as Price rightly suggests, more than the assembly in The Hague.

A defining characteristic of the United Provinces, reflecting its pragmatic approach to politics, was the aversion towards making decisions by majority vote. Like the towns, and the States General, the States of Holland preferred to act collegially. Even though unanimity existed at the formal level, instructions given by the local towns to the delegations were heavily influenced by power politics, and so it would be a mistake to think that the towns possessed a right to veto decisions. Despite the tension between the local and provincial levels of government, Price argues that supreme authority de facto rested with the towns. This was in large part due to the practice of ruggespraak. Like the issues debated in the States and prepared by the Gecommitteerde Raden in advance, all the town delegations to the assembly were bound by binding instruction. The delegations had to refer to their towns if they deviated from the initial instruction. Price

144 The full name of the province was ‘Holland and West Friesland’. The 18 voting towns were: Dordrecht, Haarlem, Delft, Leiden, Amsterdam, Gouda, Rotterdam, and Gorinchem, and from northern West Friesland: Alkmaar, Hoorn, Enkhuizen, Edam, Monnikendam, Medemblik, Purmerend.

145 Israel, The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806., p. 277. See also Kossmann, Political Thought in the Dutch Republic, Three Studies., p. 14

146 Israel, The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806., p. 277

147 Price, Holland and the Dutch Republic in the Seventeenth Century., p. 123

148 Ibid., p. 17

149 Ibid., p. 126

150 Hanna Fenichel Pitkin, The Concept of Representation (Univ of California Press, 1967)., p. 144. This is what Pitkin call ‘dependent mandate’.
thinks that this allows for an interpretation of the States of Holland as an ‘institutional expression’ of the supreme authority of the local town governments.\textsuperscript{151}

The raadpensionaris, a salaried bureaucrat employed by the States, advised the States on legal matters and presided over the sessions of the assembly. Despite the position being only advisory without any formal decision-making power, the raadpensionaris had a tremendous influence on Dutch politics. In effect, concludes Price, the raadpensionaris ‘became something like a prime minister’.\textsuperscript{152} Johan de Witt would occupy this office from 1653 to 1672. The standing committee of the States, the Gecommitteerde raden, was the second most important political body in the province. The raadpensionaris had a permanent seat in this body in addition to ten other members.\textsuperscript{153} The ten representatives held this office for three years, except for the nominees from the three smaller towns, who had two years terms.\textsuperscript{154} The Gecommitteerde Raden was formally appointed by the States, but their decision always mirrored the wishes of the towns.

In conclusion, the formal institutional framework of Holland was greatly at variance with political reality. According to theory, supreme authority rested with the States, but practice said otherwise.\textsuperscript{155} Just as in Vranck’s Short exposition, the constitutional intricacies of the republic were, to say the least, irresolvable on the formal level. Practical politics had to furnish a solution.\textsuperscript{156}

4.2 Towns

Throughout the seventeenth century, the local town governments represented in the States of Holland (and in the States of the six other provinces) prevailed as the ‘fundamental source of political power in the province’.\textsuperscript{157} The eighteen voting towns (stemhebbende) were the dominant element in the States. A remarkable feature of the balance of power between the nobility (ridderschap) and the towns was that the former had very little formal authority in the full States compared with the latter. Moreover, since the States of

\textsuperscript{151} Price, Holland and the Dutch Republic in the Seventeenth Century., p. 126
\textsuperscript{152} Ibid., p. 130
\textsuperscript{153} One from the ridderschap, one from each of the six great towns (Dordrecht, Haarlem, Delft, Leiden, Amsterdam, and Gouda) plus Rotterdam and Gorinchem, with the tenth nominated in turn by Schiedam, Schoonhoven, and Den Briel
\textsuperscript{154} Price, Holland and the Dutch Republic in the Seventeenth Century., p. 132
\textsuperscript{155} Ibid., p. 122
\textsuperscript{156} Ibid., p. 122
\textsuperscript{157} Ibid., p. 11
Holland were the dominant power in the United Provinces, the voting towns of Holland exercised an immense influence on the politics of the Republic.

The dominance of the towns followed a powerful tradition in Holland of urban self-government. Initially, the Burgundian and later Habsburg sovereigns had granted privileges and liberties to the towns through charters, but these were mainly interpreted as recognition of already settled rights. These privileges and liberties became the subject of heated debate and by the 16th century, around the time of the Revolt, they had come to be regarded as ‘fundamental rights’ that could not be violated without endangering the freedom of the towns. In fact, as we have seen, this defense of local privilege formed the essence of the ‘freedom’ for which the provinces fought during the Revolt against the Spanish Habsburgs.\footnote{Ibid., p. 12} The tradition of urban self-government and the discourse of the defense of local privileges and liberties made institutional change very difficult, precisely because the usual way of governing was ‘sanctified by tradition’.\footnote{Ibid., p. 13} The ideological legitimation of tradition reached its apex in the Batavian myth.

The central institution of the town governments was the council (vroedschap). It varied in size from 14 to 40 members, whose tenure was for life, and vacancies were filled by co-optation.\footnote{Ibid., p. 21. See also Kossmann, Political Thought in the Dutch Republic, Three Studies., p. 17} The burghers, who were members of the vroedschappen were called regents.\footnote{Ibid., p. 125} Sometimes the stadholder would select members from a shortlist provided by the council, but during the first stadholderless period, the task of appointing new members of the council or magistrates fell solely on the council.\footnote{Israel, The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806., p. 125} In day-to-day administration, the council was assisted by the Burgemeesters, mayors with 1-2 year terms, the schout, a chief police official, and the schepenen, judges with two year terms.\footnote{Price, Holland and the Dutch Republic in the Seventeenth Century., p. 24. In Hoorn, the choice of mayor and judges was made by nine keurmannen, chosen by lot from a group of citizens (boongangers). This was a pool of citizens appointed for life by the regents. In Dordrecht, the guilds participated in the selection of magistrates. In Rotterdam, the choice of magistrates followed a system much reminiscent of the practice in Venice at the time. Five so-called boonheren (literally ‘bean gentlemen’) were chosen by lot from the council. These five men then nominated a number of other men amongst whom the stadholder chose. During the first stadholderless period, this final choice was, incredibly, made by lot.} The actual power of these councils varied. Sometimes the entire council dominated policy and at other times, a small portion of the council or even former burgemeesters dominated its
direction. The faction with the upper hand controlled who was sent to the States of Holland and who sat in the *Gecommitteerde Raaden*. Decisions in the council were, like in the States, made unanimously. The vote counts were never published nor was the proceedings of the councils’ meetings. The rest of the citizens of the towns were prevented from participating.\footnote{Ibid., p. 23}

To keep power concentrated in the hands of a few regent oligarchs, ‘Contracts of correspondence’ were made. They stipulated, far into the future, who were to occupy a certain magistracy.\footnote{Ibid., p. 25} These contracts were an integral part of the bid for power between the council, magistrates and the Stadholder. The most powerful magistrate within the local town governments was the *burgemeester*. Each held office for one or two years being ineligible for reelection for a similar period. Together with the *schout* and *schepenen*, the *burgemeesters* also constituted the magistracy or *gerecht*. This body fought for control over town policy against the council.\footnote{Ibid., p. 27} Later, we will see Spinoza intervening in this debate taking the position of the council.

### 4.3 The Generality

#### 4.3.1 The States General

From 1585 and onwards the States General met in The Hague. This was no coincidence as the States of Holland also met at this location. The States General had seven members, the seven provinces,\footnote{Holland, Utrecht, Overijssel, Gelderland, Friesland, Groningen, and Zeeland.} each with 1 vote and from 1593, they remained in permanent, unbroken session.\footnote{Israel, *The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806*.., p. 292} Israel asserts that a typical session would have been comprised of ten to twenty delegates serving terms of three to six years or in Zeeland’s case for life. As in the provincial States and towns, unanimity was sought at the expense of minority interests.

Formally, the States General had control of foreign relations, the armed forces, and the administration of the Generality lands.\footnote{Price, *Holland and the Dutch Republic in the Seventeenth Century*.., p. 211} Nevertheless, as with the rest of the Dutch political institutions, the competencies of the States General were not delineated in formal terms.\footnote{Ibid., p. 213} The Union of Utrecht was the legal document specifying the relations between...
Chapter 4: The Dutch Republic: Provincial Autonomy, Federalism, or Monarchy

the States General and the provinces, but it was not exhaustive and contrary to practice. If interpreted to the letter, the principle of provincial sovereignty articulated in the Union would render the States General without any formal authority except for the common defense. However, just as the Habsburg monarchs had been considered sovereign, without sovereignty ever having been transferred to them, so the States General acted as ‘quasi-sovereigns’. In essence, the States General benefitted from the institutional precedence set by the Habsburg period.

As we have seen, the inability to settle the question of who possessed supreme authority permeated the entire institutional structure of the Republic. This had the effect of placing actual political practice over theoretical and legal questions, thus, extending the problem indefinitely, leaving the field open for opportunistic power grabs. The game was one of the cohesion of the Union versus provincial sovereignty.

4.3.2 The Stadholderate

The Stadholderate was a precarious institution. Before the Revolt, the Stadholder had served as the representative of the absent Burgundian and Habsburg monarchs. After the Revolt, however, the post largely continued because the first Prince of Orange, William I, who had been instrumental in overthrowing the Spanish Habsburgs and subsequently became Stadholder in all seven provinces, enjoyed widespread popular support. After the Revolt, the Stadholders were chosen by the individual provinces, one for each province, and, in the absence of any monarch, they were charged with mediating between provinces, and overseeing the administration of justice. Even though the provincial states chose their respective Stadholders, the States General formally proclaimed who had been chosen and so it remained an unresolved constitutional question as to who had the formal authority to select the Stadholder.

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171 Ibid., p. 214
172 Ibid., p. 214
173 To assist the States General in their function there were several supplementary Generality institutions. The Council of State, or Raad van State, was the most important. However, from 1588, it was subordinated to the States General. Its political function was curtailed, but its administrative functions increased drastically over the years. In addition, there was also a financial committee, an admiralty college, and a war committee. See, Israel, *The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806.*, p. 293
174 Ibid., p. 301
175 Ibid., p. 305
Some argued that the Raad van State\textsuperscript{176} should appoint the Stadholders, but Holland insisted that this be done by the States themselves. Despite efforts on both sides of the debate, it remained uncertain whether the provincial States or the Raad van State should appoint the Stadholder.\textsuperscript{177} Furthermore, the raadpensionaris of Holland performed almost the same duties as the Stadholder.\textsuperscript{178} The raadpensionaris derived his influence and status from the office, whereas the Prince of Orange got his office through influence and status.\textsuperscript{179} The Stadholder, no longer appointed by the monarch but by the provinces, was the highest-ranking officeholder and dignitary in each province. He was not a member of the provincial states nor the Gecommitteerde Raden, but he participated in their meetings at his leisure, and, as described in the previous section, he also chose many town magistrates such as burgemeesters from nominations submitted to him by the vroedschap. The Stadholder was also the head of the Reformed Church, the Orthodox Calvinists, who subscribed to the teachings of Calvin and Gomarius.\textsuperscript{180} Finally, he was also supreme commander of the army and the navy.

4.4 The First ‘Stadholderless’ Period: True Freedom and Orangism

The constitutional cobweb of the Dutch Republic made the question of the location of sovereignty or the highest authority wide open. In the middle of the 17\textsuperscript{th} century, during the time of writing of Spinoza’s TP, this battle would be fought between raadpensionaris Johan de Witt’s staatsgezinden and Prince of Orange William III’s ‘Orangists’.\textsuperscript{181} The staatsgezinden were regents, that is, non-nobility belonging to the bourgeoisie. They were the burghers of the Dutch towns participating in the town vroedschappen. Most notably, the Regents belonged to a common humanist culture. They knew Latin, Greek and Roman history and poetry and supported artists and painters like Rembrandt, and, notably, they developed a policy of tolerance regarding religious denomination.\textsuperscript{182}

\begin{itemize}
\item \textsuperscript{176} This council was an advisory body set up by Philip II’s predecessor, Charles V, Habsburg King of Spain from 1516-1556 and Holy Roman Emperor from 1519-1556.
\item \textsuperscript{177} Israel, \textit{The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806}., p. 302
\item \textsuperscript{178} van Deursen, “The Dutch Republic, 1588-1780.”, p. 151
\item \textsuperscript{179} Ibid., p. 151
\item \textsuperscript{180} Israel, \textit{The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806}., p. 305
\item \textsuperscript{181} William III was born only two days before his father William II’s death. He would not become Stadholder before 4 July 1672. He would also go on to be King of England following the ‘Glorious Revolution’.
\item \textsuperscript{182} van Deursen, “The Dutch Republic, 1588-1780.”, p. 188-89
\end{itemize}
With the death on 6 November 1650 of the Prince of Orange William II, Stadholder in all Provinces except Groningen and Friesland, republican discourse proliferated.\textsuperscript{183} The period from 1650-1672, which ended at the time of the French invasion, and the subsequent restoration of the Stadholderate, was known as ‘The first stadholderless period’.\textsuperscript{184} Seeing that their chance had come, the States of Holland decided, following the death of William II, not to reelect a new Stadholder. Having done so, the States of Holland proceeded to assume all the responsibilities that the Stadholder had formerly carried out.\textsuperscript{185} The staatsgezinden asserted with full force their policies, which contained an affirmation of the principle of provincial and local town sovereignty in the tradition of Vranck’s text. On 8 December 1650, they issued a charter in which the local town councils were given full discretion to select all magistrates and members of the vroedschap. Although the final choice remained under the supervision of the States of Holland this measure drastically reinforced the power of local the towns.

In the wake of these novel developments, a Great Assembly was held between January and August 1651 in which the Full States General was assembled intending to debate the future structure of the Union.\textsuperscript{186} The first item on the agenda was the Stadholderate. Holland advocated for the abolition of the Stadholderate, but Friesland and Groningen opposed this move citing the Union of Utrecht, which stipulated the need for Stadholders in the case of conflicts between provinces. The outcome was that the office of Stadholder remained, but it was laid in abeyance. However, in 1654, through a series of complicated diplomatic moves, Johan de Witt, chief ideologist of the staatsgezinden, managed to pass the Act of Seclusion in the States of Holland, which banned the Prince of Orange from becoming Stadholder of Holland. Johan de Witt defended this move and in \textit{Deduction} of July 1654, in which he argued that the Union of Utrecht was nothing but an alliance of seven sovereign states. He further stipulated that each province in respect of its sovereignty remain the sole legitimate agent in choosing Stadholders, and was subservient to no other authority than itself.\textsuperscript{187}

\begin{footnotes}
\item[183] Ibid., p. 186. The peace of Münster (30 January 1648), which marked the end of the Eighty Year’s War between the Dutch Republic and the Kingdom of Spain, and part of the larger complex of the Peace of Westphalia, enabled the Regents to pursue a more aggressive domestic policy.
\item[184] In fact, Friesland and Groningen retained their Stadholder throughout the period, so only Holland, Gelderland, Zeeland, Utrecht, and Overijssel stood without Stadholders.
\item[185] Israel, \textit{The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806.}, p. 703
\item[186] Ibid., p. 706
\item[187] Ibid., p. 725
\end{footnotes}
It was during the first stadholderless period that the staatsgezinden developed their discourse of ‘Ware Vrijheid’ or ‘True Freedom’. True Freedom discourse asserted the right of the regents to govern their towns without interference from the Stadholder or the Generality institutions. The more specific contents of the True Freedom discourse has been described as the interest of the regents of establishing a ‘loose confederacy’ or as ‘an ideological statement of republic self-government’. The idea that the United Provinces founded by the Union of Utrecht was a loose confederacy went back to Vranck’s *Short exposition*. True freedom discourse held that the constituent towns of Holland held sovereignty, but that it could only be effectively asserted through the States of Holland. It was a restatement of urban self-government coupled with the Dutch defense of liberty, which we surveyed in the section on the Dutch Revolt. The ideological justification for this policy was intimately linked with the Batavian myth. The regents decorated public buildings in Amsterdam and Rembrandt’s ‘Conspiracy’ commissioned in 1655 hung in the new Amsterdam Town hall in 1662.

The discourse of True Freedom was opposed by Orangism. The part of the Dutch elite, consisting of regents, orthodox Calvinists (mainly Counter-Remonstrants), and the nobility, supported the Stadholderate and affirmed the dominant position of orthodox (Gomarist) Calvinism. Instead of placing sovereignty with the provincial estates and their constituent towns, Orangist discourse interpreted the Dutch Republic as a *respublica mixta* made up of the Stadholder as the monarchic element, the provincial and General States as the aristocratic element, and the towns the democratic element. Orangism enjoyed widespread popular support as much of the population adhered to Gomarist’s teachings, while they looked suspiciously at the staatsgezinden’s Arminianism. Frontiers, however, were not this clear cut. While some republicans like de la Court were clearly anti-Orangist in line with de Witt’s True Freedom, others leaned towards the image of the mixed government that had a place for the Prince of Orange.

