

Political Treatise

Demonstrating how a State should be set up when the government is monarchical and when an elite rule, so that it doesn't decline into a tyranny and so that the peace and security of the citizens remain inviolate.

Benedict (or Baruch) Spinoza

1675

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis. . . . indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are reported between square brackets in normal-sized type. Section numbers like **(4)** are supplied by Spinoza. They are referred to with the § symbol: '§4' means 'section 4 of this chapter'; '5§4' means 'section 4 of chapter 5'. —The division into chapters is Spinoza's, and the titles for chapters 1–7 are drawn from a description he gave of the work in a letter. The long title of chapter 8 is probably contributed by the editors of his posthumous works. —The present version of the work is based on the fine translation in volume 2 of Edwin Curley's *Collected Works of Spinoza*. This contains a wonderfully informative and helpful editorial apparatus, which should be consulted by anyone wanting to make a further study of this masterpiece. Curley, personally, has been generous with his help in relation to all the Spinoza items on the website from which this came. —The work ends abruptly, virtually in mid-sentence; Spinoza died while writing it. —Numerals like [273] embedded in the text refer to page-numbers in volume 3 of the Gebhardt edition of Spinoza's works. That is to help you connect this version with other translations.

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Glossary

adequate(ly): In Spinoza's *Ethics* this is a quite difficult technical term. In the present work it can apparently be understood plainly, as carrying no extra load.

affect (noun): Something in a range of states from wishes and hopes at one end to passions and obsessions at the other. Being led by affects is, Spinoza holds, worse than being guided by prudence, wisdom, reason. See, for example, the contrast in section 6 on page 57

arts: In this work, arts are skills, techniques, sets of practical rules.

established practice: This translates *institutum*. A more colloquial rendering would translate it as 'basic way of going about things'; but this is hard to fit smoothly into Spinoza's sentences.

Ethics: References to passages in Spinoza's *Ethics* on page 3 follow a system in which, for example, 4p4c refers to Part 4, proposition 4, corollary. Also s = scholium, App = appendix item.

ex suo ingenio: According to (or on the basis of, or driven by) his way of looking at things (or opinions, or wishes). The present version leaves this in Latin because there is no satisfactory brief English equivalent; except on page 3, where 'according to his mentality' is inescapable because of the need to emphasise 'his'.

God: Spinoza equates 'God' with 'nature', and maintains that

God is not a person; so the use of 'he' and 'his' in connection with God is not strictly correct. On the other hand, using 'it' and 'its' presents Spinoza as constantly digging the reader in the ribs with reminders that God is not a person; and he doesn't do that. The present version goes with the incorrect pronouns, but bear in mind that they *are* incorrect. The 'he'/'it' problem does not arise in Latin.

operate: Translates *operor*; the idea is that of working, doing something, having effects.

power, /power: This version follows Curley in using 'power' to translate the Latin *potentia*, and 'power' to translate *potestas*. The former is absolutely general: it covers (for example) sugar's ability to dissolve in water. The latter often (though not always) refers to power that is legal, or a matter of right. Roughly and briefly: a king has *potestas* over his subjects; they may have *potentia* to rebel against him.

public affairs: This phrase is used to translate *respublica*, close kin to 'republic'.

sin: Translates *peccatum*, which actually means 'moral wrong', without the religious overtones that 'sin' carries. Why the mistranslation? Because in some contexts a single word is needed. Similarly *peccare* (verb).

under his own control: This translates *sui juris*, literally '(living) by (or according to) his own right (or law)'. Note that *juris* is the genitive of *jus* = 'right' or 'law'.

Chapter 1: Introduction

(1) Philosophers think of [273] the affects [see Glossary] that we are tormented by as vices that men fall into by their own fault. That is why they usually laugh at them, weep over them, censure them, or (if they want to seem particularly holy) curse them. They believe they perform a godly act and reach the pinnacle of wisdom when they have learned how to praise in many ways a human nature that doesn't exist anywhere, and how to attack in words the human nature that is real. They conceive men not as they are, but as they want them to be. That is why for the most part they have written satire instead of ethics, and why they have never conceived a politics that could be put into practice, but only one that would be thought a fantasy, possible only in utopia or in the golden age of the poets, where there would be no need for it. In all the sciences with a practical application—especially politics—theory is believed to be out of harmony with practice. No men are thought less suitable to guide public affairs [see Glossary] than theorists or philosophers.

(2) Those who engage in politics are thought to set traps for men more than to look after their interests, and to be crafty rather than wise. Experience, of course, has taught them that as long as there are men there will be vices. [274] So they try to anticipate men's wickedness, using the arts [see Glossary] they have learned from experience and long practice, arts men usually employ more from fear than because they are guided by reason. In this way they seem to be opposed to religion—especially to theologians who believe that the supreme powers [see Glossary] ought to treat the public business by the same rules of piety that private men are bound by. Still, there can't be any doubt that political practitioners have written much more successfully than philosophers about

political affairs. Having had experience as their teacher, they have taught nothing remote from practice.

(3) I am absolutely convinced that experience has shown •every conceivable kind of state in which men can live in harmony, as well as •the means by which a multitude should be directed or kept within definite limits. So I don't believe that *thinking about* this topic can come up with anything that hasn't already been learned and tested by experience, except for things that are completely at variance with experience or with practice. Men are so constituted that they can't live without some common law. But those who have discussed and established the common laws and public affairs have been very acute (whether far-sighted or •merely• shrewd). So it is hardly credible that we can conceive anything potentially useful for society as a whole that •hasn't been suggested by circumstances or chance and •hasn't been seen by men who are keenly attentive to their common affairs and to looking after their own security.

(4) So when I applied my mind to politics, I didn't intend to advance anything new or unheard-of, but only to demonstrate certainly and indubitably the things that agree best with practice, deducing them from the condition of human nature. To investigate the matters pertaining to this science with the same freedom of spirit we are accustomed to use in investigating mathematical subjects, I have been careful not to laugh at human actions, or mourn them, or curse them, but only to understand them. So I have viewed human affects—like love, hate, anger, envy, love of esteem, compassion, and the other emotions—not as vices of human nature but as properties that it has, in the same way that heat, cold, storms, thunder, etc. are properties of the air. Though affects are inconvenient, they are inevitable, and have definite causes through which we try to understand

their nature. [275] The mind rejoices in contemplating them truly just as much as it does in knowing things that are pleasing to the senses.

(5) For these things are certain (and I have demonstrated them in my *Ethics* [see Glossary]):

- men are necessarily subject to affects (4p4c);
- they are so constituted that they pity those whose affairs are going badly, and envy those who are prospering (3p32s);
- they are more inclined to vengeance than to mercy (4App13);
- everyone wants everyone else to live according to his mentality, approving what he approves and rejecting what he rejects (3p31c).
- Since everyone wants to be first, they fall into quarrels and try as hard as they can to crush each other. Whoever turns out to be the winner prides himself more on harming the loser than on doing good for himself (4p58s).
- Though everyone is convinced that religion teaches each person to love his neighbour as himself—i.e. that he should defend his neighbour's right as he would his own—still, I have shown that this persuasion has little power against the affects (4p15).

It is strong, of course, at the point of death, when illness has conquered the affects and the man lies wasting away. It is strong also in houses of worship, where men conduct no business. But it has no weight in the marketplace or the court, where we need it most. Moreover, though I have shown that •reason can do much to restrain and moderate the affects (5p1 to p10s), I have also seen that •the path reason teaches us to follow is very difficult (5p42s). So people who convince themselves that a multitude who are divided over public affairs can be induced to live only according to

the prescription of reason—those people are dreaming of the golden age of the poets. They are captive to a myth.

(6) So, a state whose well-being depends on someone's good faith, and whose affairs cannot be properly looked after unless the people who manage them are willing to act in good faith, won't be stable at all. It cannot last unless its affairs are so ordered that the people who administer them—whether they are led by reason or by an affect [see Glossary]—cannot be induced to be disloyal or to act badly. It doesn't make any difference to the security of the state *in what spirit* men are led to administer matters properly, provided they *do* administer them properly. For freedom of mind, or strength of character, is a private virtue. But security is a virtue of the state.