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188 van Deursen, “The Dutch Republic, 1588-1780.”, p. 187
189 Ibid., p. 187
190 Prokhovnik, *Spinoza and Republicanism.*, p. 95
4.5 1672: Raampjaar, or The Year of Disaster

On 24 February 1672, facing the threat of a French invasion and under severe pressure from the Orangist faction, the States General voted to make the Prince of Orange, William III, captain and admiral-general of the army thereby effectively making him Stadholder. Naturally, de Witt fiercely opposed this, but he lost the vote in the States General. On 6 April, France declared war followed by England and in May, they invaded the United Provinces. The invasion was a disaster for the republic. The French invasion took the United Provinces completely by surprise. Never before had three whole provinces been conquered so swiftly. The populace and the Orangists held that de Witt and the regents were responsible for the catastrophe because they had kept the army in disrepair.192 Following these developments, rioting broke out all over the United Provinces and on 20 August in The Hague Johan de Witt and his brother Cornelis were assaulted by a furious mob, who murdered them.193

William III managed to negotiate a peace with France by 1674, and cement his platform by securing the right to appoint the most important offices in Holland.194 William III, to the grievance of Amsterdam and the Regents, was named Stadholder of Holland.195 Following the murder of the de Witt brothers, hundreds of other Regent magistrates were removed from office, and in November of 1672 a debate was initiated about who ought to fill the vacancies.196 This debate, a fierce pamphlet battle, which also addressed the issue of the relation between the various political institutions in the republic, saw the ideology of True Freedom denounced in the harshest terms possible by Orangists and their popular support.197

The ensuing debate in the 1670s was characterized by the struggle between the ousted staatsgezinden and the Orangists with their newly formed power base. In the ensuing pamphlet war republican regent agitators referred to the people as a dangerous entity

192 van Deursen, “The Dutch Republic, 1588-1780.”, p. 195
193 Israel, The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806., p. 803
194 van Deursen, “The Dutch Republic, 1588-1780.”, p. 197-98
195 Ibid., p. 198
asserting, instead, that Aristocratic rule by small elite was preferable. Democracy and expansion of political rights was not on their agenda. Orangist pamphleteers, on the other hand, supported popular uprisings as a legitimate form of outcry.198 This harked back to the Dutch Revolt in which William the Silent had led the insurrection with the support of the people.

In sum, the political and institutional context in the 1670s at the time of the writing of the TP was one of decreasing influence of the staatsgezinden and increasing influence of the Prince of Orange and the Stadholderate. Later we will see that the TP is an intervention in this debate over what the proper balance of power should be given the institutional arrangements of the republic.

198 Israel, *The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806*., p. 803
5 Spinoza’s Political Treatise

5.1 Spinoza as a Defender of Ancient Privileges and Customs: Prokhovnik’s Thesis

In her 2004 monograph, Prokhovnik provides an interpretation of Spinoza’s political works informed by Cambridge-school contextualism with the aim of elucidating the ‘intended meaning’ of Spinoza’s political works. Prokhovnik, then, wants to study to what extent Spinoza’s political works seek to ‘defend and update the Dutch way of doing politics’. She agrees with Kossmann that a disconnection between the de facto republican practice of the United Provinces and the monarchist theory taught in the universities characterized the political scene of the mid-16th century. Her ambition, then, is to vindicate the conservative reading of Dutch political thought as ‘eclectic’ and ‘traditionalist’. Adopting this perspective, Prokhovnik hopes to shed light on what republicanism meant in the Dutch context. It might have meant much more than simple anti-monarchism or it might not have granted a prominent place for the moral ideal of self-government or civic participation. She concludes that republicanism in the Dutch Republic has to do with the distinctiveness of the Dutch political context. In essence, she affirms the ‘Atlantic Express Train’ of Pocock and Kossmann. Among the republican features of the Dutch Republic she lists regional complementarity, Holland-centricity, provincial insularity and independence, traditionalist practice and defense of privileges, the political dominance of the regents, and de Witt’s True Freedom ideology in a loosely confederated alliance.

199 Prokhovnik, Spinoza and Republicanism, p. 7
200 Ibid., p. 4
201 Ibid., p. 1
202 Ibid., p. 7
203 Ibid., p. 8

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This being so, Prokhovnik thinks that reading Spinoza in this light can yield important insights into the meaning of his political writings. By doing this, she wants to challenge the view that while the brothers de la Court provided the rhetorical defense of the policies of de Witt’s True Freedom, Spinoza’s writings were cast in a more philosophical style disconnected from political reality.204 Here we find the merits of Prokhovnik’s work. She tries to unsettle the division by finding evidence that Spinoza, too, wrote with local Dutch politics in mind. Her conclusion is that just as the de la Court’s work; Spinoza’s political writings were also ‘Holland-centric’. Spinoza, too, seek to legitimate the dominant position of Holland within the United Provinces. This, Prokhovnik claims, can be seen in Spinoza’s praise of Amsterdam, his many references to Holland and the United Provinces, his view on religious toleration, liberty, natural rights, sovereignty and representation.205

Prokhovnik maintains that the lack of attention given to the TP, which we surveyed in the introduction, can explain why the theme of ancient privileges and Holland-centricity have remained absent from scholarly interpretations of Spinoza’s work.206 She ends the book by concluding that ‘Spinoza does not argue actively for republicanism, but for the Dutch manner of conducting politics and a justification of an ‘amended form of de Witt’s republican practice and ideology’.207

While Prokhovnik, contra Kossmann, correctly emphasizes Spinoza as a writer that had the local Dutch context in mind, she goes too far and concedes too much terrain to Kossmann’s traditionalism reading of Dutch political thought.

In the following, I will assume that Prokhovnik’s aim is to defend two hypotheses concerning the intended illocutionary force208 of Spinoza’s Political Treatise. One, that Spinoza in writing the TP sought to defend an amended form of de Witt’s republican practice and ideology. Second, that Spinoza in writing the TP sought to argue for a Dutch way of doing politics as described by Vranck and exemplified by the institutional workings of the Dutch Republic. I dismiss the first hypothesis because it is contradicted by textual, contextual, and philosophical evidence, and I will refine and defend an amended version of the second hypothesis. This chapter, therefore, will contain an

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204 Kossmann, Political Thought in the Dutch Republic, Three Studies.
205 Prokhovnik, Spinoza and Republicanism., p. 169
206 Ibid., p. 15
207 Ibid., p. 261
208 I will also ignore the subtle methodological differences between Prokhovnik’s study and mine. While I use the language of intended illocutionary force, Prokhovnik abstains from defining her methodological approach in any detail, which makes it difficult to assess what she really wants to investigate.

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assessment of different pieces of evidence that either support or detract from Prokhovnik’s hypothesis, and it contains arguments supporting my hypothesis. First, I survey Spinoza’s rejection of the Cartesian separation-thesis. Spinoza’s rejection of the compromise between the Aristotelians at the universities backed by the Orangists and the Cartesians supported by the staatsgezinden gives us a strong indication that Prokhovnik’s thesis is incorrect. Second, Spinoza I examine Spinoza’s rewriting of the natural law tradition. And, third, I treat the way Spinoza dismisses the theory of mixed government. He does so on logical grounds, but more importantly to deny the Stadholder a place within the Dutch Republic.

One caveat. While Prokhovnik primarily focusses on the TP, she sometimes looks to the TTP to support her hypothesis. This potentially poses a problem for me. This is because some claim that the TTP to a much greater degree than the TP, defends the policies of de Witt. I do not find this argument at all convincing, which will be evident in my discussion of the Cartesian separation thesis. In short, my argument will be that Spinoza, who was almost universally condemned when he published the TTP, was far too radical for de Witt to be of any use for the policies of the staatsgezinden. After 1672, when the staatsgezinden were increasingly marginalized, Spinoza’s philosophical and religious radicalism would have been more unpalatable to them.

5.2 Spinoza and Political Thought in the Dutch Republic
Having wheeled the machinery onto the stage, we are now in a position to provide an interpretation of Spinoza’s *Political Treatise*. It has been said that Dutch political

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209 A note on Spinoza’s vocabulary. Spinoza uses three words that might refer to what we today would call the state: Civitatis, Imperium, and Statu. Curley translates ‘Civitatis’ with state, commonwealth, city, citizenship (Dutch, stad, staat, burgerlike staat, burgerschap) depending on context. He translates ‘imperium’ with state, sovereign, sovereignty, command, control, rule, authority, and empire (Dutch: heerschappij, rijk, macht). He translates ‘statu’ with as state, order, or arrangement (stand, staat). Imperium is perhaps Curley’s most controversial translation. Elwes translates ‘imperium’ with ‘dominion’ and Shirley also translates it with ‘state’. There are two things to consider. Spinoza might have opted for the term ‘imperium’ because he owned a 1647 Amsterdam copy of Hobbes’ *De Cive*. In this particular edition of the book, the second chapter deals with ‘imperium’, and it is imprinted on the top of all the pages in the chapter. But in this work Hobbes’ clearly distinguishes between ‘civitatis’ and ‘imperium’. Hobbes consistently uses the former term to refer to anything that has to do with what we might call ‘the state’. Later in *Leviathan* Hobbes will explicitly in the introduction call his ‘civitatis’ a state (or Leviathan). In fact, in the bulk of the text of *De Cive*, Hobbes barely uses the word ‘imperium’. He only uses it once in and this in a passage, where it clearly means ‘sovereignty’. I see no reason why ‘imperium’ should not be translated as ‘rule’ or ‘government’. Silverthorne even translates ‘imperium’ as power, although this would not be appropriate in Spinoza’s case.
thought in the 17\textsuperscript{th} century was primarily concerned with the constitutional management of the passions,\textsuperscript{210} and we will see that this is certainly true in Spinoza’s case.

Spinoza opens the treatise by setting up a dichotomy between philosophers [philosophi] and political practitioners [politici]. The philosophers look to affects as ‘vices’ and ‘conceive men not as they are, but as they want them to be’. Their treatises on politics, therefore, are nothing but ‘Satire’ without practical application, relevant only in ‘Utopia’. Theorists and philosophers as a result are the least suited to guide ‘Public Affairs’ [reipublicae].\textsuperscript{211} ‘Politici’, on the other hand, are different. They have a bad reputation, because they are believed to ‘set up traps for men’ rather than look out for the common good. Experience, however, have taught them that men will always have vices, and so their schemes are never far removed from practice. Because of this, theologians, ‘who believe the supreme powers [summa potestates] ought to treat the public business by the same rules of Piety private men are bound by’, condemn them. But even though the ‘politici’ anticipate and deal in wickedness by using the arts that ‘experience and long practice have taught them’, their advice, Spinoza adds, is still problematic because it is ordained out of fear and not under guidance of reason as it should be.\textsuperscript{212} Spinoza then spells out how he wants to approach the subject of politics. He does not think that his attending to the subject will reveal anything ‘at variance with experience, or practice’, and he further says that the men, the ‘politici’, ‘who’ve discussed and established the common laws and public affairs were very acute’.\textsuperscript{213} Against these ‘politici’, however, Spinoza wants ‘to demonstrate the things which agree best with practice, in a certain and indubitable way, and to deduce them from the condition of human nature’.\textsuperscript{214}

These opening passages are usually interpreted as Spinoza juxtaposing the ‘idealist’ and the ‘realist’ traditions in political thought. Commentators see here the imaginary commonwealths of Plato, or more likely Thomas More, juxtaposed to the reason of state literature spearheaded by Machiavelli. Spinoza most certainly has Machiavelli in mind. The way he explains how the ‘politici’ are in opposition to theologians, who believe that

\textsuperscript{210} Arthur Weststeijn, “From the Passion of Self-Love to the Virtue of Self-Interest: The Republican Morals of the Brothers De La Court,” European Review of History: Revue Européenne D’histoire 17, no. 1 (February 1, 2010): 75–92., p. 86
\textsuperscript{211} TP 1.1
\textsuperscript{212} TP 1.2
\textsuperscript{213} TP 1.3
\textsuperscript{214} TP 1.4
public affairs should be guided by the moral standards of the private citizen, recall Machiavelli’s critique of Roman moralists, like Cicero, and the humanist conception of what is ‘honestum’, a connection I return to later. Later in the TP, Spinoza also approvingly calls Machiavelli ‘shrewd/acute’ [acutissimus].

Furthermore, he owned a 1550 edition of Machiavelli’s collected works in Italian and a 1580 edition of ‘The Prince’ in Latin, so he was very familiar with the Italian’s work.

Based on the first chapter, an inference is then made that he must have intended to endorse the ‘realist’ tradition of Machiavelli. While this is mostly correct, Spinoza does a number of other things in the introduction that has a more radical and immediate impact. First, however, it is clear that he favors the ‘politici’ approach to politics. The writers of this tradition have not taught anything contrary to practice because they have based their advice on experience. Nevertheless, in basing their advice on experience they have deduced their principles more from fear than from reason, since men are more often led by fear than reason. The problem with fear is that it contains doubt. Spinoza defines fear in the Ethics as ‘an inconstant Sadness, born out of the idea of a future or past thing whose outcome we to some extent doubt’. Consequently, the knowledge of the ‘politici’ is doubtful, and this is clearly a problem if the objective is to secure the stability of the state. Instead, Spinoza recommends, we must begin from things of which we have a ‘clear and distinct conception’.

The aim of Spinoza’s Ethics is to look for these ‘clear and distinct’ conceptions and he cites a number of them in the introduction to the TP 1.5. The first of these are that ‘men are necessarily subject to affects’. Moreover,
even though we can do much to moderate the affects through the use of reason,\textsuperscript{221} it remains that the path of reason is difficult to tread. It follows, Spinoza argues, that a multitude cannot be induced ‘to live according to the prescription of reason’, and the people who think it can is ‘dreaming of the golden age of the Poets. They’re captive to a myth’.\textsuperscript{222} Having stated the basis of human nature that must be taken into account when dealing with the subject of politics, Spinoza comes to his conclusion. This is that a state, which relies on people being of good faith, i.e. being guided by reason on their own initiative, is highly unstable. The only way a state [imperium] can be everlasting is if ‘its affairs [are] so ordered that, whether the people who administer them are led by reason or by an affect, they can’t be induced to be disloyal or to act badly’.\textsuperscript{223} Everything hinges on the proper organization of government. For Spinoza, too, politics is about the constitutional management of the passions.

5.2.1 Rejecting the ‘Separation-Thesis’

The most radical and immediate impact of Spinoza’s introduction, is how he challenges and unsettles the compromise known as the separation-thesis that had been struck between Cartesians and the Aristotelio-Voetians at the Dutch universities. This part of the context of the TP is important because it demonstrates that Spinoza could not, in any way, have intended to defend ‘an amended’ version of de Witt’s ideology. The conflict at the Dutch universities more or less mapped onto the division between staatsgezinden and Orangists. The staatsgezinden were sympathetic to the ‘New Philosophy’ of the Cartesians, while the Orangists aligned with the Voetians, who saw Descartes’ thinking as disturbing the marriage between Aristotelianism and theology. Cartesianism was irreligious. The ‘skeptical crisis’ of the 16th century fueling the reason of state literature meant that established philosophical authority was relatively weak throughout Europe and in particular in the Dutch Republic. The scene was ripe for the taking and onto the stage burst the ‘New Philosophy’.\textsuperscript{224} By the early 17th century, only a small number of people in the Dutch Republic knew about the Copernican view of heliocentricity. This changed when the Pope in 1633 condemned Galileo. The idea of heliocentricity rapidly gained traction in the republic, but it also faced heated opposition. From the newly created

\textsuperscript{221} E V
\textsuperscript{222} TP 1.5
\textsuperscript{223} TP 1.6
\textsuperscript{224} Israel, \textit{The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806.}, p. 582
University in Utrecht, Gisbertus Voetius, professor of theology, led the charge against Copernicus and Galileo.\textsuperscript{225} Allied with Orthodox Calvinism and armed with traditional Aristotelian concepts, Voetius refuted their hypothesis as irreligious, because it did not recognize that God revealed his divine purpose through nature.

Inspired by advances in ‘natural philosophy’ and heliocentricity,\textsuperscript{226} Descartes, and Beeckman, articulated a mechanistic conception of the natural world. The central ideas of this conception were that reality could be reduced to motion, mass, and extension, which could be expressed mathematically.\textsuperscript{227} This was a rejection of the Aristotelian doctrine of substantial forms propagated by University professors such as Voetius. The ‘New Philosophy’ held that true knowledge must proceed from ‘clear and distinct perceptions’ the first being man as a thinking thing. The entire system was constructed around the idea of deduction. If a proposition, or a common notion, was ‘clear and distinct’, then everything that followed logically from this also had to be true.

The University of Utrecht, established in 1636, taught, as was common practice in Dutch universities, traditional Aristotelian philosophy. Aquinas’ adaptation of Aristotle to Christian theology had been ground-breaking, but Dutch professors looked to Suarez when furnishing their arguments.\textsuperscript{228} Aquinas held that matter could not be conceived without form and that the latter follows conceptually from the former.\textsuperscript{229} Later Scholastics like Suarez held a different view. He thought that matter and form were conceptually independent, but nevertheless mutually complementary. They combined to form all natural bodies.

Many professors in the Dutch universities championed this theory.\textsuperscript{230} Suarez held that we observe matter directly; therefore, only matter needs to be invoked to account for observed behavior. But this led to the question of why the concept of form was needed at all. Suarez answered with his doctrine of substantial forms. The argument for a substantial form relying on scriptural authority is that ‘a human being consists of a substantial form

\begin{thebibliography}{9}
\bibitem{225} Ibid., p. 583
\bibitem{226} What we today would call ’science’.
\bibitem{227} Israel, \textit{The Dutch Republic, Its Rise, Greatness, and Fall, 1477-1806.}, p. 583
\bibitem{228} Alexander X. Douglas, \textit{Spinoza and Dutch Cartesianism: Philosophy and Theology} (Oxford University Press, 2015)., p. 14
\bibitem{229} According to Aristotle, the world is made of matter and form. Matter is what physical entities are made out of and form is what make them behave and exist in a certain way.
\bibitem{230} Douglas, \textit{Spinoza and Dutch Cartesianism.}, p. 15
\end{thebibliography}
as an intrinsic cause’. This form of a human being is the rational soul that can exist by itself separate from the body, since it is immortal. The form of a human is thus the soul and its function is to create harmony between all the parts of the body. All other creatures, Suarez said, displayed harmony so they had to have a substantial form as well.

Against this view, the Cartesians championed the mechanistic thesis that what created harmony between the parts was a certain combination of motion and rest, nothing else. The mind did not create harmony but ‘arbitrary motion’ in the body. Such a rejection of the doctrine of substantial forms was religiously dangerous, because substantial forms were heavily invested with theological meaning. To the Aristotelio-Voetian philosophers, especially Voetius, the substantial forms were an object of religious reverence, while being philosophically significant. The natural world was part of the revelation of divine providence and so when in the 1640s, Henricus Regius, professor of medicine at Utrecht and an advocate of Cartesianism, denied the existence of substantial forms with reference to the mechanistic thesis he was attacking the central tenet of Aristotelianism and theology.

Voetius claimed that the Cartesians promoted a natural philosophy that was theologically unsound by rejecting revelation of God through nature. The proper aim of physics, as Voetius understood it, was to partake in the worship of God and so the Cartesians were potentially irreligious by claiming that it was mere arbitrary motion that created harmony in nature and not the substantial form of the rational soul created by God.

The Cartesians defended themselves by campaigning for the claim that philosophy and theology were separate. This strategy, known as the separation thesis, was successful. A strategy that would fail only after the fall of the republican, de Witt regime in 1672. In 1670. The Cartesians based the separation thesis on the view that there were two ways of knowing, one through philosophy and the other through ‘common experience’. Theologians, politicians, lawyers, and even medical practitioners work with knowledge derived from common experience suitable to the practical sciences. Philosophy, on the other hand, consists of abstract theoretical physics and its related methodology. In this way, their abstract physical theories about motion and rest bore no consequences for

231 Ibid., p. 16
232 Other University Cartesians in the Dutch republic counted: Heidanus, De Raey, Clauberg, Wittich, and Velthuysen.
233 Douglas, *Spinoza and Dutch Cartesianism.*, p. 29
234 Ibid., p. 37
theology and the practical sciences. Theology deals with practices leading to salvation and scripture and faith reveal theological truths, while philosophy consists in theoretical and abstract physical truths. Descartes method of doubt should only be applied to philosophical truth not theological truth.

Since the separation thesis of the Cartesians could only mended the grievances of the Aristotelio-Voetians so far, a compromise was struck in October 1656 when the States of Holland guided by Johan de Witt, himself sympathetic to Cartesianism, promulgated an edict on philosophy designed to ‘prevent abuse of freedom to philosophize to the detriment of true theology and Holy Scripture’. The edict banned the mention of Descartes in lectures and dissertations, but upheld the freedom to philosophize. The compromise, however, was destroyed after 1672 when the staatsgezinden lost power to the Orangists.

Against this backdrop, it is possible to appreciate the radical intervention of Spinoza’s TP and how it shatters the separation thesis in the realm of theology and politics. Spinoza, of course, had no sympathies for the Aristotelians and their theory of substantial forms. In a letter from 1674 regarding the existence of spirits, Spinoza writes that ‘the authority of Plato, Aristotle, and Socrates is not worth much’. In fact, it is no wonder that such philosophers would be cited in defense of incorporeal spirits, since they have also ‘invented occult qualities, intentional species, substantial forms’ and believed ‘old wives’ tales’. But Spinoza, as we see in the introduction to the TP, while being committed to some form of mechanism, does not support the Cartesian separation thesis either.

First, in the TTP Spinoza modifies and radicalizes the Cartesian separation thesis with respect to theology. Unlike the Cartesians, Spinoza does not think that theology has any theoretical relevance at all. There is no such thing as ‘theological truths’ that can be accessed through faith or scripture. Theology only has relevance in a strictly and narrowly defined practical sense in encouraging ‘piety and obedience’, that is, moral behavior. Philosophy and reason, on the other hand, deals with truth that can be demonstrated in a

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236 Ibid., p. 29
237 Ep. 56
238 TTP, Ch. XIV III/177. Furthermore, Spinoza claims that the reading of scripture is not even a necessary condition of moral behavior. The moral teachings of scripture is accessible from other sources. That is why pagans like the Romans, even when they did not known Christ, were capable of great deeds and praiseworthy moral behavior.
mathematically precise sense. The TTP, therefore, is one giant encroachment on Aristotelio-Voetian territory. He denies that they have anything to say regarding truth. Second, in the introduction to the TP Spinoza continues this encroachment by showing complete disregard for the separation thesis with respect to politics. Already in his *Metaphysical thoughts*, attached to his 1663 *Principles of Cartesian Philosophy*, Spinoza draws all the logical consequences of Cartesians metaphysics. Scripture is not necessary to prove the existence of God, since man has an ‘innate’ idea of God’s existence. Furthermore, he claimed that goodness was a relation, which meant that God was not good prior to creation, and if God was not good prior to creation, he could not have created the world out of goodness. Rather, as Spinoza explains in the *Ethics*, the existence of the world follows necessarily from the existence of God. God caused the world to exist as a necessary consequence of his own existence.

This had radical implications for the study of nature and someone like Voetius. If God causes the world to exist necessarily as Spinoza claims then the world cannot be a testimony of God’s moral goodness and consequently substantial forms ceases to be an object of reverence. They become redundant and this is surely irreligious. What Spinoza does in the TP is to take the metaphysical conclusions from the *Metaphysical Thoughts* and the *Ethics* and make them the basis for the practical science of politics. Whereas the Cartesians had been satisfied with confining Descartes’ method of radical doubt to abstract physical theory, Spinoza claims that politics ought to be based on the ‘clear and distinct’ conceptions arrived at through metaphysics. In this sense, Spinoza cuts the Christian God of revelation out of politics. The relation between government and subject can be theorized without the intervention of theology. In conclusion, Spinoza does two things in the introduction. He aligns himself with the ‘politici’, already a suspect move given the dubious reputation of Machiavelli, and he challenges and refutes the separation thesis by asserting the relevance of metaphysics and Cartesianism in politics.

What does this tell us in terms of Spinoza’s intention with respect to Prokhovnik’s hypothesis? We learn that already in the TTP, Spinoza was far too radical to be of any use to the Cartesians in the universities and Johan de Witt’s staatsgezinden republicans.

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239 CM, Ch. VI 1/247
240 CM, Ch. VI I/248
241 E IP29
242 Douglas, *Spinoza and Dutch Cartesianism*, p. 74. See also E IP11 and see E IP7 for the argument that the essence or nature of God is existence.
If de Witt and the staatsgezinden as well as the more moderate university Cartesians were associated with the author of the TTP the delicate balance they had managed to negotiate in the Edict of 1656 would have been brought in danger. Voetius could have more easily charge them with being irreligious. And after 1672, the rise of Orangism and the strengthening of the Aristotelio-Voetians in the universities would have only meant that the staatsgezinden would have been even less receptive to Spinoza’s writings. They would not dream of referring to either the TTP or TP for ideological legitimation of their policies. A liberal and toleration-minded Cartesian such as Lambert van Velthysen, who had introduced Hobbes’ work to the Netherlands in the form of a defense of De Cive in 1650, had written a small pamphlet refutation of the TTP that Jacob Ostens relayed to Spinoza. Not even promoters of Hobbes’ wanted to be associated with Spinoza.

In fact, the TTP, as Nadler and Israel have demonstrated, was universally denounced and Spinoza was offered the dubious honor of being referred to only by his surname. Only Hobbes and Machiavelli could boast of having received similar ‘praise’. In sum, Spinoza’s refutation of the separation thesis provides an importance piece of contextual evidence against Prokhovnik’s thesis. If Spinoza intended to defend an amended form of de Witt’s ideology of True Freedom, then it would be extremely unlikely for him to have written the way he did in the TTP and the TP against the separation thesis. My case against Prokhovnik’s hypothesis is strengthened.

5.2.2 Natural Law and Stoicism

Having delineated his position in relation to the philosophers and the politicians and his radical Cartesian methodology, Spinoza turns in chapter 2 to his theory of natural law. Natural law discourse went in two directions in the Dutch political thought after the Revolt. One direction lead towards Stoic asceticism in the writings of Justus Lipsius and another led to an aristocratic republicanism in the writings of Hugo Grotius.

Justus Lipsius’ Neostoic humanism had become a popular discourse within Dutch political thought during and after the Revolt. The orientation to Stoic sources was not unprecedented in humanist culture. The Italian Renaissance writers had enthusiastically embraced the lessons of Roman moralists like Cicero and Seneca, who stressed the

243 Lambert van Velthuysen, A Letter on the Principles of Justness and Decency, Containing a Defence of the Treatise De Cive of the Learned Mr Hobbes (BRILL, 2013).
244 Ep. 42. See Spinoza’s reponse in Ep. 43
importance of the virtues of clemency and generosity to the ruler wishing to act well.\textsuperscript{245} Whereas the civic humanist reading of the Stoics put emphasis on the ‘vita activa’,\textsuperscript{246} the Stoics were read differently in Northern European humanist circles after the reformation. Both Israel and Tuck agree that the ‘skeptical crisis’, emerging out of the deadlock between the Reformed churches and the counter-reformation, and which found its foremost exponent in Montaigne,\textsuperscript{247} was the decisive moment in the rebirth of Neostoicism.\textsuperscript{248} Stoic discourse to the Northern European humanists offered the private citizen refuge from religious sectarianism by providing an ethical framework, which could be used to sidestep the issue about what the ‘true’ faith was. The seemingly never-ending conflict between the warring Catholic and Protestant factions made a move such as that expedient.

At the core of Stoic philosophy is an account of self-preservation. To the Stoics, the basis of ethics is an animal’s impulse [\textit{hormê}]\textsuperscript{249} to self-preservation,\textsuperscript{250} because nature from the outset \textit{endears} to itself. This endearing [\textit{oikeiosis}] or appropriation is a process ‘by which an animal takes ownership of that towards which it is naturally disposed’.\textsuperscript{251} Since life is the first thing an animal is naturally disposed to, its first priority is to preserve that. Humans, on the other hand, are exceptional in that they can rationally reflect on their lives; and have, therefore, unlike the lower animals, as their \textit{telos} to live in agreement with nature, which is the virtuous life. For humans, due to their capacity for reason and reflection,\textsuperscript{252} the pursuit of this telos, so the Stoics intimate, involves \textit{rational} striving for

\textsuperscript{246}Skinner, \textit{The Foundations of Modern Political Thought, Volume 1, The Renaissance.}, p. 42
\textsuperscript{249}It is debatable whether the stoic equivalent to Spinoza’s \textit{conatus} is \textit{hormê} or \textit{oikeiosis}. For an argument in favor of \textit{oikeiosis} see Jon Miller, \textit{Spinoza and the Stoics} (Cambridge: Cambridge University Press, 2015.), p. 100-137. Firmin DeBrabander, \textit{Spinoza and the Stoics, Power, Politics and the Passions}, Continuum Studies in Philosophy (Continuum, 2007.), is a treatment of the topic that seems to conform to the standard interpretation by which conatus is equated with \textit{hormê} [impulse]. Shirley too, in his translation of the crucial IIIP7, notes that \textit{hormê} is the stoic equivalent of \textit{conatus}. Lacking the knowledge adequately to evaluate the problem, I merely indicate its existence while refraining from taking sides in the debate.
\textsuperscript{252}Cicero, \textit{On Duties}. 1.11
self-preservation in an attempt to align human reason with the logos of the cosmos. This theory could be read in one of two directions. As Skinner points out, the civic humanists turned the Stoic Cicero into a champion of civic virtue and a promoter of the ‘vita activa’. But after the decline of the Florentine Republic, and the rise of skepticism following the religious wars of the 16th century, some, like Lipsius, took Stoicism in the direction of the ‘vita contemplativa’ in which the most pristine virtue was constancy.

Justus Lipsius pursued the theme of rational striving for self-preservation in his *De Constantia* of 1584. In classical humanist fashion, he sketches a dialogue on the theme of the Dutch Revolt between two interlocutors, Languis and Lipsius. Lipsius begins by bewailing the condition of the Low Countries, which are wrought ‘with the tempest of civil wars’, and concludes that the only cause of action is to leave this ‘unfortunate and unhappy Belgica’. Languis, however, extolls Lipsius not to abandon his country, but instead to abandon his ‘affections’.

> Opinion, which is the ‘offspring of the body’, cannot remove the ‘dart of affection’. ‘Constancy’, on the other hand, which ‘is a right and immovable strength of the mind’, where strength signifies ‘a steadfastness not from opinion, but from judgment and sound reason’, can help Lipsius so that he can endure his ‘sufferance without grudging’. Since ‘plague and famine’, ‘cruelties and butcherly slaughters’ have existed for eternity, the private citizen must endure his hardships and accept his fate by aligning himself with the inevitable cause of events through constancy. In this sense, the dialectic between *fortuna* and *virtú* has come full circle.

Lipsius, like the civic humanists, was inspired by the Stoic Roman moralists, but instead of prescribing a life of active participation in public affairs, a ‘vita activa’ or *vivere civile*, the medicine against the changeability of *fortuna* was a life of constancy, of ‘otium’ or ‘vita contemplativa’. Despite this, we will later see how Lipsius thinks that the monarch can live a *vivere civile*.

While Lipsius’ Stoicism had led him to the idea that the citizen must acquiesce in his predicament and find solace in the ‘vita contemplativa’, others, like Grotius, rejected this idea as too skeptical. To combat the relativist sentiment of Lipsius, Grotius took a novel

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254 Ibid. Bk. 1, Ch. V
255 Ibid. Bk. 1, Ch. II
256 Ibid. Bk. 1, Ch. IV
257 Ibid. Bk. 2, Ch. XXIII
approach to the theme of self-preservation. He starts in *De Iure Praedae* of 1604-06, a tract primarily written as a defense of the activities of the Dutch East India Company, by asserting that the law of nature [ius naturale] is the will of God revealed through the functioning of his creation. Later Grotius defines this law of nature [ius naturale] as a ‘dictate of reason, which points out that an act, according as it is or is not in conformity with rational nature, has in it a quality of moral baseness or moral necessity; and that, in consequence, such an act is either forbidden or enjoined by the author of nature, God.’

Each individual, being part of nature, has certain natural properties the most basic being self-preservation. What, then, is enjoined by the natural law of God is that each individual has a *moral* and *universal* right to protect itself from harm, and from this basic principle of natural law, Grotius goes on to derive all the other laws of nature that specify duties towards others. The first and second natural laws give the individual a *moral* right to ‘defend life and to shun that which threatens to prove injurious’, and he continues that ‘it shall be permissible to acquire for oneself, and to retain those things which are useful for life’.