(7) Finally, because all men everywhere, whether barbarians or civilized, [276] combine their practices and form some sort of civil order, we must seek the causes and natural foundations of the state, not from the teachings of reason but from the common nature—the common condition—of men. That is what I have set out to do in the following chapters.

Chapter 2: Natural right

(1) In my *Treatise on Theology and Politics* I treated both natural right and civil right, and in my *Ethics* I explained what sin [see Glossary], merit, justice, injustice, and finally, human freedom are. But so that the readers of this treatise won't need to look elsewhere for the things that are most important in it, I have resolved to explain them again here, and to demonstrate them rigorously.

(2) Any natural thing whatever can be conceived adequately [see Glossary], whether it exists or not. So just as a natural thing's •beginning to exist cannot be inferred from

its definition, neither can its •staying in existence. For the ideal essence of these things is the same after they have begun to exist as it was before. So. . . the same power they require to begin to exist, they also require to continue to exist. From this it follows that the power by which natural things exist, and so by which they operate [see Glossary], cannot be anything but the eternal power of God. For if it were any other power—a created power—it couldn't preserve *itself*, and so couldn't preserve natural things. The same power that would be needed to create it would also be needed to keep it in existence; and so there would be an infinite regress of powers, unless it came to a halt with the eternal, uncreated power of God.

(3) From this fact—that the power of natural things, by which they exist and operate, is the very power of God—we easily understand what the right of nature is. For since God has the right over all things, and God's right is nothing but his [see Glossary entry on 'God'] power itself, insofar as it is considered to be absolutely free, it follows that each natural thing has as much right by nature as it has power to exist and operate. For [277] the power of each natural thing by which it exists and operates is nothing but the very power of God, which is absolutely free.

(4) By the right of nature, then, I understand the laws of nature themselves, or the rules according to which all things happen, i.e. the very power of nature. So the natural right of the whole of nature, and as a result, of each individual, extends as far as its power does. Hence, whatever each man does according to the laws of his nature, he does with the supreme right of nature. He has as much right over nature as he has power.

(5) Therefore, if human nature were so constituted that

men lived only according to the prescription of reason, and did not try for anything else, the right of nature—considered in relation to human beings alone—would be determined only by the power of reason. But men are led more by blind desire than by reason. So the natural power (i.e. the right) of men ought to be defined not by reason but by whatever appetite determines them to act and try to preserve themselves.

Desires that don't arise from reason are admittedly not so much men's actions as their passions. But because we are dealing here with the power or right of nature across the board, we have no need to distinguish the desires generated in us by reason from those generated by other causes. Both kinds of desire are effects of nature, and display the natural force by which man tries to stay in existence. Whether a man is wise or ignorant, he is a part of nature, and what determines him to act is the power of nature, i.e. the nature of this individual man. Led by reason or only by desire, he does nothing except according to the laws and rules of nature, i.e. (by §4) in accordance with the right of nature.

(6) Most people, though, believe that men¹ *disturb* the order of nature rather than *following* it, and they conceive men in nature as a kingdom within a kingdom. For they maintain that the human mind was not produced by any natural causes, but was created immediately by God, so independent of other things that it has an absolute /power to [278] determine itself and to use reason properly. But experience teaches all too well that it is no more in our /power to have a sound mind than it is to have a sound body.

Again, since each thing does its best to stay in existence, we cannot doubt that if it were as much in our /power to live according to the prescription of reason as it is to be led by blind desire, everyone would be led by reason and organise

¹ [The Latin is *ignaros* = 'ignorant men'. This is presumably some kind of slip; Spinoza surely took the belief he is criticising to be about men in general.]

his life wisely. But this is far from true. Everyone is swept away by his own pleasure.

The theologians don't remove this difficulty when they claim that the cause of this weakness is a vice of human nature—a sin—that had its origin in the fall of •our first ancestor. For if it was also in the /power of •the first man either to stand firm or to fall, and if his mind was intact and he was unimpaired in his nature, how could it have happened that he fell, knowingly and with eyes open?

They say he was deceived by the Devil. But who deceived the Devil? Who, I ask, made that most excellent of all intelligent creatures so insane that he wanted to be greater than God? Wasn't he, a being with a sound mind, doing his best to stay in existence?

Again, how could it have happened that the very first man, whose mind was intact and who was the master of his will, was seduced and underwent the loss of his mental faculties? If he had the /power to use reason correctly, he could not be deceived. He necessarily tried as hard as he could to stay in existence and keep his mind sound; and it is supposed that he had this in his /power. So he must have kept his mind sound and could not be deceived. The story •of the first man• shows that this is false. So it must be acknowledged that it was not in the first man's /power to use reason correctly. Like us, he was subject to affects.

(7) Moreover, no-one can deny that man, like all other individuals, does his best to stay in existence. If some difference could be conceived •between man and other individuals•, it would have to arise from man's having free will. But the more we conceive man to be **free**, the more we are forced to maintain that he must **necessarily** preserve himself and be in possession of his faculties. Anyone who doesn't confuse [279] freedom with contingency will easily grant me this. Whatever convicts a man of weakness cannot be related to his freedom,

for freedom is a virtue, a perfection. A man cannot be called free on the grounds that he can *not exist* or that he can *not use reason*; he can be called free only to the extent that he has the /power to exist and operate according to the laws of human nature. So the more we consider a man to be free, the less it is open to us to say that he can fail to use reason and choose evils in preference to goods.

That is why God [see Glossary], who

- exists, understands, and operates with absolute freedom, also
- exists, understands and operates necessarily, i.e. from the necessity of his own nature.

For there is no doubt that God operates with the same freedom with which he exists. Therefore, as he exists in accordance with the necessity of his nature, so also he acts in accordance with the necessity of his nature, i.e. he acts absolutely freely.

(8) I conclude, then, that it is not in anyone's /power to always use reason and be at the highest peak of human freedom—but that nevertheless everyone always does whatever he can to stay in existence.

I also conclude that—because everyone has as much right as he has power—what each man attempts and does, whether he is wise or foolish, he attempts and does by the supreme right of nature. From these considerations it follows that the right and established practice [see Glossary] of nature, under which all men are born and for the most part live, 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.

This is not surprising. For limits are set to nature not •only• by the laws of human reason, which aim only at men's true advantage and preservation, but •also• by infinitely

many other ·laws·, which are concerned with the eternal order of the whole of nature, of which man is a small part. It is only in accordance with the necessity of this eternal order that all individuals are caused to exist and operate in a definite way. So whenever something in nature seems to us ridiculous, absurd or evil, that comes from •our knowing things only in part, being mostly ignorant of the order and coherence of the whole of nature, from •our wanting everything to be directed in accordance with what our reason prescribes, though what ·our· reason says is evil is evil in relation not to the order and laws of nature as a whole but to the laws of our nature.

(9) Moreover, [280] it follows that each person is subject to someone else's control so long as he is under the other person's /power, and that he is under his own control so long as he can fend off every force and avenge any injury done to him, as seems good to him, and absolutely, insofar as he can live *ex suo ingenio* [see Glossary].

(10) One person has another in his /power if **a** he has him tied up, or **b** he has taken away his weapons and means of defending himself or escaping, or **c** he has instilled fear in him, or **d** he has so bound him to himself by a benefit that the other person would rather conduct 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 manner of **a** or **b** possesses only his body, not his mind. If he has him in his /power in the manner of **c** or **d** then he has made both his mind and his body subject to his control—but only while the fear or hope lasts. When either of these is taken away, the other person remains under his own control.

(11) A person's faculty of judgement can also be subject to someone else's control through the other person's deceiving

his mind. From this it follows that a mind is completely its own master just to the extent that it can use reason rightly. Indeed, because we ought to reckon human power not so much by the strength of the body as by the strength of the mind, it follows that people are most their own masters when they can exert the most power with their reason, and are most guided by reason. So I call a man completely free just insofar as he is guided by reason, because to that extent he is determined to action by causes that can be understood adequately through his own nature alone, even though they determine him to act necessarily. For (as I have shown in §7), freedom does not deny the necessity of acting. It affirms it.