The groundbreaking move by Grotius was to base his discussion of politics on a moral interpretation of self-preservation. From the principle of self-preservation, it was possible to deduce what moral obligations and duties the individual owed to society just like Hobbes would do some years later. However, while Hobbes thought that to ensure the self-preservation of the individual the government needed to be monarchic, Grotius was inclined to Aristocracy. Even though Kossmann and Haitsma-Mülier correctly state that before de la Court and Spinoza, there was no coherent republican theory in Dutch political thought, Grotius was by all means a republican, albeit not a principled and systematic one. Tuck, referring to Grotius’ writings on the sort of republicanism appropriate to the Dutch Republic, describes it as the ‘Venetian constitution with the Florentine foreign policy’. Grotius praised Venice and held that virtue could only be found in free republics like Rome, Athens, and the United Provinces, and it was ultimately the virtuous senate that was the center of Grotius’ republic. He preferred a ‘governo stretto’

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261 Hugo Grotius, *Commentary on the Law of Prize and Booty* (Indianapolis: Liberty Fund, 2006). Ch. II


263 Ibid., p. 159-61
to a ‘governo largo’. A preference that Spinoza does not share, as we will see later. While Grotius and Lipsius differed in their assessment of what the best form of government were, they both agreed that to act contrary to right reason, which means to act based on the passions or ‘the dart of affection’, was to act contrary to human nature. A position that Spinoza wholeheartedly refuted.

5.2.2.1 Redefining Natural Law

In the preface to the third part of the Ethics, Spinoza’s primary target is Descartes, who holds that mind and body are separate substances.

_Most of those who have written about the Affects, and men’s way of living, seem to treat, not of natural things, which follow the common laws of nature, but of things which are outside nature. Indeed they seem to conceive man in nature as a dominion within a dominion. For they believe that man disturbs, rather than follows, the order of nature, that he has absolute power over his actions, and that he is determined only by himself. And they attribute the cause of human impotence, not to the common power of nature, but to I know not what vice of human nature, which they therefore bewail, or laugh at, or disdain, or (as usually happens) curse._

In denouncing Descartes’ view of the relation between mind and body, Spinoza promotes his own naturalistic conception man. Central to his view is the thought that everything operates according to the same laws of nature. The mind is not a substance outside nature that can induce ‘arbitrary motion’ into the body through an act of will. Mind and body are not distinct; instead, they are two ways of conceiving and explaining the same nature. Spinoza carries this naturalism into his natural law theory, where he certainly has Grotius and Lipsius in mind. Contrary to their reading of Stoic sources, Spinoza does not think that passions violate the law of nature. In fact, the only thing that the law of nature forbids is what cannot be done.

Spinoza opens the second chapter of the TP with reiterating one of the conclusions from the first part of the Ethics, namely, that ‘the power by which natural things exist, and
so by which they have effects, can’t be anything but the eternal power of God itself’.\textsuperscript{268} And because God has the right over all things, and because his power is identical with his right, it follows that ‘each natural thing has as much right by nature as it has power to exist and have effects’.\textsuperscript{269} Since this is true of each individual thing in the world, Spinoza defines the Right of nature [ius naturae] as ‘the laws of nature themselves, or the rules according to which all things happen, i.e., the very power of nature’. Therefore, as long as something abides by the laws of nature, which everything created does, it acts by the Right of nature. Consequently, whatever a man does, he does according to the supreme Right of nature and this right extends as far as his power does.\textsuperscript{270}

Most people’, Spinoza spells out, certainly with Lipsius and Grotius in mind,\textsuperscript{271} since we are now in the realm of politics and natural law, ‘believe that the ignorant disturb the order of nature rather than follow it, and they conceive men in nature as a dominion within a dominion’.\textsuperscript{272} From this, we can see that Spinoza wants to apply his naturalism to the question of natural law. Spinoza then reiterates the familiar theme of natural law discourse, the right to self-preservation. By necessity, ‘man, like all other individuals, strives, as far as he can, to preserve his being’.\textsuperscript{273} And he adds in clear defiance of Grotius that ‘whether he [man] is wise or foolish, he strives for and does by the supreme right of nature’. Nature prohibits nothing ‘except what no one desires and no one can do; it does not prohibit disputes, or hatreds, or anger, or deceptions, and it is absolutely not averse to anything appetite urges’.\textsuperscript{274} In sum, Grotius believes that man acts contrary to human nature if he acts against the dictates of reason. Spinoza does not. Acting contrary to reason, that is, from the passions is still part of human nature

Minding the vast diversity of natural law theories, we can, with some simplification, suggest that two elements are usually present. Natural law has a natural dimension because it is grounded in a conception of human nature and it has a normative dimension

\textsuperscript{268} TP 2.2
\textsuperscript{269} TP 2.3
\textsuperscript{270} TP 2.4
\textsuperscript{271} The difference between the Right of nature and the law of nature can be slippery. No authors used the terms consistently. Not even Hobbes, despite his famous distinction in chapter 14 of \textit{Leviathan} between the law and right of nature as freedom and obedience. The point to be made in comparing Spinoza and Grotius is that while the latter thinks that man acts contrary to human nature if he acts against the dictates of reason, the former does not think so.
\textsuperscript{272} TP 2.6
\textsuperscript{273} TP 2.7, see E IIIP7 for conatus-doctrine.
\textsuperscript{274} TP 2.8
insofar as reason prescribes a pattern of behavior reflecting a common good, value, or justice. This is the case for Grotius, and Hobbes, too, when they discuss what ‘right reason’ is. These are normative prescriptions following from our human nature as rational beings. Man as a rational being has an obligation to follow the dictates of right reason ordained by God in Grotius, or even in Hobbes, but Spinoza refuses to draw this inference from natural law. Reason has no moral force for Spinoza. In the Ethics, Spinoza can write that the essence of reason is nothing but our Mind, insofar as it understands clearly and distinctly. Moral behavior and the exercise of reason does not consist in choosing to follow or to break a moral norm. Since everything in the world follows necessarily from the existence of God and because nothing is contingent, reason and thus moral behavior consists in coming to understand the necessity with which events unfold. In this way, Spinoza comes close semantically to Lipsius’ vision of aligning oneself with the inevitable sway of fortuna. However, as we will see in the discussion of the relationship between reason, freedom, and councils, Spinoza goes a different, democratic route.

What does Spinoza’s rejection of Grotius’ moral interpretation of self-preservation through naturalistic arguments tell us about Spinoza’s intentions in writing the TP? Spinoza intended to redefine natural law in terms of his naturalism. He saw no legitimate argument for excluding the passions from nature and for deriving moral obligations from nature. In this sense, his intention was to accomplish within the realm of politics and natural law what he had done in the Ethics in terms of Descartes’ substance dualism. In the Ethics, he had dispelled the non-naturalist separation between thinking thing and extended within metaphysics. Within politics and natural law he dispelled the notion that the passions violated human nature and the ‘dictates of right reason’ did not.

5.2.3 Theory of Imperium and Respublica Mixta

Spinoza goes on to consider that, as in other natural law discourse, self-preservation is precarious and so in the case where men do not have common rights [iura communia] the Right of nature ‘can hardly be conceived’. Holding rights in common and ‘being led as if by one mind [una veluti mente ducuntur] can mitigate this danger. The communal right,

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276 E IVP26D. See Also E IIP40S2.
277 TP 2.15. The argument is similar to the Hobbesian argument for the precariousness of the state of nature.
Spinoza calls ‘Imperium’, and he adds that it is ‘defined by the power of a multitude’. He then explains that ‘whoever, by common agreement, has responsibility for public affairs…has this right absolutely’. If the responsibility for public affairs falls on a ‘Council made up of the common multitude’, then the ‘imperium’ is called a democracy, and, if it falls on certain select people, it is called an aristocracy, and if it falls on one person, the ‘imperium’ is called monarchy.

Throughout the TP, Spinoza uses the language of body and mind to refer to the state [imperium]. In chapter 3, he defines the commonwealth [civitas] as ‘the whole body of the state [imperii]’, while he begins chapter 4, with describing the supreme powers [summarum potestatum], as ‘the mind of the state’. Whenever Spinoza speaks of a Council or a collective entity he will refer to them as an entity with a body and a mind, and the ideal circumstance is if this body is led ‘as if by one mind’. Spinoza takes this metaphor seriously. In the Ethics, Spinoza defines the body as ‘a mode that expresses in a definite and determinate way God’s essence insofar as he is considered as an extended thing’. Bodies can be either in motion or at rest, and they are distinguished from each other by their relations of motion and rest and not by a difference in substance. We can see the strictly mechanical outlook on nature. Spinoza then explains that what constitutes the human mind is an idea whose object is the human body.

Spinoza, however, is clear that the state [imperium] is not an individual in the same sense as a human. In chapter 10, he makes it clear that in referring to councils he has in mind not natural but civil persons. Even though Spinoza does not use the language civil persons anywhere else in his political works, we have good reasons to suppose that this distinction holds good for the rest of the treatise. This is because whenever Spinoza talks about a council or a collective identity being guided by one mind, he always qualifies his

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278 Curley here translates ‘imperium’ with sovereignty.
279 TP 2.17
280 TP 2.17
281 TP 3.1
282 TP 4.1
283 E IID1
284 E IIA1
285 E IIA2
286 E IIP13. One could say that Spinoza wants to convey the intention that the commonwealth is the ‘imperium’ considered as an extended thing, while the supreme powers is the ‘imperium’ considered as a thinking thing. These two ways of conceiving the state, however, are not separate. Both belong receive their right or power from the right or power of God.
287 TP 10.2
use of words with an ‘as if’ [veluti]. Also, this civil person has a special trait, namely, that insofar as its body is guided as if by one mind, its will is to be considered the will of all. In effect, what the commonwealth has decided is in fact the decision of each citizen.  

Despite the fact that the state is a civil person, it still has a ‘conatus’, a striving for self-preservation. We can confirm this in three ways. First, in the TP, Spinoza mentions that the commonwealth strives to persevere in being and become ‘sui iuris’ (free or its own master).  

Second, Spinoza talks about the state having a will, and in the Ethics, when the conatus is related to the Mind it is called Will [voluntas]. So a state having a will must be an expression of its conatus in some sense. Third, at the end of the TP, he calls the laws the soul of the commonwealth, and, furthermore he identifies the will of the king with the law.  

In saying that the laws are the soul of the commonwealth, he might be alluding to the idea that the laws are the ones that give life to the commonwealth. And Spinoza’s idea of life is simply the ‘the force through which things persevere in being’.  

It follows that the person of the state strives most optimally to persevere in being when its laws are in correspondence with reason. In fact, in saying that the laws are the soul of the commonwealth, might plausibly mean that they are its essence. As the essence of man is its conatus, so the essence of the commonwealth is the laws by which it strives to persevere in being. In chapter 4 of the TP, Spinoza tells us an important thing about the actions of this civil person. The civil person is not bound by any civil law [iure civili].  

The civil person, however, is bound by the law of nature and reason [iure naturali rationis]. The state breaks this law when it does anything to cause its own downfall. Here it also becomes clear, that even if the commonwealth is a civil person, it is still part of nature. It is a natural thing and bound by the laws of nature. It should be recalled that this boundedness is nothing but being bound to persevering in being. As man’s essence is his conatus to persevere in being, that is, self-preservation, so the essence of the commonwealth, its laws, is to persevere in being.

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288 TP 3.5. This passage is very Hobbesian.  
289 TP 3.14. See also 6.2, 10.2 for preservation of form. Spinoza’s use of ‘sui iuris’ will be explained in the section on his defense of liberty.  
290 TP 7.25  
291 CM, Part II, Ch. VI  
292 E IIIP7  
293 TP 4.5  
294 TP 4.4  
295 TP 4.4
In chapter 5, Spinoza tells us, that a commonwealth is most powerful, is most sui iuris, and is most free, when it is ‘founded and directed by reason’ [ratione fundatur et dirigitur]. Spinoza further explains in this chapter that the highest aim of the state is security this should be interpreted as keeping the laws inviolate, which is precisely to persevere in being. In sum, the criteria for the success of the state is if the multitude is led as if by one mind, and this can only come about if the laws, by which the mind and body of the state act, are established according to the prescription of reason.

We can now see what Spinoza intends to do by formulating this theory of imperium, or state. Comparisons between Hobbes and Spinoza are endless, but Spinoza used his theory of undivided sovereignty to refute the theory of mixed government championed by the Orangists. The historical relevance of these comparisons are sometimes cursory, but they exist for a reason. Spinoza did read Hobbes. He had *De Cive* in his library and his friend van Berkel translated *Leviathan*. Furthermore, Spinoza states in a letter to his friend Jarig Jelles that the difference ‘between Hobbes and me, is this: I always preserve natural right unimpaired, and I maintain that in each State the Supreme Magistrate has no more right over its subjects than it has greater power over them.’ The imperium that is defined by the power of the multitude and held by the supreme authorities, Spinoza tells us, must not be divided. If someone else than the supreme authorities hold imperium, that is, is permitted to ‘decide what is fair or unfair, pious or impious’, then the imperium will be divided and the multitude will not be guided as if by one mind. If it is further divided so that everyone ‘lives by his own mentality’, the imperium ceases to exist. Nevertheless, we choose to obey because men always ‘choose the lesser of two evils’, which means that it is better to obey the supreme authorities than to go back to the state of nature. The argument here is thoroughly Hobbesian. However, Spinoza has two

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296 TP 5.1  
297 TP 2.21  
300 Ep. 50  
301 TP 3.5  
302 TP 3.2
important qualifications. First, we do not give up our faculty of judgment nor our freedom to philosophize. Second, because the imperium is defined by the power of the multitude, ‘it’s certain that its power and Right are diminished to the extent that it provides many people with reasons to conspire against it.’303 Said differently, if people are oppressed and fearful, the imperium will be weak. Although Spinoza appears Hobbesian, he is more concerned with the dialectic between the people and the rulers like Machiavelli in the Discourses.

What does this tell us in terms of Spinoza’s intention in writing the TP? As noted earlier, many writers had conceptualized the United Provinces as a mixed government. Grotius in De antiquitate supported a mixed government with a place for the Stadholder as the monarchical element.304 Later, Burgersdijk, an Aristotelian university professor saw the United Provinces as a mixed government, the Stadholder again being the monarchical element.305 Pocock thinks that the theory of mixed government was essential to the discourse of republicanism. The main danger for Aristotle was that one faction in the polis elevated their particular good to the common good. A mixture of the few and many could ward off this threat. It was Polybius, though, who formulated the cycle of constitutions repeating itself indefinitely at the mercy of fortuna.306 Only a mix of the virtue of the three constitutions could prevent the decline, and it was this theory that Machiavelli endorsed in the Discourses.307

Despite Spinoza’s praise for the ‘acute’ Machiavelli, his intention in writing the TP was clearly to reject the theory of mixed government. His reliance on the Hobbesian doctrine of the indivisibility of imperium made him reject mixed government on logical grounds. Spinoza’s definition of imperium has the necessary implication that a division among the supreme authorities undermines imperium. Under a mixed government, it is not possible for the commonwealth to be guided as if by one mind. A division of power along Machiavellian lines constitutes a form of disobedience to the supreme authorities and cannot be tolerated. The other, more local, intention behind refuting the theory of mixed government was to delegitimize the Orangists and their advocacy of the Stadholderate

303 TP 3.9
304 Kossmann, “Freedom in Seventeenth-Century Dutch Thought and Practice.”, p. 290
305 van Gelderen, “Aristotelians, Monarchomachs and Republicans: Sovereignty and Respublica Mixta in Dutch and German Political Thought, 1580-1650.”, p. 213
306 Pocock, The Machiavellian Moment, Florentine Political Thought and the Atlantic Republican Tradition., p. 77
and the position of Orthodox Calvinism within the republic. By rejecting mixed
government, Spinoza was at the same time rejecting the possibility that the Prince of
Orange could play any role in the Dutch Republic. In addition, by championing undivided
sovereignty he also denied the ecclesiastical authorities any role in politics. Like Hobbes,
he believed that the supreme authorities should control the external religious rites, while
leaving the decision of internal religious denomination up to the individual.

5.3 Institutions of the Dutch Republic and Spinoza’s Three Forms
of Imperium

Having laid down his general theory of imperium, Spinoza proceeds to discuss the three
forms of imperium. Spinoza’s ambition is to articulate a fundamental law [iura
fundamentalia] for each type of imperium, according to which they can strive to persevere
in being, thus laying the foundations for an eternal political order. He makes two
qualifications to this ambition. First, he specifies that the fundamental law he provides is
only suitable for a free multitude.308 Second, the most absolute imperium is the one where
the body of imperium, i.e. the commonwealth, includes the entire multitude.309 This is the
democratic imperium. Figure 2, 3, and 4 show the fundamental law respectively for the
monarchical imperium, the aristocratic imperium, and the aristocratic imperium in several
cities.

A comparison between the political institutions of the Dutch Republic and Spinoza’s
fundamental law can tell us to what extent he defended the cause of the de Witt and the
staatsgezinden and a ‘Dutch way of doing politics’. We can say that the hypothesis that
Spinoza articulates an ideological defense of the de Witt’s ideology is severely weakened
if we can find evidence of Spinoza recommending institutions that are radically different
from the ones found in the Dutch Republic and supported by the staatsgezinden.

The overall picture is that while we can find many examples of Spinoza defending
institutions resembling those of the Dutch Republic, we can find just as many, if not more,
examples of him defending institutions that would be anathema to moderate regent
Republicans like de Witt. We can say that Prokhovnik is correct in her assessment that
Spinoza defended ‘an amended’ form of de Witt’s ideology, but we will have to

308 TP 5.6, 5.7, 7.26
309 TP 8.3
understand by ‘amended’ a radical restructuring of the basic political institutions in a democratic direction.

5.3.1 Abolition of the Stadholderate and Expansion of Political Rights

In Spinoza’s model of aristocracy in several cities, a category to which he assimilates Holland, we find many examples that would lead us to think that he is defending the staatsgezinden. First, his fundamental laws have no equivalent of the Stadholder. This position is wholly absent from his model. This puts him squarely in the Camp of the staatsgezinden.

Spinoza’s support, however, for the abolition of the Stadholderate, does not prevent him from also criticizing the republican staatsgezinden. To ‘preserve their freedom’, Spinoza lectures the staatsgezinden; it was not enough just to dispose of the count (as they did in the Act of Abjuration). They should have given thought to reforming the constitution of the state. Absent such reform, they ended up with a state without a head, and ‘so it’s not strange that most subjects didn’t know who possessed the supreme power of the state’. While Spinoza certainly advocates the policy of the Holland regents consisting in the abolition of the office of Stadholder, he is not naively legitimating their ideology. The mistake of Johan de Witt’s staatsgezinden and regent rulers before him was that they tried to maintain an aristocracy based on a monarchic fundamental law. The passage also indicates that Spinoza is acutely aware of the debate concerning the location of sovereignty in the republic. He tells the staatsgezinden that they could have won and avoided this debate if only they reformed the Union of Utrecht.

Although Spinoza’s aristocratic fundamental law mirrors the ideological vision of the staatsgezinden in important ways, he, nevertheless, includes features that would have deeply upset regent staatsgezinden concerned with maintaining their privileges to rule the towns unilaterally. First, the sheer number of ‘patricians’ deemed necessary for maintaining a stable republic exceeds anything that would have been remotely tolerable to the regents. To ensure that the supreme council contains ‘a hundred men of outstanding quality’ the ‘supreme power of a state’ must be conferred ‘on at least five thousand Patricians’. To advocate such a measure is, of course, a direct correlate to his defense of councils, which we will go through later, but to the ear of the town regents, this vision

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310 TP 9.14
311 TP 8.2
312 TP 8.2 [summa potestas imperii]
of Dutch politics would have been unthinkable. An expansion of political rights in the magnitude envisioned by Spinoza would have undoubtedly been met with severe skepticism if not outright ridicule and contempt. It is unquestionable that the regent staatsgezinden would have regarded such a proposal as a violation of their right to local self-government sanctioned by the ancient privileges and ideologically buttressed by the Batavian myth. When attending to the massive expansion of political rights proposed by Spinoza, we are strongly persuaded to reject the hypothesis that he was defending ‘an amended’ de Witt ideology.

5.3.2 Selection of Magistrates: Rotation and the Drawing of Lots
The evidence against Prokhovnik’s hypothesis is not yet exhausted. Spinoza advocated two institutional measures intended to promote the freedom of commonwealth as well as the individual patrician. Rotation and the drawing of lots. Every magistrate in Spinoza’s two model aristocracies, that is, every member of the council of syndics and the senate, is chosen according to a specific procedure alleged by Spinoza to originate from Venice. From the supreme council, a number of patricians are chosen by drawing lots, i.e. at random. These patricians proceed to nominate candidates for the magistracies and the list emerging from this process is submitted to the entire supreme council, who votes on the candidates by secret ballot. Spinoza thinks that such a procedure accomplishes two things. It ensures that every patrician ‘is absolutely free to give his opinion without danger of ill-will’, and that equality among the patricians is preserved.\(^{313}\) In this vision of appointing magistrates, there was of course no Stadholder and the choice was strictly made by the supreme council, the equivalent of the town vroedschap. Furthermore, while the magistracies also rotated in the Dutch Republic on a yearly or biannual basis, Spinoza argued for an additional measure to prevent the magistrates from being corrupted. He demanded that they comply with quarantine periods after having served in office.\(^{314}\) Knowing that the appointment of magistrates in the towns throughout the Dutch Republic was often tightly regulated by the so-called ‘contracts of correspondence’, which fixed the elections of magistrates far into the future, we can read Spinoza’s proposals as a countermeasure to this rigged state of affairs. Leading burgomeesters and prominent regentburghers in the towns would undoubtedly be hostile

\(^{313}\) TP 8.27
\(^{314}\) TP 6.16, 8.30
to such a method for selecting magistrates. They would lose control of the selection process. In sum, Spinoza’s ideas of how to regulate the selection of magistrates in a republic would have been met with severe hostility from the ‘staatszgezinden’. This further detracts from Prokhovnik’s hypothesis.

5.3.3 The Imperative Mandate

A final piece of evidence that confirms hypothesis1 is Spinoza’s insistence on the imperative mandate. As we have seen, the practice of *ruggespraak* was used at both provincial and state level in the Dutch Republic. The provincial states, such as the States of Holland, and the States General could not decide on any matter before it had been discussed in the local towns, and delegations to the States could not take action on matters about which they had no prior instruction. Spinoza endorses this practice in his model of aristocracy in several cities. He only allows a new law to be made by the senate (the equivalent of the States of Holland) if it has been approved by most cities. While this recommendation is similar to *ruggespraak* in one sense, the imperative mandate dimension, it is also different because Spinoza allows decisions to be taken by the consent of ‘most’ cities. This differs from the insistence on the value of unanimity and introduces the possibility that larger cities like Amsterdam could formally dictate policy. Something that de Witt desperately desired to prevent small cities from vetoing decisions. With respect to *ruggespraak*, Prokhovnik’s thesis is correct. Here Spinoza does defend the policy of the staatsgezinden.

5.4 Spinoza’s Defense of Liberty

I turn now to a piece of philosophical evidence that is highly damaging to Prokhovnik’s thesis. If Spinoza’s intention was to defend the position that the privileges of the Dutch towns and provinces constituted the essence of liberty, we should not expect to find an analysis of liberty that contradicts the view of liberty as privileges. First, if Prokhovnik is correct, we would expect to find a defense of liberty in Spinoza’s TP that is compatible with the vision of liberty found in the Batavian myth, and de Witt’s True Freedom ideology. Namely, the idea that the towns from time immemorial had the right to self-government. We find, however, a completely different vision of liberty. This should not

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315 TP 9.6
lead us to dismiss Prokhovnik’s hypothesis, but it certainly gives us less confidence that it is correct.

As we have seen, the defense of liberty provided during the Dutch Revolt and eloquently defended by Grotius in *De Antiquitate* contained two ideas. First, the Prince had to swear an oath to uphold the privileges of the cities, and second, if he encroached on them or acted against the common good, he could be lawfully opposed. This was because freedom became identical with privileges that was originally granted by the feudal overlord, but later came to seen through the lens of the Batavian myth. The privileges dated back to the commonwealth of the Battavers and their revolt against Rome.

Spinoza’s analysis of freedom is significantly different from the one provided in the defense of provincial autonomy and privilege. A privilege, literally a ‘private lex’, was a kind of right, but a special right. It was a right ‘granted as concession to a private person in derogation of a more general principle of law which otherwise held universal validity and obligatory force’.316 Such exemptions from a broader category of law could consist either in the conferral of a special power, for example the right to self-government or monopoly over a trade, or in the granting of certain immunities, for example exemption from the duty of paying taxes. What happened during much of feudal Europe, and, in the Netherlands too was that liberty came to be synonymous with privilege. Liberty was thus a special right granted by a lord to a holding tenant within a feudal structure of power. In the Dutch case, the privilege granting lord was the Holy Roman Emperor, to which the Dutch had been subservient since they became part of Burgundy in 1428. The privilege-holding tenants were the States General, the provincial States, or the towns. Most noteworthy of the privileges granted to the Netherlands was the ‘Grand Privilege’ of 1477,317 which reconfirmed all the privileges previously granted to the States General, who at that time included Flanders and Brabant (now Belgium). Due to the identification of privilege and liberty, the fight for liberty in the Netherlands became a struggle over the granting of privileges from the Holy Roman Emperor. After the Revolt and the Act of Abjuration, the right of the towns to self-government and all the other various privileges became, as we have seen, reinserted by Grotius into the Batavian myth. The privileges

317 Privileges usually involved some combination of self-government, legislative authority, judiciary functions, or the right to hold markets, levy taxes, or create corporations, such as the United East India Company, who in 1602 was granted a monopoly on spice trade.
were no longer interpreted as concessional grants from the Holy Roman Empire, which
they in fact were, but as privileges that the Batavian nation had enjoyed since time
immemorial. The legitimacy and the force of the privileges were thus held to stem, not
from tenure within a feudal hierarchy, but from tradition.

Spinoza’s analysis and defense of freedom cannot in any way be said to adhere to the idea
of freedom as privilege. Freedom as privilege was a feudal conception, which developed
out of a suspicion towards Roman law. 318 The French Huguenot and Monarchomach
writer, Francois Hotman had defended in Franco-Gallia the superiority of local customs
over the universality of the Roman law. Even Bodin had noted the absurdity of extracting
principles of jurisprudence from the Roman law. 319 Spinoza, however, starts in the TP his
analysis of liberty by using the vocabulary of Roman law found in Institutes of Justinian
of the Corpus Iuris Civilis, which Spinoza had a copy of in his private library at his
death. 320 In the law dealing with persons, the Institutes distinguishes between free men
and slaves. Freedom or libertas, by which men are called free, ‘is a man’s natural power
of doing what he pleases, so far as he is not prevented by force or law’. 321 Slavery, on the
other hand, was ‘an institution of the law of nations, against nature subjecting one man to
the dominion of another’. 322 The Institutes then spoke of a further division of the law of
persons, namely, between those who were independent and their own master [sui iuris]
and dependent and not their own master [alieni iuris]. 323 Those who are dependent are in
the power [in potestate] of either parents or masters, and those who are independent are
not in potestate of someone else. To be a freeman, therefore, is to not be slave. This is the
negative conception of liberty as non-domination that Skinner and Pettit champion. 324

Spinoza applies these distinctions to his analysis both of the freedom of the individual
and the commonwealth. First, Spinoza tells us, that to be alieni iuris is to be sub potestate.
A person can be rendered sub potestate, and consequently alieni iuris in a number of

318 Lee, “Roman Law, German Liberties and the Constitution of the Holy Roman Empire.”, p. 57
320 Sluis and Musschenga, “De Boeken van Spinoza.”
321 Inst.1.3.1
322 Inst.1.3.1
323 Inst.1.8.1. As I have commented on previously, sui and alieni iuris, can be translated in many different
ways. Here are three examples. Being in possession of one’s own right, being one’s own master, being
independent.
324 See Skinner, Liberty before Liberalism; Philip Pettit, On the People’s Terms: A Republican Theory and
ways. Either the body or the mind can be coerced. So a person can only be free and *sui iuris* to the extent that he can ‘fend off every force and avenge an injury done to him, as seems good to him, and absolutely, insofar as he can live according to his own mentality’. Liberty therefore can be taken away by coercing the mind or the body, but, crucially, being *sui iuris* amounts to being able to ‘use reason rightly’, that is, ‘live according to his own mentality’. Therefore, a man, Spinoza tells us, is ‘completely free just insofar as he is guided by reason’. From the *Ethics*, we know that Spinoza thinks that acting from virtue is identical to acting from reason. Furthermore, we know that virtue is nothing else but power. Spinoza applies the same analysis of freedom to the commonwealth, when he states that ‘a commonwealth is most powerful, and most its own master [*sui iuris*], when it’s founded on and directed by reason.

What does all this mean in terms of freedom as privilege? Spinoza’s analysis of freedom is radically different from freedom as privilege. There is no conceptual connection between freedom as privilege and freedom as *sui iuris*. A person could be a privilege-holding tenant, and nevertheless be very unreasonable and guided by fear in his actions. Perhaps Spinoza had this very perception of de Witt’s staatsgezinden. They had been granted the right of urban self-government, but squandered it by fearing to change the Union of Utrecht in accordance with reason.

In addition, Spinoza bases his distinctions on Roman law; but he modifies the terminology of the *Institutes* to conform to his naturalism. While the Roman law considers the concepts of *sui iuris* and *alieni iuris* to be legal categories pertaining to the law persons, Spinoza transforms them through his naturalistic language, in which power and right are identical and emptied of normative content. Being *sui* or *alieni iuris* is a question of power or virtue, rather than law. Consequently, being *sui* or *alieni iuris* is not a question of

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325 ‘One person has another in his power [sub potestate] ‘if he has him tied up, or if he has taken away his arms and means of defending himself or escaping, or if he has instilled fear in him, or if he has so bound himself according to his benefactor’s wishes than according to his own, and wants to live according to his benefactor’s opinion, not according to his own. Someone who has another person in his power in the first or second of these ways possess only his Body, not his Mind. If he has him in his power in the third or fourth way, then he has made both his Mind and his Body subject to his control – but only while the fear or hope lasts’. TP 2.10
326 TP 2.9
327 TP 2.11
328 TP 2.11
329 E IVP24
330 E IVD8
331 TP 5.1
either/or, but a matter of degree. Furthermore, Spinoza does not consider it wise to grant anyone exemptions from the civil law as was the case in granting a privilege. In fact, if a commonwealth transfers its right to two people it has divided the imperium and become less *sui iuris*. Moreover, if everyone is allowed to live by his own mentality the commonwealth ceases to exist and to that degree will the individual be less *sui iuris*.

To prevent this, each subject is bound, as we have seen, to carry out all the commands of the commonwealth. It might amount to a paradox that the more the individual obeys the law the more he is *sui iuris*. Normally, obeying the law takes away freedom. Although not necessarily on Spinoza’s account. Law can certainly make the individual less *sui iuris* if it is not founded on reason, but law, too, is a necessary condition of being fully *sui iuris*, since the commonwealth provides the framework for peaceful and harmonious co-living. In this sense, his concept of freedom is close to freedom as non-domination, which is hardly surprising, since his source is Roman law. But unlike English republicans, the mere fact of living under a monarchy does not take away freedom. Here Spinoza is far more inclined to look at actual power relationships than legal relationships between ruler and ruled. It is possible to be *sui iuris* even when leaving under a monarch.

From this analysis of freedom, it is possible to conclude that Spinoza’s does not, in any way, give the same analysis of freedom as freedom as privilege. The upshot is that to preserve their freedom, the States of Holland ought to be guided by reason. A privilege, therefore, on Spinoza’s account can only promote freedom if it is consonant with reason. If it is based on tradition or myths, like the Batavian, it can only make a person or commonwealth *sui iuris* contingently and not necessarily. Returning now to the question of the Prokhovnik’s hypothesis and taking the analysis of freedom into consideration, we can conclude that it would be very unlikely to find such an analysis of freedom in Spinoza’s TP if the hypothesis was true. We can therefore conclude that our confidence in the hypothesis is severely weakened given the presence of this piece of philosophical evidence.

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332 In this sense, Spinoza differed from English republicans like Algernon Sidney, who held that to be free was to live in a free state (a republic).
333 TP 3.3
334 TP 3.3
335 TP 3.5
5.5 Spinoza’s Defense of Councils: Democratic Republicanism

As we noted in the chapter on the institutions of the Dutch Republic, there was a long-standing tradition of meeting in council to solve political problems. Power in the hands of a single man was suspicious. Prokhovnik’s invokes this feature of the Dutch Republic to support her hypothesis. While Spinoza unquestionably defends this dimension of Dutch politics, I show in this section that another hypothesis is more likely to explain the evidence. Taking note of Spinoza’s proposal for expanding political rights to five thousand patricians and minding his relationship with Dutch radicals like Van den Enden and Adriaan Koerbagh, a relationship that I will draw on in this section, we are heavily inclined to dismiss Prokhovnik’s hypothesis. Instead, Spinoza’s defense of councils is a defense of a democratic form of republicanism.

Spinoza had already argued in favor of councils in the TTP. In chapter 16, Spinoza says that ‘if an assembly is large, it’s almost impossible that the majority of its members should agree on one absurd action’. In the TP, he mounts a comprehensive defense of the value of councils and deliberation to the stability of the state, and the well-being of the people. In the chapters on monarchy, he lets us know that because all men are necessarily affected by passions, government cannot be entrusted to a single individual without great danger to the imperium. This is because the will of a single person is inconstant since ‘Kings are not God, but men, who are often captivated by the Syren’s Song.’ Only a large council, whose will is constant, can correct this defect. Said differently, a king, by the necessity of human nature, must allow for the creation of a large council if he wishes to keep the commonwealth sui iuris – its own master. To the extent that affairs of state are entrusted to fewer people the more likely it will be that the form of government changes, since only a few people have to killed, bribed, or otherwise incapacitated.