(12) An assurance given to someone by which x has promised only in words that he will do something he could legitimately omit doing (or conversely ·that he won't do something that he could legitimately do·) remains valid just as long as x's will does not change. For if he retains the /power to cancel his assurance, he really has not surrendered his *right*; he has only given *words*. So if x, who by the right of nature is his own judge, has judged—whether rightly or wrongly (for it is only human to err)—that the assurance he gave will lead to more harm than good, he will think that he ought to cancel his assurance. And by the right of nature (by §9) he will cancel it.

(13) If two men [281] make an agreement with one another and join forces, they can do more together; and so together they have more right over nature than either does alone. The more connections they form in this way, the more right they will all have together. [The switch from 'two' to 'all' is in the original.]

(14) Insofar as men are tormented by anger, envy, or any ·other· affect of hatred, they are pulled in different directions, and are opposed to one another. For that reason

they are more to be feared the more they can do, and the more their level of shrewdness and cunning is above that of other animals. And because (as I said in 1§5) men are by nature subject to these affects most of the time, they are by nature enemies. For my greatest enemy is the one I most have to fear and most have to be on guard against.

(15) Moreover, since (by §9) everyone in the state of nature is under his own control just as long as he can prevent others from overpowering him, and since it is futile for one person alone to try to protect himself from all others, it follows that as long as human natural right is determined by each individual person's power, there is no human natural right. It consists more in opinion than in fact, since there is no secure way to maintain it.

What is more, it is certain that the greater the cause a man has for fear, the less he can do and so the less right he has. And men can hardly sustain their lives and cultivate their minds without mutual aid.

So I conclude that the right of nature that is a special property of the human race can hardly be conceived except where men have *common* rights and are *jointly* able

- to claim for themselves lands they can inhabit and cultivate,
- to protect themselves, fending off any force, and
- to live according to opinions that they all share.

For (by §13) the more they agree as one in this way, the more right they all have together. If this is why the scholastics maintain that man is a social animal—because in the state of nature men can hardly be their own masters—I have nothing to say against them.

(16) Where men have common rights, and all are led as if by one mind, it is certain (by §13) that each of them has that much less right in proportion as the rest of them together

are more powerful than he is—that is, he really has no right over nature beyond [282] what the common right grants him. For the rest, whatever he is commanded to do according to the common agreement, he is bound to carry out—or (by §4) is rightly compelled to do.

(17) This right defined by the power of a multitude is usually called *sovereignty*. Anyone who by common agreement has responsibility for public affairs—that is, the rights of making, interpreting, and repealing laws, fortifying cities, and making decisions about war and peace, etc.—has this right absolutely. If this responsibility is the business of a council composed of the common multitude, then the state is called a **democracy**; if the council is made up only of certain select people, it is called an **aristocracy**; and finally, if the responsibility for public affairs [see Glossary]—and hence sovereignty—is vested in one person, it is called a **monarchy**.

(18) What I have shown in this chapter makes clear to us that in the state of nature there is no *sin* [see Glossary]—or if anyone sins, he sins only against himself. No-one is bound by the law of nature to conduct himself according to someone else's wishes if he doesn't want to, or to regard anything as good or evil except what he himself *ex suo ingenio* [see Glossary] decides is good or evil. And absolutely, the law of nature prohibits nothing except what no-one can do (see §§5 and 8).

A sin is an action that cannot rightly be done. If men were bound by the established practice [see Glossary] of nature to be guided by reason, everyone would *necessarily* be guided by reason. For the established practices of nature are the established practices of God (by §§2 and 3). God established them with the same freedom with which he exists. So these things follow from the necessity of the divine nature (see §7). They are eternal and cannot be violated. But men are mostly

guided by appetite without reason. They don't *disturb* the order of nature; they necessarily *follow* it. So the ignorant and weak-minded are no more bound by the law of nature to organise their lives wisely than a sick man is bound to have a healthy body.

(19) Sin, then, can be conceived only in a state, where the common law of the whole state decides what is good and what is evil, and where (by §16) the only way to act rightly is to act in accordance with the common decree or agreement. For (as I said in §18) a sin is something that cannot be done rightly, or that is prohibited by law. And obedience is a constant willingness to do what [283] by law is good and what the common decree says ought to be done.

(20) But we are also accustomed to call 'sin' what is contrary to the dictate of sound reason, and to call 'obedience' a constant will to moderate our appetites according to the prescription of reason. I would completely approve of this if

- human freedom consisted in giving free rein to our appetites, and
- bondage consisted in being governed by reason.

But because a man is free to the extent that he can be led by reason and moderate his appetites, it is only very improperly that we can call a rational life 'obedience' and call 'sin' what is really a weakness of mind (and not a lack of restraint against oneself). Sin is more a ground for calling a man a slave than for calling him free. See §§7 and 11.

(21) But because reason teaches us to practice piety, and to be of a good and peaceful disposition, which can happen only in a state—and moreover, because a multitude can't be led as if by one mind, as is required in a state, unless the state has laws established according to the prescription of reason—it is not so improper for men who have become accustomed to live in a state to call something a sin if it is

contrary to the dictate of reason. For the best states should have established their laws according to reason's dictate. As for my saying (in §18) that, if a man sins at all in a state of nature, he sins against himself, see 4§§4 and 5, where I show in what sense we can say that the person who has sovereignty and possesses the right of nature is bound by laws and can sin.

(22) As for religion, it is certain that the more a man loves God and worships him wholeheartedly, the more free he is and the more obedient to himself. Insofar as

- we attend not to the order of nature (which we don't know) but only to the dictates of reason concerning religion, and insofar as
- we consider those dictates as
 - revealed to us by God, as if he were speaking in us, or also as
 - laws, revealed through the prophets

to that extent we say—speaking in a human way—that if a man loves God wholeheartedly he '**obeys**' him, and that if he is guided by blind desire he '**sins**'.

Meanwhile, we should bear in mind •that we are in God's /power [284] as clay is in the /power of the potter, who from one lump makes one vessel for an honourable purpose and another for a dishonourable one; and •that a man can indeed act against decrees of God considered as having been inscribed as laws in our mind or in the mind of the prophets, but cannot act against God's eternal decree, which has been inscribed in the whole of nature and concerns the order of the whole of nature.

(23) Therefore, like **sin** and **obedience**, taken strictly, so also *justice* and *injustice* can be conceived only in a state. For in nature nothing can rightly be said to belong to one person and not to another. Instead, everything belongs to

everyone—that is, to whoever has the power to claim it for himself. But in a state, where common Law settles what belongs to one person and what to another, a person is called *just* if he has a constant will to give to each person his own, and *unjust* if he tries to make his own what belongs to someone else.

(24) For the rest, I have explained in *Ethics* that praise and blame are affects of joy and sadness, accompanied by the idea of human virtue or weakness as a cause.

Chapter 3: The right of supreme powers

(1) The order of each state is called ‘civil’; the whole body of the state is called a ‘commonwealth’; and its common business, which depends on the direction of a sovereign, is called ‘public affairs’ [see Glossary]. Insofar as men enjoy by civil right all the advantages of a commonwealth, we call them ‘citizens’; insofar as they are bound to obey the established practices [see Glossary] or laws of the commonwealth, we call them ‘subjects’. Finally, as I said in 2§17, there are three kinds of civil order: democratic, aristocratic, and monarchic. Before I begin to treat each of these separately, I shall first demonstrate what pertains to civil orders in general. The first thing that needs to be considered is the supreme right of a commonwealth, or of the supreme powers.

(2) From 2§15 it is evident that the right of a state, or of the supreme powers, is nothing more than the right of nature, determined not by the power of each person but by the power of a multitude, led as if by one mind. [285] That is, just as each person in the natural state has as much right as he has power, so also the body and mind of the whole state have as much right as they have power. So each citizen or subject has less right in proportion as the commonwealth

itself is more powerful than he is (see 2§16). Therefore, no citizen *does* or *has* anything by right except what he can defend by the common decision of the commonwealth.

(3) If a commonwealth grants a right to someone—and consequently grants him the power to live *ex suo ingenio* [see Glossary], for without that (by 2§12) it has given only *words*

—it has thereby surrendered its own right and transferred it to the person to whom it gave that power. Moreover, if it has given this power to two or more people, so that each of them may live *ex suo ingenio*, it has thereby *divided* political authority. Finally, if it has given this same power to each of the citizens, it has thereby destroyed itself: the commonwealth no longer exists, and everything reverts to the natural state. All these consequences are most evident from what I have been saying.