Moreover, in his defense of councils, Spinoza also rebuts some of the arguments often leveled against defenders of popular participation. First, he fully concedes the point to his opponents that councils contain ‘uncultivated’ men, but he retorts that small councils, i.e. such that traditionally advice monarchs, are even more prone to have within them

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336 TTP, Ch. XVI, III/194
337 TP 6.3
338 TP 7.1. A reference to Ulysses. This is the reason why the king must not transgress the fundamental law.
339 In the section on Spinoza’s defense of liberty, I go into detail with his use of ‘sui iuris’.
340 TP 7.14
341 TP 7.4
such men. This is because the fewness of the councilors make it so that each one always strives to surround himself with ‘dull colleagues’[342] in hopes that he might retain all power for himself. Spinoza furthermore concedes the point that ‘there’s no moderation in the common people’, and that they have ‘neither truth nor judgment’. [343] Although these characteristics of the people can be observed, says Spinoza, the reason for this state of affairs is simple. The common people are kept ignorant of the business of the state [imperii negotia]: ‘So it’s sheer stupidity to want to do everything in secrecy, and then expect the citizens not to judge the government’s actions wrongly, and not to interpret everything perversely.’ [344] What Spinoza is telling the adversary of councils and democracy is that, given the chance, common people are, in fact, contrary to common sentiment, able to participate effectively in councils.[345]

5.5.1 Taming the Councils: Bribery, Rotation, and the Secret Ballot

Spinoza’s presents an array of arguments in defense of councils some of them taken from his radical republican friends, for example Van den Enden. Like Van den Enden, [346] Spinoza argues that ‘the well-being of the people’ will not ‘escape such a large number of men’. [347] Large councils are also resistant to corruption and bribery, since it requires more money to manufacture a majority through bribery [348]

Spinoza, however, is well aware of the pitfalls of councils and so he proposes several institutional solutions. Frequent rotation in office as a means of stifling corruption runs through all his fundamental laws. He knows, however, that such a measure runs the risk of propelling too many inexperienced individuals into the councils at the same time, and so to combat this weakness, he proposes to stagger rotation so the council will always consist of a mix of novices and experts. [349] Furthermore, he also develops decision-making procedures to cut deliberations short if they fail to produce decisions. [350] He also has an eye to the social pressures that might build up on large gatherings. An insight that leads

[342] TP 7.4
[343] TP 7.27
[344] TP 7.27
[345] Machiavelli, Discourses on Livy. Compare Spinoza’s arguments with book 1, chapter 58. Spinoza almost verbatim repeats Machiavelli’s conclusion that a people is wiser and more constant than a Prince is. [346] I deal with Van den Enden’s political thought in the section on ‘Spinoza’s Circle’.
[347] TP 7.5
[348] TP 7.9
[349] TP 6.16, 7.13
[350] TP 6.25, 8.36
him to recommend secret balloting for all councils. He also knows that large councils cannot meet at all times so he arranges for the supreme council and the senate to meet at fixed times and sees to it that standing committees are made to take care of daily business. In other words, he is not recommending councils out of idealistic zealotry, but out of a sociological understanding of the phenomena.

5.5.1.1 Tribunes of the Plebeians
Another argument in favor of councils is a radical rethinking of the institution of the Roman Tribunes of the Plebeians. Spinoza recommends this institution in his aristocratic fundamental and he finds its implementation necessary because otherwise the supreme council would be unrestrainable. Fear, the primary mechanism of compliance with the laws, would be absent in an aristocracy ruled only by a supreme council made up of all patricians because the patricians create the laws themselves. Spinoza then proposes the institution of the Syndics that has the authority to indict patricians on behalf of the Plebeians if the patricians disregard or make unjust laws. To prevent the imperium from falling into the hands of a single Syndic with dictatorial power, Spinoza suggests that the Syndics be sufficiently numerous so that they can reap all the advantages of large councils. This way, when wielding the sword of justice, they will not use in improperly and change the form of the imperium to monarchy.

Spinoza develops the council of the syndics in direct conversation with Machiavelli. He agrees that republics become corrupted and from time to time have to return to their founding principle. In the Discourses Machiavelli recommends that either good laws or a man of virtue can bring the republic back to its foundations. Good laws, Machiavelli says, like the ‘tribunes of the plebeians, the censors’ can achieve this. Spinoza agrees with Machiavelli for the need to renew the republic, but partly disagrees on the medicine. Good laws are the only viable measure for renewing the republic because power in the hands of one man is dangerous. Only a council can be truly sui iuris, which is why Spinoza’s Syndics – his take on the Tribunes of the Plebeians – must be a large council.

351 TP 8.27
352 See figure 2, 3, and 4 for how Spinoza uses standing committees.
353 TP 8.20
354 Machiavelli, Discourses on Livy, p. 246-48, Bk III, Ch. 1
355 TP 10.1
5.5.1.2 Councils: The Sharpening of Wits

In chapter nine, Spinoza again considers the objection that giving each city a chance to deliberate on proposals will result in time wasted, and he sums up the position of his opponents with the proverb, ‘while the Romans deliberate, Saguntum is lost’. Spinoza gives a negative and a positive defense for his position. First, he retorts that when few people make the decisions ‘on the basis of their own affects’ the result is loss of freedom. Second, Spinoza positively defends councils with an argument that echoes the one from Van den Enden’s *Vrye Polityke Stellingen*. For ‘by asking advice, listening, and arguing’ human wits are sharpened, and ‘[w]hen people try all means [deliberate in councils], in the end they find ways to the things they want which everyone approves, and no one had ever thought of before’. Councils not only produce the best decisions because a large council cannot agree on the same piece of folly, they also improve ‘human wits’. Spinoza, therefore, also see an educative dimension in councils.

In making this defense of councils, Spinoza directly mentions the collapse of the de Witt regime and concludes that its fall was not due to excessive deliberation in councils, but to the low amount of regent rulers and a faulty fundamental law, The Union of Utrecht, unrevised since Philip II was dethroned.

Spinoza’s defense of councils is succinctly summarized when he asserts ‘that a rule transferred to a sufficiently large Council is absolute, or comes nearest to being absolute. For if there’s any absolute rule, it’s the rule which occurs when the whole multitude rules.’ Councils must be at all times of one body and one mind, and the ideal council is one where the knowledge of the entire people or multitude is brought to bear. In conclusion, all of Spinoza’s fundamental laws rely on the principle of the council to moderate and channel the affects of the mind and body of the imperium. A large council tempers the inconstancy of the will of the monarch and another council, the syndics, a rethinking of the Roman Tribune of the Plebeians, reins in the aristocratic supreme council by collectively wielding the ‘ius gladii’.

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356 TP 9.14
357 TP 9.14
358 TP 9.14
359 TP 9.14
360 TP 9.14
361 TP 8.3
362 TP 8.18

There is a compelling argument to be made that Spinoza in his defense of councils draws on Machiavelli’s discourses. In Chapter 58 of Book I, Machiavelli asserts that writers – here he has in mind
affected by the passions, the primary feature of Spinoza’s fundamental laws is, indeed, the ‘constitutional management of the passions’ through meeting in council.

5.6 Spinoza’s Circle: Van den Enden, Koerbagh, Meyer

The group of men that gathered around Van den Enden, the Koerbagh brothers, Lodewijk Meyer and Spinoza in the 1650s and 1660s can be said to have constituted the ‘philosophical format and typology’ for what some scholars today call, using the term coined by Margaret C. Jacob, the Radical Enlightenment. Despite the philosophical differences between these people, they more or less agreed on the damaging nature of religious authority and the positive value of democracy. Some even suggest, although this is highly disputed, that Franciscus Van den Enden was the ‘master’ behind Spinoza’s radical ideas. The consensus within the field, however, seems to be that the radical philosophy emanating from this group was a collective effort. For my purpose, some of their texts are important pieces of evidence for the interpretation of Spinoza’s TP. Spinoza’s involvement with these Dutch radicals shows that his preference for councils is an affirmation of the democratic sentiments shared among the members of this group, rather than a defense of the Dutch way of doing politics.

Van den Enden’s Vrye Polityke Stellingen, and Adriaan Koerbagh’s Een Bloemhof seem to be inspired by the early version of the brothers de la Court’s Politike Livy amongst others – have been too hasty in their condemnation of the multitude. In their zeal to judge the multitude, they have only cited examples of multitudes unrestrained by laws. If, however, we look at a multitude under law, it quickly becomes apparent that it is wiser than a prince. This analysis is picked by de la Court, Van den Enden, and Spinoza, the last of which most forcefully presses the point.

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Israel regards the linkage of ‘democratic republicanism’ with a comprehensive critique of religious authority as the defining feature of radical enlightenment. In fact, the collective effort of this circle was the starting point for the radical enlightenment. See Israel, “Dutch Golden Age Politics and the Rise of the Radical Enlightenment.”, p. 38


‘Free Political Propositions/Proposals’. Henceforth ‘VPS’
Weegschaal\textsuperscript{369} and Plokhoy’s political theory.\textsuperscript{370} Van den Enden received a traditional humanist education and followed in the footsteps of the earlier reason of state literature by separating politica from theology and ethics.\textsuperscript{371} In 1654-6, Spinoza, around the time of his excommunication, went to Van den Enden’s Latin School in Amsterdam and most likely lodged there for some time after his removal from the Jewish community,\textsuperscript{372} and during his studies at the University of Leiden, he most likely also acquainted Pieter de la Court. Pieter’s younger brother Johan died in 1660, but before his death, he wrote the first draft of Politike Weegschaal in which democracy is held up as the best form of government. Later Pieter edited the book to make aristocracy and not democracy the best form of government. Pieter, whose works became European bestsellers, one of which was believed to be written be Johan de Witt himself, provided the main ideological defense of de Witt’s republicanism.

Many of Spinoza’s arguments regarding democracy and councils can be found in Van den Enden’s two short pamphlets that remained undiscovered until the 1980s, but he it is very likely that Spinoza knew about the contents of these.\textsuperscript{373} Van den Enden opens his 1662 Kort Verhael, a proposal for a colony on the coast of Delaware in North America, with the assertion that the work contains the ’necessary foundations of a best and Free-People’s-Government.’\textsuperscript{374} Van den Enden then goes on to celebrate the first version of Politike Weegschaal, in which it is said ‘that the best government conceivable among Humans will be found in an assembly, consisting of all Inhabitants of the Country, who can be presumed to have enough power and knowledge to care for their own well-being.’\textsuperscript{375} This definition is fully supported by Van den Enden, and it follows exactly the definition Spinoza will later give of democracy in the TP, namely, that people who are not sui iuris should be debarred from entering government.\textsuperscript{376} Van den Enden also argues

\textsuperscript{369} Translated into English as ’Political Balance’, but a more direct translation would be ‘Politisk Vægtskål’. ‘Balance’ is of course the principle behind a ’Vægtskål’.

\textsuperscript{370} Koerbagh, A Light Shining in Dark Places, to Illuminate the Main Questions of Theology and Religion., p. 8

\textsuperscript{371} van Gelderen, “Aristotelians, Monarchomachs and Republicans: Sovereignty and Respublica Mixta in Dutch and German Political Thought, 1580-1650.”, p. 216

\textsuperscript{372} Steven Nadler, Spinoza: A Life (Cambridge University Press, 2001.), p. 102-103

\textsuperscript{373} Klever, “A New Source of Spinozism.”

\textsuperscript{374} Franciscus Van den Enden, Free Political Propositions And Considerations of State (1665), trans. W. N. A. Klever (Vrijstad, 2007), p. 86

\textsuperscript{375} Ibid., p. 89

\textsuperscript{376} Both seem to derive their definition from de la Court’s ‘Politijke Consideratien’, the first edition of ‘Political Balance’.
fiercely against slavery on the ground that it is in ‘contradiction to all human fairness and compassion’; and he suggests that his colony not include preachers, ‘since they are feeders and stiffeners of everyone’s particular opinion’. Schools ‘in which one tries to ascertain and teach everything most clearly and surely by a fixed and indubitable reasoning, deduced from certain infallible principles’, should be constructed. The Cartesian ring is unmistakable.

In the 1665 *Vrye Polityke Stellingen*, Van den Enden provides an unrelenting defense of democracy. His argument involves the benefit of deliberation in promoting the well-being of the people. He starts his argument from the premise that the highest law of the ruler is the well-being of the people and goes on to ask who has the greatest insight into this highest law. It must necessarily be the people itself because ‘like the whole is greater than its parts, so also the wisdom and knowledge of its best and particular well-being of a whole people is in all circumstances better and farther stretching than the knowledge of one or a few among the same people’. Van den Enden simply argues that since the people has the most extensive knowledge of the aim of government [the well-being of the people] they should govern. The procedures suitable for reaching this goal is ‘ordinary deliberation, judgment and resolution of the people itself’, and ‘from such meetings and mutual deliberations of the free people all are also from time to time more and more stimulated, sharpened and whetted to the knowledge of the common best’. Van den Enden’s argument for democracy, then, both have a quantitative dimension, relating to the fact that more people have more knowledge, and a qualitative dimension, having everyone deliberate improves their understanding of the common good. The precise components that Spinoza’s uses in his defense of councils.

377 Van den Enden provides several arguments for the abolition of slavery. He maintains that ‘for our part, we would earlier like to maintain with powerful reasons and to demonstrate that in so far the Christian Religion is a reasonable Religion, that it consequently is also in conflict with it [the keeping of slaves] and with sure Reason, to hold humans as permanent slaves. It is likewise not allowed and against all human right and dignity to deal greedily in harmless people and to transport them into undeliverable slavery’. Van den Enden, *Free Political Propositions And Considerations of State (1665)*, p. 93

378 Ibid., p. 95

379 Ibid., p. 96. Van den Enden’s model colony is based on 600 families just like Spinoza’s monarchy will be based on 600 clans [familia].

380 Ibid., p. 156

381 Ibid., p. 159

382 Ibid., p. 159
After having presented these arguments in favor of democracy, Van den Enden, in typical humanist fashion, stages a speech by an imagined character, ‘Vrymont’ (Free-mouth), speaking at the time of the Dutch Revolt and reciting arguments directed against the tyranny of Philip II. This speech has particular significance to my interpretation since it shows how Van den Enden appropriated and redirected the Batavian myth in a democratic direction. ‘Vrymont’, in his speech against Philip, hesitatingly appeals to history because ‘all this is usually very uncertain for us, so we will neither receive the least utility or profit from it’.383 But, if something is to be learned from the history of the Netherlands it is that even when the old ancestors of the Dutch were dominated by ‘principal Lords’ they still retained the custom ‘to gather at fixed days’ and in these gatherings ‘everybody was allowed to speak freely and to say his opinion without forfeiting anything’.384

The foundational or first principle of the Dutch nation, then, is one by which the ‘people mostly tries to maintain after reason and wisdom the common best by an even-equal freedom and to carry it on by ordinary free deliberation’.385 Such a government is the ‘best and most stable.’386 Van den Enden then proceeds to issue a clear warning against the recourse to princely rule. It must be totally ‘absent from our thoughts’ that anything in conflict with the principle of even-equal freedom ‘might contain in itself something good’387 by which to restore the principle of even-equal freedom. In Chapter 10 of the TP, as we have seen in the section on the Syndics, Spinoza uses the exact same reference to Machiavelli to argue against the Stadholder and princely rule. Furthermore, Van den Enden agrees with Spinoza that the Batavian myth only has value insofar as it provides ‘utility’. Reason and not tradition should determine the form of government. More arguments that are similar to Spinoza’s can be found in Van den Enden’s text. Opposition to mixed governments, because opposites cannot be mixed and the good of a mixed government only comes from the democratic part.388 Promises and contracts can be broken if they go against the interests of the common good.389 In conclusion, Spinoza endorses the conclusions of his Latin teacher in the TP, although it is uncertain who influenced whom.

383 Ibid., p. 165
384 Ibid., p. 166
385 Ibid., p. 158
386 Ibid., p. 158
387 Ibid., p. 168
388 Ibid., p. 152
389 Ibid., p. 191
5.6.1 Enlightening the People: Koerbagh and Meyer

Another piece of evidence that supports my hypothesis is the publication of dictionaries that emanated from the radical circle. Lodewijk Meyer, Spinoza’s very close friend and the author of the preface to his *Principles of Cartesian Philosophy*, published in 1654 a dictionary called *Nederlandtsche Woordenschat*. The book, written in the vernacular, Dutch, aimed at the dual purpose of educating the people and enabling the sciences to be cultivated in the mother tongue. Meyer explicitly, in the preface to the *Woordenschat*, evoked the Batavian myth and linked the education of the people to the ideal of liberty. A task, Meyer thought, that ‘surely will create much well-being to the commonwealth’.

Adriaan Koerbagh, another friend of Spinoza, published in 1668 *Een Bloemhof*. The book, containing a refutation of the Trinity and the divinity of Christ, was a dictionary that explained difficult Latin technical terminology in the vernacular. The stated aim in the preface was to dispel obscurantist language and replace it with Dutch equivalents.

Enlightenment and knowledge marshaled in the fight against unreason were the cornerstone of the emancipatory project of Koerbagh.

Spinoza’s preference for deliberation in assemblies might also be associated with his frequenting Amsterdam Collegiant circles. These Collegiants were dissatisfied Mennonites, Remonstrants, and other dissenting parts of the Reformed church, who valued ‘the inner light’ above ecclesiastical and dogmatic forms of worship. The Collegiants met in ‘colleges’ structured in an ‘egalitarian and nonauthoritarian’ way to discuss their faith. Spinoza, whose friends included many Collegiants, attended some these meetings, most likely to wage philosophical conversations.

Spinoza explicitly states that his constitutional proposals only work for a ‘free multitude’. In doing so, he endorses Meyer’s linkage of freedom and education. A necessary condition for an eternal political order is an educated population. Educating the population in this way has the same effect as meeting in council. Moreover, when we take the similarities between Spinoza’s TP and Van den Enden’s *Vrye Polityke Stellingen* into account...

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390 ‘Dutch word-treasure’
393 Ibid., p. 194
394 Nadler, *Spinoza*, p. 139
395 Ibid., p. 141. Simon Joosten de Vries, Pieter Balling, Jarig Jellesz and Jan Rieuwertsz, close friends of Spinoza, all participated in these meetings. See Spinoza’s letters for his correspondence with these persons.
account, the picture that emerges is that Spinoza’s defense of councils is more a question of allegiance to the efforts of his radical circle rather than to the regent ideal of urban self-government in the vroedschappen.

5.7 Constancy of Form and the Batavian Myth
A central theme recurring in the TP is the concern for the stability of the state. Spinoza remarks that the virtue of the private citizen is freedom by which he means the virtues of tenacity and nobility, but the virtue of an imperium is stability. By stability, Spinoza means the need for a state to retain its form. Change of form is the most dangerous thing that can befall a commonwealth and so the virtuous imperium is the one that does not change form. This insistence has two dimensions. It can be read as a theoretical defense of the Batavian myth and the privileges of the Dutch Republic or it can be read as an instance of the Myth of Venice. Spinoza was very impressed by the Venetian Republic. An enthusiasm he might have gained from reading de la Court. The Myth of Venice has two components. The first component consists of the belief that Venice had been free since its founding. In reality, it had only been free since 1297, but the Myth stipulated that it had been so since the 5th century. This historical part of the myth resonated with the identity of the Hollanders as expressed in the Batavian myth. Second, the political-constitutional part of the myth consisted in a move from freedom and independence of the republic - vivere civile - to a focus on institutions. Italian writers Gianotti and Contarini exemplified this. Their adaptation of civic humanism has been called ‘mechanized virtú’.

Although Spinoza’s constitutional proposals are deeply influenced by the Venetian constitution, he rejects, as we have seen, the theory of the mixed government. Venice was thought to be a perfect expression of this theory, which means that Spinoza’s rejection testifies to him not adopting all features of the myth. Even though he consciously picked elements of the myth, it does exclude that the passage in fact should be read as a testimony to his admiration of Venice.

The second way Spinoza’s insistence on the preservation of form can be read supports Prokhovnik’s hypothesis although in a very indirect manner. Some evidence suggests that Spinoza’s insistence on the preservation of the form of the commonwealth is a defense of the Batavian myth. What leads someone like Prokhovnik to propose such a line of

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396 TP 1.6. In the passage Spinoza calls private virtue ‘strength of mind’. In the Ethics, ‘strength of mind
397 Pocock, The Machiavellian Moment, Florentine Political Thought and the Atlantic Republican Tradition., p. 284
interpretation is a passage in TTP in which Spinoza cites the province of Holland as an instance of the principle of the constancy of form. We know, says Spinoza, that the States of Holland ‘have always reserved for themselves the authority to remind the counts of their duty’, and that the counts could ‘accomplish nothing without the permission and endorsement of the states’. Spinoza then cites a document that was published ‘at the time of the count of Leicester’. This document is most certainly Vranck’s *Short Exposition*. Not only was the document published shortly after the Earl of Leicester had assisted the United Provinces against the Spanish, as Spinoza says in the text, but it also contains the exact conclusions that Spinoza attribute to it. Furthermore, in the early 1650s Van den Enden ran a bookshop from which he printed a large quantity of Vranck’s text. Spinoza would surely have encountered it there. By endorsing the analysis of the sovereignty of the States of Holland given by Vranck in the *Short Exposition*, it would seem that Spinoza defends the Batavian myth and the privileges.

Spinoza, however, introduces the document in the context of his discussion of how the form of government should correspond to the character of the people. A people accustomed to princely rule should not change their form of government to a free republic and vice versa. These observations are extant in Machiavelli’s *Discourses* and it would seem, therefore, that Spinoza is using Vranck’s text to endorse Machiavelli. While this is hard to tell it remains that this piece of evidence certainly counts in favor of Prokhovnik’s hypothesis. It has, however, considerable overlap with the hypothesis that Spinoza in writing the passage was influenced by the myth of Venice. It is just as likely that the insistence on the preservation of form is an expression of the myth of Venice or a tribute to Machiavelli as it is a defense of local Dutch privilege. It is a piece of evidence, but an ambiguous one.

5.7.1.1 Fundamental Law and the Example of the Aragonese

One important piece of evidence that Prokhovnik cites in her defense of the hypothesis is found in chapters six and seven on monarchy. Given the previous analysis of freedom as reason or *sui iuris* it is highly likely that Prokhovnik misreads the passage. It cannot be used to defend her hypothesis.

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398 TTP, Ch. XVIII, III/228
As we have seen, Spinoza constructs a fundamental law for each type of imperium. He specifies that in a monarchy the king must not will anything contrary to this fundamental law. If the King does this, his ministers should refuse to obey his commands just like Ulysses’ companions refused to obey his command in not untying him with reference to a ‘higher law’ – Ulysses’ prior command. At the end of chapter 7, Spinoza turns to history to present ‘one memorable example’ that he does not ‘want to pass over in silence’. Spinoza cites the example of the Aragonese that, when they had regained their independence from the ‘moors’, set up a council that would have the right to review and overturn any judgment made by anyone including the king himself and for a time they also had the right to elect and dispose of their kings. These ‘customs remained inviolate for an incredibly long period’, but today the Aragonese have ‘have retained nothing but specious words of freedom and empty customs’. Prokhovnik interprets Spinoza’s fundamental law, its relation to the king and Spinoza’s praise for the example of the Aragonese as evidence supporting her hypothesis. The fact, she says, that the king ought to be bound by the fundamental law is Spinoza’s way of saying that rulers should respect and uphold the ancient privileges. If we turn to the fundamental law, we can easily see that she is gravely mistaken. First, the reason that the king ought to respect the fundamental law is not that it has the status of a privilege or a custom, which he has promised not to infringe. Spinoza’s argument relies on other reasons. The central problem in a monarchy, Spinoza tells us, is that the imperium rests with one person. Recalling that everyone, even monarchs, is subject to the affects, we can see that the chances of bad decisions being made are much greater if the imperium belongs to one person. At the beginning of chapter 6, Spinoza mentions a myriad of reasons why a monarch cannot rule effectively on his own. This culminates in the rather puzzling conclusion that the more the right of the commonwealth is transferred to a monarch the less that monarch is sui iuris. The way in which a monarch overcomes this predicament is by installing proper ‘foundations of monarchic government’. These ensure that the monarch tends to the well-being of the multitude, which is for it to be guided by reason, and to the extent that he does, to that extent he is sui iuris. This clearly shows that the fundamental law is not in any way conceptually connected with privileges. Instead, the

399 TP 7.1
400 TP 7.2
401 TP 7.30
402 TP 7.30
403 TP 6.3-6.8
fundamental law is designed to make the commonwealth most *sui iuris*, that is, free or guided by reason. The protection of privileges might contingently coincide with the contents of the fundamental law. In fact, they do coincide abstractly on topics such as local self-government and *ruggespraak*. Their convergence, however, is not conceptually necessary. Reason and not tradition or myth prompts the prudent king to bind himself to the mast.

We ought to read the example of the Aragonese and that of Spinoza’s fundamental law of monarchy in this light. Spinoza argues that because monarchs for obvious natural reasons cannot conduct public affairs unassisted, they will need to employ councilors.404 These councilors, which number in total 3000 in Spinoza’s fundamental law, constitute the body of the commonwealth perceiving the condition and well-being of the imperium.405 The example of the Aragonese showing that in well-run monarchies councils play a central role is most likely mentioned by Spinoza to bolster his own case for councils in monarchies.

5.8 Towards a Democratic Reason of State

So far we have reviewed a series of arguments discrediting Prokhovnik’s hypothesis and we have seen that Spinoza provides a radical defense of councils. If the evidence does not support Prokhovnik’s hypothesis, what does it support then? My answer is that Spinoza’s provides a democratic reworking of the republican reason of state discourse. As we have seen, Spinoza modified and challenged some of the assumptions and arguments found in Stoic and natural law discourse. One commentator sums up the relationship by saying that ‘Stoics believed in natural law, skeptics undermined it; reason of state overrode it’.406 In a sense, Spinoza’s rejection of Grotius’ natural law theory is a kind of overriding through reference to reason of state. But only by a particular form of democratic reason of state discourse.

Since the 13th century, there had been two ways of talking about ethics and politics in Europe. One strand of thought was dominated by Aristotelian scholasticism specifically Aquinas’s comments in his *Summa Theologiae* on Aristotle’s *Politics* and *Ethics*.407

404 TP 6.5
405 TP 6.19
406 Burke, “Tacitism, Scepticism, and Reason of State.”, p. 498
Another way of talking about ethics and politics was the one of the civic humanist tradition. As we have seen, they took their cues either from a republican reading of Aristotle (Pocock’s thesis) or the dictatores, inspired by the rhetorical models of Seneca, Quintilian, and Cicero (Skinner’s thesis). The Roman writers advocated the pursuit of the beata vita, or the good life, and, as we have seen, they all subscribed to the Stoic doctrine of self-preservation. But, the idea of individual self-preservation created a tension in the pursuit of the good life between what was directly beneficial to the individual, utile, and what was conventionally moral, honestum. The Roman moralists, most forcefully Cicero, and their Renaissance admirers, however, reconciled the tension by emphasizing that what was utile to the common good of the republic was also what was traditionally honestum. On this analysis, the requirements of the republic made upon the individual simply were for him to live in accordance with what was conventionally moral, or honestum, that is, live by the cardinal virtues of temperance, fortitude, wisdom, and, above all, justice. In this way, the moral existence of the individual became inextricably linked with the republic, and this was the essence of the civic humanist discourse of the vivere civile. Only by participating in the government of the republic, can the individual hope to live a moral life. Furthermore, the civic humanists’ revival of Ciceronian arguments gave them a powerful weapon to dispel the Augustinian notion of original sin. For Augustine, only God was perfectly virtuous and the sinful nature of humans meant that they had to accept divine providence – fortuna. Man was, contrary to the Augustinian view, capable of achieving excellence in worldly affairs by imitating, through the study and practice of rhetoric, great men of antiquity like Cicero. Fortuna could be bent and subdued by the will of the virtuous man – the vir virtutis.

The appearance of reason of state discourse can be seen as a gradual transformation of the civic humanists’ configuration of the relationship between the concepts of utile, honestum, and virtú. This transformation was the replacement of the Ciceronian analysis of the relationship between honestum and utile with the one found in Tacitus. Tacitus had been largely ‘forgotten’ by Renaissance civic humanists; however, he gained ascendancy due to the rise of monarchies and the decline of republics in the middle of the 16th

408 Ibid., p. 6
409 ‘Utile’ is usually translated as expedient, useful, or beneficial.
410 Cicero, On Duties. 3.34-36
411 Tuck, Philosophy and Government 1572–1651., p. 7
century. Habsburg Spain had effectively taken over the Italian peninsula, except for Venice, and the vivere civile of the Italian city republics no longer seemed relevant. Cicero, who had written during the Late Roman Republic, appeared arcane, whereas Tacitus, writing during the reign of the Roman emperors, offered advice more suitable to times predominated by the ambition and self-interest of monarchical rulers. Machiavelli took the first step away from the association between honestum and utile by insisting that what was conventionally honestum was not always utile to the republic, and in some cases downright damaging. Sometimes, when necessity proves too forceful, the ruler ‘must be prepared to act immorally’. In chapter 18 of ‘The Prince’, Machiavelli concludes his attack on civic humanism by arguing that if possible rulers should act by the laws, that is, humanely, like Cicero recommends, but occasionally the ruler must act inhumanly by learning to imitate ‘both the fox and the lion’. Said differently, if a ruler wishes to maintain his state, he must not hesitate to act contrary to what is conventionally honestum. On this analysis, the virtue or virtú of the citizen was no longer exhausted by the cardinal virtues. The prudence of a fox and the force of a lion belongs to the concept of virtú.

Machiavelli did not draw on Tacitus, but later writers like Lipsius and Spinoza did. The scholarly literature gives two answers to the question of what the turn to Tacitus meant. Tuck regards the turn to Tacitus as a form of ‘new humanism’ in which Tacitus is the rhetorical model to imitate and no longer that of Cicero. Keller, on the other hand, suggests that reason of state discourse and the turn to Tacitus was a reworking of the relationship between natural knowledge and politics by way of the former gobbling up the latter. This seizure had the effect of making politics into an empirical practice, whose ultimate goal was to look for ‘arcana imperii’, the secrets of governing a state. To this end, Tacitus was perfectly suited and his writings were treated as a source of ‘arcana

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414 Ibid., p. 254
415 Ibid., p. 256
imperii’. 419 Unlike Tuck, Keller sees reason of state discourse as retaining a connection to the study of nature, instead of being focused on rhetoric.

Justus Lipsius was the pivotal figure of the ‘new humanism’ and he introduced Tacitus into a Dutch context. In 1572-74, he held a series of lectures at the University of Jena in which he compared the Duke of Alba, who had suppressed the Dutch during the Revolt, with emperor Tiberius, who had been at the center of Tacitus’ writings. 420 To Lipsius the natural corollary of his analysis of the virtue of the private citizen was a Machiavellian attitude towards politics embedded in the mirror-for-princes tradition. In ‘De Constantia’ Lipsius had ‘equipped citizens for endurance and obedience’, and in the Politica of 1589 he wanted to ‘equip those who rule for governing’. 421 He mounted a defense of monarchy based on a humanist tour de force of classical writers and central to this endeavor was Tacitus to whom Lipsius referred no less than 547 times. 422

In the opening chapters, Lipsius argued that a monarchic ruler must possess the traditional virtues of justice, clemency, faithfulness, modesty, and majesty, but he also has to possess ‘prudence’ [prudentia], which Lipsius defines as ‘experience in the actual reality of peaceful and stable ruling’. 423 Lipsius went on to argue that prudence entails the use of fraud and deception, which is ‘clever planning which departs from virtue or the laws, in the interest of the king and the kingdom’. 424 Furthermore, in exercising prudence, the ruler must know ‘the character or sentiments [affectuum] of the subjects [subditis]’, and he must realize that ‘nothing is less predictable than the multitude’, since it is ‘devoid of judgment’. 425 Lipsius, however, contends, contra Machiavelli, that certain forms of deception and fraud are ineligible to the monarch. Some species of fraud are tolerable, while others, such as breach of faith and injustice, must be condemned. Lipsius, therefore, cannot condone Machiavelli’s conclusion in chapter 18 of ‘The Prince’ that rulers should break their promises, when it benefits their rule.

419 Gajda, “Tacitus and Political Thought in Early Modern Europe, C. 1530- C. 1640.”, p. 258
420 Tuck, Philosophy and Government 1572–1651, p. 58; Burke, “Tacitism, Scepticism, and Reason of State.”, p. 488
422 Burke, “Tacitism, Scepticism, and Reason of State.”, p. 486
423 Lipsius, Politica., p. 401
424 Ibid., p. 513
425 Ibid., p. 403. Here Lipsius directly cites Tacitus.
The idea of prudence and reason of state overriding conventional morality is carried further into Dutch political thought by Arnold Clapmarius (1574-1604). He integrated Tacitus and reason of state into an Aristotelian framework by trying to work out how rulers could stave off constitutional decline and corruption. In his De arcainis rerum publicarum published posthumously in 1605, Clapmarius draws a distinction between good and bad reason of state. Good reason of state, or iura dominationis, was the precepts that magistrates followed when they wished to override the laws with the intention of preserving the current form of government. Echoing Machiavelli, Clapmarius stressed the necessity of such an approach, because sometimes the morally good [honestas] and the good of the republic [salus reipublicae] were irreconcilable. Despite these remarks, Clapmarius, like Lipsius, was unwilling to allow certain practices. These, which he explicitly associated with Machiavelli, he called bad reason of state, or, flagitia dominationis. The flagitia consisted of crimes and injustices in violation of the divine law. The art of ruling, or good reason of state, consisted in deploying illusions and subterfuges, so-called ‘arcana imperii’ and ‘simulacra imperii’, to maintain the state and government without transgressing the divine law.