It follows that it is entirely inconceivable that each citizen should be permitted by the established practice of the commonwealth to live *ex suo ingenio*. So the natural right that each person has to be his own judge necessarily ceases in the civil order. I say explicitly ‘by the established practice of the commonwealth’ because—strictly and carefully speaking—each person’s natural right does *not* cease in the civil order. Both in the natural state and in the civil order, a man acts according to the laws of his own nature and looks out for his own advantage. In each condition he is guided in what actions he performs or avoids by *hope* or *fear*. The main difference between the two conditions is that in the civil order everyone fears the same things; they all have one and the same cause of security and mode of living. This, of course, does not eliminate each person’s ability to judge. Whoever has resolved to obey all the commands of a commonwealth, whether because he fears its power or because he loves peace, is surely looking out for his own

security and his own advantage *ex suo ingenio*.

(4) Nor is it conceivable that each citizen would be allowed to *interpret* the decrees or laws of the commonwealth. If everyone were allowed to do this, that would make everyone his own judge, since everyone could easily excuse or embellish his deeds under a pretext of right, [286] and hence, organise his life *ex suo ingenio*. But (by §3) this is absurd.

(5) We see, then, that each citizen is not under his own control [see Glossary], but under that of the commonwealth, and is bound to carry out all its commands. He has no right to decide what is fair or unfair, pious or impious. On the contrary, because the body of the state must be guided as if by one mind, and hence the will of the commonwealth must be considered the will of all, what the commonwealth has decided is just and good must be thought of as having been decreed by each citizen. So the subject is bound to carry out the decrees of the commonwealth, even if he thinks them unfair.

(6) But it may be objected:

Isn't it contrary to the dictate of reason to subject yourself completely to someone else's judgment? So isn't the civil order incompatible with reason?

If this were right, it would follow that the civil order is irrational, and can be created only by men devoid of reason. But since reason teaches nothing contrary to nature, sound reason cannot dictate that each person remain under his own control, so long as men are subject to affects (by 1§5); that is (by 2§15), reason dictates the contrary.

Moreover, reason teaches us without qualification to seek peace, which certainly cannot be obtained unless the common laws of the state are observed without violation. So, the more a man is led by reason, i.e. (by 2§11) the more free he is, the more steadfastly he will observe the laws of the

state and carry out the commands of the supreme /power he is subject to.

Furthermore, the civil order is naturally established to take away the common fear and relieve the common wretchedness. So what it aims at most is what everyone who is guided by reason would try to do in the state of nature, though *there* it would be (by 2§15) in vain.

If a man who is guided by reason is commanded by the commonwealth to do something he knows is incompatible with reason, the harm of that is greatly outweighed by the good he derives from the civil order itself. And what he is ordered to do is not, after all, incompatible with reason, for it is also a law of reason that we should choose the lesser of two evils.

So we can conclude that no-one who acts according to the law of the commonwealth is acting contrary to the prescription of his own reason. [287] Everyone will grant me this more easily after I have explained how far the power of the commonwealth—and consequently its right—extends.

(7) For the **first** consideration is that just as (by 2§11) in the state of nature the man who is guided by reason is the most powerful and the most under his own control, so a commonwealth will also be the most powerful and the most its own master if it is founded on and directed by reason. For the right of a commonwealth is determined by the power of a multitude that is led as if by one mind. But this union of minds is inconceivable unless the commonwealth aims most at what sound reason says is useful to all men.

(8) The **second** consideration is that subjects are not their own masters, but are under the control of the commonwealth, insofar as they **a** fear its power or threats or **b** love the civil order (by 2§10). From this it follows that the rights of the commonwealth do not extend far enough to cover

things that no-one can be induced to do by **b** rewards or **a** threats. For example, no-one can surrender his ability to form judgements. For what rewards or threats can induce a man to believe that the whole is not greater than its part? or that God does not exist? or that a body that he sees to be finite is an infinite being? or to believe anything else contrary to what he senses or thinks? Similarly, by what rewards or threats can a man be induced to love what he hates or to hate what he loves?

In this category we may put the things that human nature so abhors that it considers them worse than any other evil, such as that a man should

- act as a witness against himself,
- torture himself,
- kill his parents,
- not try to avoid death,

and the like, which no-one can be induced to do by rewards or threats. If anyone still wants to say that the commonwealth has the right or power to command such things, we can only understand this as being on a par with saying that a man can rightly be insane and mad. For what would it be but madness to issue a law by that no-one can obey?

Here I am speaking explicitly about things that cannot belong to the commonwealth's right and that human nature is generally horrified by. Just because an individual fool or a madman can't be induced by any rewards or threats to carry out the state's legitimate commands—or just because a few people (devoted to some religion or other) judge the laws of the state to be worse than any evil—still the laws of the commonwealth are not null and void, since most of the citizens are restrained by them. So, because those who neither fear nor hope for *anything* are to that extent their own masters (by 2§10), they are (by 2§14) enemies of the state, whom it may rightly restrain.

(9) Finally, the **third** consideration is that things *most* people resent are *less* within a commonwealth's right. For certainly men are guided by nature to work together either because of a shared fear or because of a shared desire to avenge some loss they have all suffered. Because the commonwealth's right is defined by the common power of a multitude, it is certain that its power and right are diminished to the extent that it provides many people with reasons to work together against it. Certainly the commonwealth has some things it must fear for itself; and—like an individual citizen or a man in the state of nature—the greater the reason for fear it has, the less it is its own master.

So much for the right of the supreme powers over their subjects. Now before I treat their right against other commonwealths, it seems that a question about religion is apt to be asked and should be answered.

(10) Someone may ask: don't the civil order, and the obedience of subjects I have shown to be required in it, destroy the religion by which we are bound to worship God? No. If we consider the matter properly, we won't find anything to make us uneasy. For insofar as the mind uses reason, it is under its own control and not under that of the supreme powers (by 2§11). Moreover, the true knowledge and love of God cannot be subjected to anyone's command, any more than loving-kindness towards one's neighbour can (by 2§8). Furthermore, if we consider that the supreme exercise of loving-kindness is to protect the peace and to bring about harmony, we won't doubt that a person has really done his duty if he has helped each person as much as the laws of the commonwealth—i.e. harmony and tranquility—permit.

As for external forms of worship, they certainly can't do anything to help or harm the true knowledge of God and the love that necessarily follows from it. Indeed, we shouldn't make so much of them that it is worth disturbing public

peace and tranquility on their account.

[289] Moreover, it is certain that I am not, by the right of nature—i.e. (by 2§3) by divine decree—a defender of religion. For I don't have, as the Christ's disciples once did, the power to cast out unclean spirits and to perform miracles. This power is so necessary for spreading religion to places where it is forbidden that without it we don't only waste 'time and trouble', as they say, but also create many sources of distress. Every age has seen the most grievous examples of this.

Everyone, therefore, can worship God in accordance with true religion, and look out for himself, which is the duty of a private man. For the rest, the responsibility for spreading religion must be committed either to God or to the supreme powers, who alone have the responsibility for public affairs. And now I return to my subject.

(11) Now that I have explained the right of the supreme powers over citizens, and the duty of subjects, it remains for me to consider their right against others. From what I have said already, it will be easy to know what this right is. For since (by §2) the right of the supreme power is nothing more than the right itself of nature, it follows that **two states are related to one another as two men are in the state of nature**, except for one thing: a commonwealth can successfully take precautions against being overpowered by another commonwealth; whereas a man in the state of nature—a man burdened daily with sleep, often with illness or grief, and in the end with old age—cannot secure himself against being overpowered by another man. Moreover, he is liable to other disadvantages against which a commonwealth can secure itself.

(12) So a commonwealth is its own master, insofar as it can look after itself and take precautions against being overpowered by another commonwealth (by 2§§9 and 15).

And (by 2§§10 and 15) it is subject to the control of another commonwealth x, insofar as

- it fears x's power, or
- x prevents it from carrying out what it wants to do, or
- it needs x's aid for its own preservation or growth.

For we can't doubt that if two commonwealths are willing to give each other aid, the two together can do more—and consequently have more right—than either one has alone. See 2§13.

(13) We can understand this more clearly if we consider that by nature two commonwealths [290] are enemies. For (by 2§14) in the state of nature men are enemies, so that those who retain the right of nature outside a commonwealth remain enemies. Thus, if one commonwealth wants to make war on another, and will stop at nothing to bring it under its control, it has the right to try this. To wage war, all it needs is to have the will to wage war. But it cannot settle anything about peace unless another commonwealth agrees; from which it follows that the rights of war belong to each commonwealth individually, whereas the rights of peace belong to at least two commonwealths, which for that reason are called 'allies'.

(14) This alliance remains firmly established so long as the reason for making it—the fear of loss or hope of profit—continues to motivate both parties. But if either commonwealth loses its hope or fear, it is once again its own master (by 2§10), and the chain by which the commonwealths were bound to one another is broken because of its own weakness and not because of any outside force. So each commonwealth has a complete right to dissolve the alliance whenever it wants to. It can't be said that in rescinding its assurance when the cause of fear or hope is taken away it is acting deceitfully or treacherously. This

condition was the same for each of the contracting parties: whichever one could first be free of fear² would be its own master, and would use its freedom as it thought best.

Moreover, no-one contracts for the future unless he assumes that certain circumstances will prevail. If these circumstances change, then the nature of the whole situation also changes. That is why each of the allied commonwealths retains the right to look out for itself, and does its best to get beyond fear and thus to be its own master. It is also why each tries to prevent the other from becoming more powerful.

So if any commonwealth complains that it has been deceived, it cannot condemn the honesty of the ·previously· allied commonwealth, but only its own foolishness, because it entrusted its own well-being to another commonwealth, which was its own master and for which its own well-being is the supreme law.

(15) When commonwealths have contracted a peace with one another, they have the right to settle questions that can be raised about the conditions of the peace, or the laws by which they have pledged their loyalty to one another, since the laws of peace do not belong to one commonwealth only, but to all those that contract together (by §13). If they cannot agree among themselves about these matters, that returns them to the state of war.

(16) The greater the [291] number of commonwealths that enter into an agreement for peace with one another, the less of a threat each one is to the others, i.e. the less /power each one has to make war, and the more it is bound to observe the conditions of peace. That is (by §13), the less it is its own master and the more it is bound to accommodate itself to the common will of its allies.

(17) This does not in any way eliminate the good faith

that both sound reason and religion teach us to observe; for neither reason nor scripture teaches that every promise should be kept. When I have promised someone to guard the money he has asked me to keep secret for him, I am not bound to keep my promise once I know (or believe I know) that the money was stolen. On the contrary, I will act more properly if I undertake to restore it to its owners.

Similarly, if the supreme /power has made a promise to someone, and afterwards time or reason has taught (or seemed to teach) that ·keeping· it will harm the common well-being of his subjects, surely he is bound to break his word. Therefore, since Scripture teaches only in general that we should keep our word, leaving to each person's judgment the particular cases where exceptions are to be made, it teaches nothing incompatible with what I have just shown.

(18) But to avoid having to keep interrupting the thread of my argument to meet similar objections, I want to advise you that I have demonstrated all these conclusions from •the necessity of human nature, however it may be considered; that is, •from the *universal* endeavour of *all* men, whether they are ignorant or wise, to stay in existence. And so however men are considered—whether as guided by an affect or by reason—the result will be the same, for the demonstration (I repeat) is universal.

Chapter 4: Which matters of state depend only on the governance of the supreme /powers

(1) I have shown in chapter 3 that •the right of the supreme /powers is determined by their power, and that •it consists

² [And of hope? Although Spinoza runs fear and hope in tandem, perhaps he does not regard them as equally opposed to self-control.]

chiefly in their being (as it were) *the mind of the state*, by which everyone must be guided. So the supreme /powers alone have the right to decide what is good and what is bad, what is right and what is wrong, i.e. what must be done or omitted [292] by each person or by all together. We have seen, therefore, •that the supreme /powers alone have the right to make laws, and when there is a dispute about them to interpret them in each particular case, deciding whether the case was decided contrary to the law or in accordance with it (see 3§§3–5); and •that they alone have the right to make war, to create and offer conditions for peace, and to accept conditions that are offered (see 3§§12 and 13).

(2) . All these activities, and the means required to carry them out, concern the whole body of the state, i.e. public affairs [see Glossary]; from which it follows that public affairs depend only on the guidance of whoever has the supreme authority, and that only the supreme /power has the right to

- judge each person’s deeds,
- require each person to account for what he has done,
- punish offenders,
- settle disputes between citizens concerning the law,
- set up people knowledgeable in the laws, who will administer them in the supreme /power’s place,
- organise and use all the means of war and peace, and thus to
- found and fortify cities,
- assemble soldiers and assign military offices,
- send and receive ambassadors for the sake of peace, and finally
- levy taxes for all these purposes.

(3) Since only the supreme /power has the right to handle public affairs or to choose ministers to do so, it follows that if a subject undertakes some public business on his

own initiative and without the knowledge of the supreme council—even if he thinks that what he intends to do will be best for the commonwealth—he is usurping political authority.

(4) People commonly ask: is the supreme /power bound by laws? and can it sin? Since the words ‘law’ and ‘sin’ [see Glossary] customarily have to do not only with the laws of the commonwealth but also with the common rules of all natural things, and especially to the rules of reason, we can’t say without qualification that the commonwealth is not bound by any laws or that it cannot sin. If a commonwealth were not bound by *any* laws—any rules needed for it to *be* a commonwealth—then we would have to think of it not as a natural thing but as a fantasy.

A commonwealth sins, then, when it does or allows something that can cause its ruin. We say [293] then that it sins in the same sense in which philosophers or physicians say that *nature* sins. In this sense we can say that the commonwealth sins when it does something contrary to the dictate of reason. For a commonwealth is most its own master when it acts according to the dictate of reason (by 3§7). So insofar as it acts contrary to reason, it lets itself down, or sins.

This can be understood more clearly if we consider that when we say that a person can decide whatever he wishes concerning something *x* that he is the master of, this /power must be defined not only by *his* power but also by what *x* is able to have done to it. If I say ‘I can rightly do whatever I wish with this table’, I surely don’t mean that I have the right to make this table eat grass! Similarly, when we say ‘Men are not their own masters, and are subject to the commonwealth’, we don’t mean that they lose their human nature and take on a different nature. Nor do we mean that the commonwealth has the right to make men fly, or

(what is equally impossible) to make men honour things that they find comical or disgusting. What we mean is that when certain circumstances are present, the subjects respect and fear the commonwealth, and that when those circumstances are absent, this fear and respect are destroyed. When *they* are destroyed, so is the commonwealth.

For a commonwealth to be its own master, therefore, it is bound to maintain the causes of fear and respect, for otherwise it ceases to be a commonwealth. For someone who holds political authority to preserve it while he runs drunken or naked through the streets with prostitutes, plays the actor, openly violates or disdains the laws he himself has made is *impossible*, as impossible as it is to both be and not be at the same time.³ To slaughter and rob his subjects, to rape their young women, and actions of that kind, turn fear into indignation and hence turn the civil order into a state of hostility.

(5) We see, then, in what sense we can say that the commonwealth is bound by laws and can sin. But if by ‘law’ we understand the *civil* law, which can be defended by the civil law itself, and by ‘sin’ what the civil law prohibits us from doing—i.e. if we take these terms in their proper meanings—there is no way we can say that the commonwealth is bound by laws or that it can sin. A commonwealth is bound for its own sake to observe certain rules and causes of fear and respect, but they relate not to the civil law [294] but to the law of nature. By §4 they cannot be defended by the civil law but only by the law of war. The commonwealth is bound by them only in the way a man in the state of nature is bound: to be under his own control (i.e. not to be an enemy to himself) he must take care not to kill himself. This care, of course, is not obedience but freedom of human

nature. But the civil law depends only on the decree of the commonwealth, which is not bound—as a condition of remaining free—to conduct itself according to anyone’s wishes but its own. Nor is it bound to consider anything good or evil except what it has decided is good or evil for itself. So it has the right not only to defend itself, and to make and interpret laws, but also to repeal them, and from the fullness of its power to issue pardons.