These ideas gained traction at the University of Leiden, where Marcus Zuerius Boxhorn taught as a professor between 1633 and 1653. Among his students was Johan de Witt and the brothers Johan and Pieter de la Court. In his short career, Boxhorn published a slew of works one of which ended up in Spinoza’s library. His main political work, Institutiones Politicae, deals with the general nature of the state, and, most importantly, discusses the different forms of government and their respective ‘arcana imperii’. Boxhorn notes that the highest law is the safety of the people and the well-being of the commonwealth [salus Reipublicae], and the ‘arcana’ together with tricks and dissimulation should be employed to this end. A ruler, who deals in the art of simulation

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426 Peter S. Donaldson, Machiavelli and Mystery of State (Cambridge University Press, 1992), p 122
427 Tuck, Philosophy and Government 1572–1651., p. 124
428 Donaldson, Machiavelli and Mystery of State., p. 131
429 Ibid., p. 132
431 Sluis and Musschenga, “De Boeken van Spinoza.”
432 Nieuwstrater, “Why the Wealthy Should Rule: Marcus Zuerius Boxhorn’s Defence of Holland’s Aristocratic Mercantile Regime.”, p. 129
433 Ibid., p. 137
and dissimulation, may end up violating the civil laws, but this is justified as long as it promotes the well-being of the republic. Furthermore, pursuing this end by wicked means might come into conflict with ancient customs and privileges, and Boxhorn is adamant that these should be put aside for the sake of the common good.\footnote{434}{Ibid., p. 140} Besides the theme of ‘arcana imperii’, Boxhorn dealt with the theme of eligibility for political office. He held the view that magistracies ought to be filled not with respect to noble birth, but with respect to virtue.\footnote{435}{Ibid., p. 129} In this way, the best [optimi] would rule instead of the incompetent, and this policy would be the most expedient in promoting the safety of the people, the ‘salus populi’. Boxhorn devised a series of measures designed to align the self-interest of the magistrates with that of the common good much like Spinoza’s constitutional proposals. One of these tools was to let only the wealthy rule, since poor people would likely steal from the public funds, once they were entrusted with them.\footnote{436}{Ibid., p. 133}

By 1650, the influence of Tacitus on the major direction of political thought was in decline. The late humanist fascination with the ‘art of the state’ came into contact with a new type of discourse. The ‘New Philosophy’, which sought – through reason rather than the patterns of history – to elucidate the natural laws that governed the origins of political societies.\footnote{437}{Gajda, “Tacitus and Political Thought in Early Modern Europe, C. 1530- C. 1640.”, p. 268} Spinoza developed an account of early modern republicanism that drew on both Tacitus’s new humanism – he cited Tacitus many times – and the advances within natural philosophy. In this sense, both Tuck and Keller’s interpretation can be seen in Spinoza.

### 5.8.1 Spinoza’s Democratic Republicanism

We are now in a position, where we can begin to access the contribution of Spinoza’s TP to the classical republican tradition. Spinoza clearly aligns himself with the writers of the reason of state tradition. Recalling Spinoza’s remarks about the ‘politici’ from the introduction to the TP, he certainly admired Lipsius, Clapmarius, and Boxhorn, all of whom were in his library. He nevertheless felt that in basing their advice on experience they were guided more by fear than by reason.
We must remember though that Spinoza’s agrees with Machiavelli’s critique of humanism. Spinoza asks if the supreme authorities [summa potestas] are bound by any laws. Spinoza answers that they are not bound by any civil laws, but that they, of course, are bound by natural laws. The primary natural law to which they are bound is that the imperium is defined by the power of the multitude. So the commonwealth ‘sins’ when it causes its own downfall by oppressing the multitude. Like Machiavelli what is *utile* to the commonwealth is not necessarily exhausted by what is conventionally *honestum*.

However, like Machiavelli, Spinoza engages in a game of conceptual rewriting himself. In the Ciceronian model the virtues that were *utile* to the commonwealth were the cardinal virtues, the conventionally *honestum*. In the Machiavellian model, virtue is rewritten to include the ability of the fox and the lion. Spinoza further rewrites what is virtuous with reference to natural law. The basis from which virtue flows is self-preservation – the persevering in being.

All actions that follow from affects related to the Mind insofar as it understands I relate to Strength of character, which I divide into Tenacity and Nobility. For by Tenacity I understand the Desire by which each one strives, solely from the dictate of reason, to preserve his being. By Nobility I understand the Desire by which each one strives, solely from the dictate of reason, to aid men and join them to him in friendship.

Virtue, then, has two components. Self-interested striving for self-preservation under the guidance of reason (tenacity), and ‘altruistic’ striving for self-preservation under the guidance of reason (nobility). The fully reasonable individual realizes that helping others most successfully improves her own chances of self-preservation. In short, virtue is reason, which in turn is power and freedom. What is *utile* for the commonwealth is that the individual citizen is tenacious or noble. Here we are close to a concept of virtue that is very much like the one found in Cicero – we have come full circle. There are, however, two important differences. The main difference, however, is that virtue or the moral life is not necessarily linked to political participation in the affairs of the republic.

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438 TP 4.4  
439 E IVP22  
440 E IIIP59S  
441 E IVP35  
442 E IVD8  
443 E IVP40
In fact, Spinoza says very little about the merits of holding public office, although in some passages he looks at public life as an activity that is honorable, and glorious, mostly fueled by self-interest. In a sense, we come relatively close to Lipsius’ ideal of constancy.

The other difference is crucial and hinges on Spinoza’s naturalism. Even though virtue is conceptualized like in Cicero, Spinoza says that men will always be subject to the passions. He is saying that men cannot be expected to always act with tenacity and nobility. The Ciceronian assumption that men, in fact, can achieve excellence is abandoned. How then is the *utile* of the commonwealth to be secured if we cannot rely on the citizens and rulers being virtuous? The answer is of course to organize the fundamental law of the imperium in accordance with reason, and the main principle of this fundamental law is to institute councils at all levels of the imperium. In other words, because we cannot expect citizens to always act out of virtue a procedure is needed to gather as much knowledge as possible about the commonwealth as possible. This procedure is the council. By meeting in council the supreme powers receive knowledge of the commonwealth and the more of multitude that is permitted to participate in the supreme council, the more knowledge flows into their decision-making. Furthermore, meeting in council also educates the multitude by sharpening their ‘wits’. We can say that Spinoza intends to promote the argument that the *utile* of the commonwealth is secured by the institutionalization of councils at all levels of government. It is very much a constitutional management of the passions. Spinoza, then draws the obvious inference that the best form of government is democratic. Such a systematic defense of democracy was not been advanced anywhere in the Western world before the radical circle surrounding Spinoza made a collective effort to promote it.

In sum, Spinoza democratic republicanism is informed by reason of state, but it departs from this tradition by insisting on democracy and a mechanistic outlook on politics rather than a historical one. Finally, the concept of *fortuna* is reinscribed into his mechanistic worldview. Virtue is not a matter of taming capricious *fortuna* and bending her to one’s will. Virtue is coming to understand how *fortuna* or nature governs the affairs of men with inescapable necessity through a finely tuned balance of motion and rest. The imperium can only be eternal if its constituents align themselves with necessity. We can say with Machiavelli that *necessitas non habet legem*, but to Spinoza, necessity has one law: Democracy. This is the Spinozist Moment.
Chapter 6: Conclusion

6 Conclusion

In reading historical texts, we must proceed intertextually and treat the texts as performatives. By attending to the conventional vocabulary circulating at a historical juncture, we can make inferences about the intentions of authors in their writing a particular text. So what did Spinoza do in writing the *Political Treatise*? What inferences have I made regarding his intentions in this study?

First, I have made it clear what Spinoza did not intend. He did not intend to endorse a Dutch way of doing politics, and he did not intend to provide an ideological defense of the policies of the staatsgezinden. My rejection of the conservative reading of Spinoza, inspired by Kossmann and championed by Prokhovnik, can be summarized in the assertion that Spinoza’s regard for reason was more prominent than his deference towards tradition. While he most certainly affirmed some of the policies of the moderate republican staatsgezinden, he did so on contingent grounds preferring his own vision of a democratic republicanism that was far too radical, anti-monarchist and irreligious to be of any use to Orangists or staatsgezinden. Either Spinoza was a fierce supporter of educating the population and meeting in council, as I believe he was, or he was delusional in thinking that his writings could be of any utility to the staatsgezinden and their defense of privileges and provincial autonomy in the fights against the Stadholderate.

To arrive at this conclusion, I looked at the context of the Dutch Republic in the 16th and 17th century. First, I argued that given Spinoza’s irreligious repudiation of the Cartesian separation-thesis, it would be impossible to imagine that he defended the staatsgezinden and the moderate Cartesian university professors. In the late 1670s, his intervention could have only hurt the cause of the moderate Cartesians, since it would have provided the Aristotelio-Voetians with evidence that Cartesianism leads to heresy. Furthermore, we saw that Spinoza intended to redefine natural law theory along naturalistic lines. Although natural law had always been grounded in nature, this conception of nature did not include the passions. Writers like Grotius and Lipsius held that the passions disturbed the order of nature, while the dictates of reason could be the source of moral obligation. Spinoza denounced their dualism and replaced it with an analysis of power that had the multitude...
or the people at its center. The Right of the imperium was defined by the power of the multitude.

We also saw that in writing the TP Spinoza intended to reject the theory of mixed government. On this matter, he was acting within well-established conventions. The theory of mixed government had also been denounced by the staatsgezinden to discredit Stadholderate within the Dutch Republic. Besides this, Spinoza saw undivided sovereignty as the logical conclusion to his naturalism and mechanism and, therefore, we can say that Spinoza was engaged in a refutation of the historical approach to politics found in Machiavelli and the reason of state literature. Just like Van den Enden, who held that in a mixed government all the good outcomes can be ascribed to the democratic element, so Spinoza would replace the theory of mixed government with democracy.

One the main ambitions of this study was to pay attention to the last chapters of the TP. In these, Spinoza imagines how a fundamental law is to be instituted so the imperium can last eternally. This part of the TP has usually received little notice and the first five chapters are said to contain the most important passages. In trying to mend this deficiency in the literature, I have given special attention to the number of patricians and councilors imagined by Spinoza to take part in the governing of the commonwealth. This radical expansion of political rights would have been anathema to the regent staatsgezinden, who, naturally, wanted to protect their time-honored privilege of urban self-government. Although Spinoza recommended policies like ruggespraak – imperative mandate – and the abolition of the Stadholderate that appealed to the staatsgezinden, his proposals for selection of magistrates and rotation in office would have curbed the influence of the town regents and their ‘contracts of correspondence’. In sum, I argued that the substantial expansion and political rights coupled with other institutional mechanism detracted from Prokhovnik’s hypothesis.

Furthermore, I argued that if Spinoza’s intention in writing the TP really was to defend the principle of provincial sovereignty, the ancient customs and privileges and their ideological justification in the guise of the Batavian myth, it would be extremely unlikely to find the analysis of liberty that we do find in Spinoza’s writings. This piece of philosophical evidence was a crucial part in discrediting Prokhovnik’s hypothesis. Spinoza defended a conception of freedom as reason furnished out of a reworking in naturalistic terms of Roman law. Reason and not tradition determined the extent to which a person could be called free. In this sense, Spinoza’s insistence of the value of reason in politics constitutes a subtle rejection of the Batavian myth.
Finally, I argued that the key to understanding what Spinoza is doing in writing the TP is to be found in his defense of councils. Spinoza had a keen sociological understanding of the peer pressures that might develop in a council setting and provided institutional countermeasures like rotation and secret balloting to combat these. Although Spinoza followed the Dutch convention of meeting in council and the Dutch aversion towards endowing a single person with power, he radicalized the tradition by arguing that reason prescribes that large councils ought to be instituted at all levels of government to secure good outcomes. My argument was that we should interpret Spinoza’s defense of councils in the light of the circle of radical writers like Van den Enden, Koerbagh and Meyer. All their arguments pointed in the same direction. Knowledge of the condition of the commonwealth is a necessary condition of furthering the well-being of the multitude. More people participating in the supreme council, translates into more knowledge of the multitude becoming available. Furthermore, debating in councils has an educative effect that produces even better results.

Spinoza’s defense of councils also provides the key to assessing his contribution to early modern republicanism. It should be clear by now that in bypassing the political thought of the Dutch Republic important insights into the development of early modern republicanism are missed. Spinoza takes neither the Athenian route of Pocock nor the Roman route of Skinner. In a sense, he takes the republican zeal of the Discourses and reimagines it in the context of the ‘New Philosophy’. The excellency and the life of virtue achievable in the vivere civile or in the rhetorical imitation of Ciceronian eloquence succumb to Spinoza’s naturalism. Man is always affected by the passions, which means that the only thing that can guarantee the stability of the commonwealth is the institutionalization of councils that ensure that no matter whether the rulers are led by reason or passion the multitude will be led as if by one mind. This is both the mechanization of virtú and the democratization of the republican tradition.
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Kasper Vincents - March 2017

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8 APPENDICES: FIGURES

8.1 Figure 1: The Dutch Republic
8.2 Figure 2: Fundamental Law of Monarchy

The fundamental law of Monarchy

- All law is the will of the king
- Not all that the king will is law
- Decides between proposals submitted to him by the council

Council of lawyers
- Judge lawsuits
- 40 years of age
- Must be jurist
- Secret voting
- 51 or 61 members
- Staggered rotation
- Term: not for life
- Payment from fines and death sentences

Council (body)
- Meet 4 times a year
- Minimum of 3000 members representing minimum 600 class + minimum 600 votes
- Minimum 56 years of age
- Will serve in government
- Sit for 1-2 year terms
- 5 year reelection ban
- Each year 1/3, 1/4, 1/5 or 1/8 term (staggered terms)
- Deliberate on proposals
- Vote on proposals in proposals with more than 100 votes submitted to king
- Uphold fundamental law

Standing Committee
- 50+ members
- Continual session
- Cannot discuss matters the council have not discussed
- Duties: administer treasury, fortifications, army, education of the kings son
- Assumes responsibility for state if king dies and son is underage

8.3 Figure 3: The fundamental Law of Aristocracy

The fundamental law of Aristocracy  (Roman, Venetian, Geront)

Supreme council (body and mind)
- Everything that this council wills in law
- Convokes patricians
- 1:5 ratio between patricians and plebeians
- Minimum 30 years of age
- All patricians are members (5000 in a medium sized state)
- Duties: war and peace, taxes
- Must gather at fixed times

Senate
- Minimum 50 years of age
- Meet at fixed times
- 400 members (1:12 ratio to patricians)
- 1 year term, 2 year ban
- Duties: ordain public business, publish laws of state, organize fortifications, oversers armed forces, levy taxes, allocate revenue, handle foreign relations

Standing committee of the senate
- Divide senate in 4 groups proceeding for 2-3 months
- 1 judging officer and a deputy chosen from each group
- Some (ca 30) are chosen by lot from the first group to sit with presiding officer and deputy
- Duties: Convene senate, daily administration, prepare speech for senate

Court
- More judges than can be corrupted by private men
- Only handles civil and criminal cases
- No relatives may sit in the same court
- Some judges step down each year
- Plebeians can appeal to the syndics
8.4 Figure 4: The fundamental Law of Aristocracy in several cities

The fundamental law of Aristocracy in several cities (Holland)

- **Supreme council**
  - Only convened when the form of state has to change
  - Members: All patricians

- **Senate**
  - Propose laws to be ratified by the cities
  - Settle disputes between cities

- **Court**
  - Judges are chosen by cities in proportion to the number of patricians

**Further principles**
- All procedures and principles are similar to aristocracy in one city

**State level**

**Supreme council**
- Choose senators in proportion to the number of patricians in town (1:12)

**Senate**
- Propose laws to be ratified by the cities

**City level**

- **City 1**
  - Sit in Senate without vote
  - City residents send delegation consisting of their chosen senators

- **City 2**
  - City residents send delegation consisting of their chosen senators

**Council of syndics**
- Choose senators in proportion to the number of patricians in town (1:12)