(6) There is no doubt that the contract, or the laws by which a multitude transfers its right to a council or a man, ought to be violated when it is in the interest of the general welfare to violate them. But (by §3) no private person is entitled to make the judgment about whether it *is* in the interest of the general welfare to violate them. Only the sovereign can rightly do this. Therefore, by the civil law only the sovereign is left to be the interpreter of those laws. To this we may add that no private person can lawfully defend them. So they don’t really bind the sovereign.

But if that is the nature of these laws—that they cannot be violated unless the strength of the commonwealth is at the same time weakened, i.e. unless the general fear of most citizens is at the same time turned into indignation—when that *does* happen the commonwealth is dissolved and the contract is inoperative. So the contract is defended not by the civil law but by the law of war. So the sovereign is bound to observe the conditions of this contract for exactly the reason why a man in the state of nature is bound to take care not to kill himself if he is not to be an enemy to himself (as I said in §5).

³ [That behaviour is attributed to the emperor Nero. Spinoza words this in a way that makes it cover misconduct by several authorities, not just one.]

Chapter 5: The ultimate and highest end a state can aim at

(1) I showed in 2§11 that a *man* [295] is most under his own control when he is led most by reason, and so (by 3§7) that a *commonwealth* is most powerful and most under its own control when it is founded on and directed by reason. Moreover, since the best way of living—to preserve yourself as much as possible—is guided by the prescription of reason, it follows that the best course for a man or a commonwealth to follow is the one where he (or it) is most under his (or its) own control. For when we say someone has done something by right, we are not saying he has done it in the best way. It is one thing to cultivate a field by right and another to cultivate it in the best way; one thing to defend oneself (preserve oneself, make a judgment, etc.) by right and another to defend oneself etc. in the best way; one thing to command and have responsibility for public affairs by right and another to command and govern public affairs in the best way. Let this be enough on the **general right** of this or that commonwealth; it is time to discuss the best condition of each state.

(2) It is easy to tell what the best condition of each state is from the goal of the civil condition, namely the peace and security of life. So the best state is one where men pass their lives harmoniously, and where the laws are kept without violation. For certainly rebellions, wars, and contempt for (or violation of) the laws should be attributed not so much to the wickedness of the subjects as to the corruption of the state. Men are not *born* civil; they *become* civil—and if they don't, that is the state's fault.

The natural affects [see Glossary] of men are the same everywhere. If wickedness is more prevalent in one commonwealth than in another, and more sins are committed there, this is because the more wicked commonwealth hasn't provided adequately for harmony, hasn't set up its laws wisely enough, and so hasn't achieved the absolute right of a commonwealth. For a civil order

- that has not eliminated the causes of rebellions,
- where there is a constant fear of war, and
- where the laws are often violated

is not much different from the state of nature itself, where everyone lives *ex suo ingenio* [see Glossary] with his life always in great danger.

(3) But just as the subjects' vices, and their excessive license and stubbornness, are to be imputed to the commonwealth, so also their virtue and constant observance of the laws are to be attributed mostly to the virtue of the commonwealth and its absolute right. This is evident from 2§15. The fact that there was never any [296] rebellion in Hannibal's army is rightly traced to his outstanding virtue.

(4) A commonwealth whose terrified subjects don't take up arms should be described as 'without war' but not as 'at peace'. Peace is not the absence of war but a virtue arising from strength of mind. For it is obedience (by 2§19), a constant will to do what is commanded by the common decree of the commonwealth. When the peace of a commonwealth depends on its subjects' lack of spirit—so that they are led like sheep, and learn only how to be slaves—it would be better to call it a wasteland than a commonwealth.⁴

(5) So when I say that the best state is one where men pass their lives harmoniously, I mean that they pass a

⁴ [This echoes something that Tacitus famously said about the Romans: *ubi solitudinem faciunt, pacem appellant*, 'where they make a wasteland, they call it peace'.]

human life, one defined not merely by •the circulation of the blood and other things common to all animals but mostly by •reason, the true virtue and life of the mind.

(6) But note: when I say that a rule has been set up with this goal, I mean that a free multitude has set it up, not that rule over a multitude has been acquired by the right of war. For a free multitude is guided by hope more than by fear, a subjugated one more by fear than by hope. The former want to cultivate life, the latter care only to avoid death. The former are eager to live for themselves; the latter are forced to belong to the victor. So I say that the latter are slaves, and the former free.

The goal of a state that someone acquires by the right of war, then, is to be master; it has slaves rather than subjects. When we attend to the **general right** of each state, we find no essential difference between the right of one created by a free multitude, and that of one acquired by the right of war. Still, I have shown that each has a very different goal. Furthermore, the means by which the two states must be preserved are very different.

(7) The enormously shrewd Machiavelli showed in detail the means a prince must use to stabilise and preserve his rule if all he wants is to be master', though it is not entirely clear why he did this. If his purpose was good—as we must believe of a wise man—it seems to have been to show how imprudent many people are to try to remove a tyrant from their midst [297] when they can't remove the *causes* of the prince's being a tyrant. On the contrary, they give the prince more reason to fear, and so more reason to be a tyrant. When a multitude has made an example of their prince, and glories in his assassination as in a deed well done, they give such reasons to the new prince.

Perhaps Machiavelli also wanted to show how much a

free multitude should beware of entrusting its well-being absolutely to one person. Unless the prince is so vain that he thinks he can please everyone, he must fear treachery every day. So he is forced to look out for himself, and to set traps for the multitude rather than looking out for their interests. I am the more inclined to believe this about that very prudent man because he was clearly on the side of freedom, and gave very good advice for protecting it.

Chapter 6: How a monarchic government should be set up so as not to fall into a tyranny

(1) Men, I have said, are guided more by affect than by reason. So when a multitude naturally agree and want to be led as if by one mind, they are led to this not by reason but by some common affect. As I said in 3§9, they have a common hope or fear, or a common desire to avenge some harm. Moreover, all men fear being alone, because no-one alone has the strength to defend himself, and no-one alone can provide the things necessary for life. So by nature men desire a civil order. It can't happen ·by nature· that they will ever completely dissolve it.

(2) Therefore when disagreements and rebellions are stirred up in a commonwealth—as they often are—the result is never that the citizens dissolve the commonwealth, though this often happens in other kinds of society. Instead, if they can't settle their disagreements while preserving the form of the commonwealth, they change its form to another. So when I speak of the means required to preserve the state, I understand the means necessary to preserve its form without any notable change.

(3) If human nature were so constituted that men desired most what is most useful, there would be no need for artifice—skillful organisation—to produce harmony and loyalty. But human nature is far from being like that; so it has been necessary to set up a state organised in such a way •that [298] everyone (whether governor or governed) does what is for the common well-being, whether he wants to or not; that is, •that everyone is compelled to live according to the prescription of reason. . . .

This happens if the affairs of the state are so arranged that nothing concerning the common well-being is committed absolutely to the good faith of any one person. For no-one is so alert that he doesn't sometimes lose focus; and no-one has such a powerful and unimpaired mind that he is not sometimes worn down, and liable to be conquered, especially when the greatest strength of character is needed. It is folly to require of someone else what no-one can ask of himself, namely that he look out more for others than for himself, that he not be greedy, or envious, or ambitious, etc., especially when every day he has the strongest incentives to all the affects.

(4) Experience seems to teach the opposite, namely that it contributes to peace and harmony when all /power is conferred on one man: no state has stood so long without notable change as that of the Turks; whereas popular (i.e. democratic) states have been the least durable and the most subject to rebellions.

But if slavery, barbarism, and being without protection are to be called *peace*, nothing is more wretched for men than peace! No doubt there are more quarrels between parents and children than between masters and slaves, and more bitter ones; but it doesn't make for the orderly management of a household to change paternal right into mastery, and treat children like slaves. To transfer all /power to one man

makes for bondage, not peace. As I have said [584], peace consists not in the absence of war but in a union or harmony of minds.

(5) Anyone who believes that one man alone can have the supreme right of a commonwealth is greatly mistaken. As I showed in chapter 2, right is determined only by power, and the power of *one man* is quite unequal to bearing such a burden. That is why when a multitude has chosen a king, he seeks commanders or counselors or friends to whom he commits his own well-being and that of everyone else. So a state thought to be an absolute monarchy is really in practice an aristocracy. Of course it is not openly an aristocracy, only covertly one, which makes it the worst kind.

Furthermore, a king who is a boy, or sick, or [299] burdened with old age, is king at the pleasure of others. The ones who really have the supreme /power are the ones who administer the highest affairs of the state, or who are closest to the king—not to mention that a king who is at the mercy of his lust is often manipulated to act according to the lust of one or another seducer or catamite. 'I had heard', says Orsines, 'that in Asia women used to reign; but this is something new, that a eunuch should reign.'

(6) Moreover, this is certain: a commonwealth is always more threatened by its citizens than by its enemies, since of course good men are rare. It follows that someone entrusted with the whole right to rule will always fear his own citizens more than his enemies. So he will look out for himself and not for the interests of his subjects; indeed, he will plot against them, especially ones who are famous for their wisdom or more powerful because of their wealth.

(7) In addition, kings fear even their sons more than they love them, this fear being greater the more skilled the sons are in the arts of war and peace, and the more their virtues

make their subjects love them. That is why kings try to bring their sons up in such a way that they will have no cause to fear them. Their courtiers are very ready to obey the king in this, and do their best to have a successor king who is untrained, whom they can manipulate by their craft.

(8) From all this it follows that the more absolutely the right of the commonwealth is transferred to the king, the less he is under his own control and the more wretched is the condition of his subjects. So a monarchic rule can be established properly only if firm foundations are laid for it, making the monarch secure and giving peace to the multitude. Accordingly, a monarch will be most under his own control when he is most attentive to the well-being of the multitude. I shall first sketch the foundations of monarchic government, and then present them in an orderly way.

(9) It is necessary to found and fortify one or more cities, all of whose citizens enjoy the same rights in the commonwealth, whether they live within the city's walls or (because they are involved in agriculture) outside them—but on this condition: that each city maintains a certain number of citizens for its own defence, and the common defence. If a city cannot provide this force, it must be regarded as in subjection. . . .

(10) [This section *uses* the term 'clan' (Latin *familia*); it will be *introduced* in §11.] The army should be formed from the citizens and only from them; *all* the citizens should be required to bear arms; and no-one [300] is to be accepted as a citizen until he has acquired military skill and has promised to practise that skill at the designated times of the year. Next, after the armed forces of each clan have been divided into companies and regiments, no-one is to be chosen leader of a company unless he has learned military engineering.

Furthermore, the leaders of companies and regiments are to be chosen for life. But whoever commands the entire army of a clan is to be chosen only in wartime, and is to have supreme command for only a year. He cannot be continued in command or chosen again later. These commanders are to be chosen from the those who are or have been the king's counselors (on them see §§15–16).

(11) All the city residents and farmers—i.e. all the citizens—are to be divided into clans, which will be distinguished by their name and by some insignia. Everyone born into one of these clans is to be received into the ranks of the citizens; his name is to be entered in the list of his clan as soon as he reaches an age where he can bear arms and learn his duties; the only exceptions being those who are notorious for some wickedness, or who are mute, or madmen, or servants who make their living by performing some servile function.

(12) The fields and all the land—and if possible the houses too—should be public property, i.e. subject to the control of the one who has control of the commonwealth. He should lease them for an annual rent to the citizens, i.e. to the city residents and farmers. In time of peace everyone should be exempt from any taxation. Of the rent the king receives, one part should be dedicated to fortifications, the other part to his personal use. For in time of peace it is necessary to fortify cities as if for war, and in addition, to have ships and other instruments of war prepared.

(13) Once the king has been chosen from some clan, no-one is to be considered noble except those •who have descended from the king and •who for that reason should be distinguished by royal insignia both from their own and from the other clans.

⁵ [That is, uncles, nephews, cousins.]

(14) Male nobles who are related to the king by the third or fourth degree of consanguinity⁵ should be prohibited from marrying; any children they beget should be considered illegitimate and unworthy of any high office. Nor should those children be recognised as their parents' heirs. Instead, all their parents' goods should revert to the king.

(15) Moreover, the king's counselors—those who are closest to him, or [301] who are second in rank—should be numerous, and should be chosen only from the citizens. Three or four or (if there aren't more than 600 clans) five should be chosen from each clan. Together they will yield one member of the council through a **choice** of one among them; and that member will be appointed not for life but for three or four or five years, so that each year a third or fourth or fifth part of the council is newly chosen. It is especially important that at least one of the counselors chosen from each clan should be a jurist.

(16) The king should make this **choice** himself. At the time of year appointed for the election of new counselors, each clan should send the king the names of those—all citizens aged 50 or over—whom it is advancing as candidates for this office; and the king should choose the one he wants. But in a year in which a jurist from one clan must be succeeded by one from another clan, only the names of jurists should be given the king. Counselors who have performed this office for the prescribed period cannot continue in it, nor can they be restored to the selection list for at least five years.

Why is it necessary to choose one counselor a year from each clan? It is to prevent the council from being composed of inexperienced novices one year and administrative veterans the next year. This would necessarily happen if they all retired at the same time, to be succeeded by new counselors; whereas if only one is selected each year from each clan

then at most a third of the council will be novices. If for some reason the king cannot find time for this choice, the counselors themselves should choose temporary replacements, until the king himself chooses others or approves those the council has chosen.

(17) The first duty of this council should be to defend the fundamental laws of the state and to give advice about what needs to be done, so that the king knows what he should decree for the public good. [From here on, Spinoza's frequently occurring 'this council' will be replaced by 'the council', for smoothness of reading.] The king will not be permitted to reach any decision about anything until he has heard the opinion of the council. But if, as will often happen, the members of the council have differing opinions even after discussing a problem two or three times, the matter must not be drawn out longer, and [302] the differing opinions must be reported to the king, as I shall make clear in §25.

(18) It will also be the council's duty to promulgate the king's statutes and decrees, to take responsibility for what has been decreed about public affairs, and to look after the whole administration of the state, as deputies of the king.

(19) Citizens will have access to the king only through the council, to whom all claims and petitions are to be delivered for presentation to the king. The ambassadors of other commonwealths will also be permitted to address the king only through the council. Furthermore, letters sent to the king from other places must be delivered to him by the council. The king is absolutely to be considered as the mind of the commonwealth; but the council should be considered as the external senses of the mind—as it were, the body of the commonwealth—through which the mind conceives the condition of the state and does what it decides is best for itself.

(20) If the king dies and leaves an infant or child as his successor, the responsibility for the upbringing and guardianship of his sons shall fall to the council. But so that the council is not in the interim left without a king, a senior nobleman of the commonwealth should be selected to take the king's place, until the legitimate successor is old enough to bear the burden of rule.

(21) The candidates for the council shall be those who know the government, the fundamental principles, and the situation or condition of the commonwealth whose subjects they are. But anyone who aspires to be a jurist must know not only the government and condition of *his* commonwealth but also the government and conditions of the other commonwealths that his has some business with. But no-one shall be eligible for selection unless he has reached 50 without being convicted of any crime.

(22) In the council nothing is to be concluded regarding the affairs of the state unless all the members are present. If someone is ill, or for some other reason cannot be present, he must send someone else in his place—someone of the same clan who has been a counselor or been put on the selection list. If he doesn't do this, compelling the council to postpone discussion of some matter because of his absence, he is to be fined a substantial sum of [303] money. But this applies only when the matter concerns the whole state, such as

- war and peace,
- repealing or instituting some law,
- commerce

or the like. If it concerns only one city, or written petitions, etc., it will be enough if most of the council is present.

(23) For there to be *equality* between clans in everything, and yet an *order* of being seated, making proposals, and

speaking, they must take turns, so that each presides at one session and the one who is first in one session is last in the next. . . .

(24) The council is to meet at least four times a year, to require from the ministers an account of their administration of the state, to learn the condition of things, and to see if anything further needs to be decided. There have to be such ministers, for it seems impossible that so many citizens should continually devote themselves to public affairs, but those affairs must nevertheless be dealt with in the meantime, so fifty or more members of the council must be chosen to take its place when it is adjourned. They should meet daily in their chamber, which should be adjacent to the king's quarters. In this way they can take responsibility daily for the treasury, the defences of the cities, the education of the king's son, and absolutely all those duties of the full council that I have just enumerated, except that they can't deliberate about new business that nothing has been decided about.

(25) When the council has convened, before anything is proposed in it, five or six or more jurists from the clans that are highest in the order of precedence in that session should go to the king, to give him whatever petitions or letters they have, inform him about the state of things, and finally, learn from him what he orders them to propose in his council. When they have received his instructions, they should return to the council, and whoever is first in the order of precedence should explain the matter they are to deliberate about. On matters that some members think are important, they should not vote right away, but postpone a decision to whatever time the urgency of the matter permits.

While the council has adjourned to the appointed time, the counselors from each clan will be able to ask about the problem within each clan separately. If the matter seems

to them very important, they can consult others who [304] have been counselors or who are candidates for the council. If they cannot agree among themselves within the appointed time, that clan will be excluded from the vote (for each clan will have only one vote). If they do agree, the jurist of the clan will present in the full council the opinion they have judged to be best; and similarly with the others.⁶ . . . Then, when a vote is taken in the whole council, any opinion that doesn't get at least a hundred votes should be considered null and void. The rest should be conveyed to the king by all the jurists who were in the council, so that after he has understood the arguments on each side, he can make his choice among them.⁷ The advisers should then return to the council, which will wait for the king to tell them (at a time he has appointed) which of the opinions they brought him he thinks ought to be chosen, and what ought to be done.

(26) For administering justice another council must be formed, composed entirely of jurists. Their duty is to decide lawsuits and punish criminals; but each of their decisions is subject to approval by the deputies of the great council—that is, by members of the council of ministers introduced in §24—who must decide whether due process has been observed and the decision made without favouritism. If a losing party can show that one of the judges was corrupted by a gift from his opponent, or has any other common reason for friendship towards his opponent or hatred towards himself, or, finally, that the standard procedure for judging hasn't been observed, his case is to be reclassified as undecided.

Perhaps these principles couldn't be observed by those

whose practice in investigating crimes is to 'prove' the defendant guilty not so much by reasoning from evidence as by torture. But here I am considering only judicial procedures that are consistent with the *best* government of a commonwealth.

(27) There ought to be many of these judges, and an odd number of them, such as 61 or at least 51. Only one should be chosen from each clan, and then not for [305] life. Each year a part of the 'judicial' council should retire, and others equal in number should be chosen, who are from other clans and at least 40 years old.

(28) In this 'judicial' council no verdict is to be pronounced unless all the judges are present. If one of them cannot be present in the council for a long time, because of illness or for some other reason, someone else must be chosen to fill his place temporarily. In casting votes, each judge should indicate his verdict secretly, not speak it openly.

(29) The pay of this council and of the members of the council of ministers should 'come from two sources'. First, from the goods of those who are condemned to death or punished with a fine. Secondly, from each judgment they make in a civil matter they should receive a percentage of the damages from the party who has lost his case. The two councils—'judicial and ministerial'—should share this sum.

(30) Each city should have another, subordinate council, whose members also ought not to be elected for life: some part of each city's council should be selected from the clans that live in that city. But there is no need to pursue these matters more fully.

⁶ [The Latin is '& sic reliqui.', presumably meaning that the same procedure will be followed for each clan that has reached an agreement that is to be reported to the full council.]

⁷ [The ellipsis replaces this: 'If it seems to the majority, after they have heard the reasons for each opinion, that they should consider the matter again, the council will again be adjourned until a time when each clan will declare what its final opinion is.' But each clan *has* already done this! The omitted sentence seems to be a slip on Spinoza's part.]

(31) No regular payments are to be made to the military in peacetime. In wartime a daily payment is to be made to those who ·when they are not serving in the military· make their living by daily work. But the commanders and the other officers of units should expect no other pay than the spoils they get from the enemy.

(32) If a foreigner marries the daughter of a citizen, his children are to be counted as citizens and inscribed in the list of his mother's family. And anyone who has foreign parents but is born in the state and brought up there, should •be permitted to buy the right of a citizen, for a fixed price, from the leaders of a clan, and •be added to the list of that clan.

Even if the leaders, for personal gain, accept a foreigner as a citizen at less than the established price, no harm can come to the state from that. On the contrary, ways of increasing the number of citizens more easily must be thought up, so that a large body of men is brought together. But it is fair that those who are not added to the list of citizens should, [306] in wartime at least, make up for their freedom from military service by labour or by paying a tax.

(33) Ambassadors who must be sent to other commonwealths in peacetime, either to conclude a peace or to preserve one, should be selected only from the nobles and have their expenses paid from the commonwealth treasury, not from the king's private funds.

(34) Those who frequent the court, and members of the king's household to whom he pays a salary from his private funds, are to be excluded from every ministry or office of the commonwealth. I specify 'to whom he pays a salary from his private funds' so as to exclude his bodyguards. For no bodyguards ought to keep watch on his behalf, in the court or before his doors, except citizens of that city, taking turns.

(35) War should be waged only for the sake of peace,

so that when it is finished the weapons may be set aside. Therefore, when cities have been captured by the right of war and the enemy subdued, the peace terms must be structured so that the captured cities need not be protected by a garrison. Either •grant the enemy the /power to buy the cities back for a price, once the peace treaty has been accepted, or (if that course leaves the permanent fear of a threat from the rear) •destroy the cities completely and resettle the inhabitants elsewhere.

(36) The king should not be permitted to marry a foreigner, but only one of his blood-relatives or a citizen; but if he marries a citizen, those most closely related to his wife by blood cannot have any part in running the commonwealth.

(37) The sovereignty ought to be indivisible. So if the king has a number of ·male· children, the oldest of them should succeed by right. In no way should the rule be divided among them, or be passed on to all or some of them jointly; still less should it be permitted to give a share in the rule to a daughter as a dowry. Under no circumstances should daughters be allowed to inherit the rule.

(38) If the king dies without male children, his nearest male relative is to be considered the heir of the state, unless he has married a foreign wife whom he does not want to divorce.

(39) As for the citizens, it is evident from 3§5 that [307] each of them ought to obey all the commands of the king, or the edicts promulgated by the great council (regarding this condition, see §§18 and 19), even if he thinks them most absurd. If he doesn't obey, it will be right to compel him. These are the fundamental principles on which a monarchic state must be erected if it is to be stable, as I shall demonstrate in the following chapter.

(40). As for religion, no houses of worship at all are to

be built at the cities' expense, nor are any laws to be made about *opinions*, except ones that are seditious and threaten to overturn the foundations of the commonwealth. So, if those who are allowed to practice their religion publicly wish to build houses of worship, they may do so at their own expense. But the king should have his own private place of worship in the palace, to practice the religion to which he is attached.

Chapter 7: Demonstrating methodically the fundamental principles of a non-tyrannical monarchy

(1) Now that I have *set out* the fundamental principles of a monarchic state, I intend in this chapter to *demonstrate* them in proper order. The most important point is that it is not at all impracticable for these laws to be so firmly established that not even the king can repeal them. The Persians worshipped their kings as *gods*, yet even their kings didn't have the power to revoke laws once they had been established, as is evident from *Daniel* 6.2. And nowhere that I know of is a monarch elected absolutely, without any explicit conditions.

This is not contrary to reason, or to the absolute obedience owed to the king. For the fundamental principles of the state must be regarded as the king's eternal decrees. Indeed, his ministers are *obeying* him if they refuse to carry out any of his orders that are inconsistent with the fundamental principles of the state. We can explain this clearly with the example of Ulysses. For his comrades were carrying out

his own command in refusing to untie him when he was bound to the mast of the ship and entranced by the sirens' song, though he ordered them to do this in many ways, including threats. It is a credit to his wisdom that he later thanked them for having obeyed him according to his original intention.

Kings also commonly follow the example of Ulysses, and instruct their judges to practise justice without giving special consideration to anyone—not even the king if in a particular case he commands something that [308] they know to be contrary to the established law. For kings are not gods, but men, who are often captivated by the sirens' song.⁸ If everything depended on the inconstant will of one man, nothing would be settled. If a monarchic state is to be stable, it must be set up in such a way that. . . all law is the king's will as it has been made known, but that not everything that the king wills is law. On this see 6§§3, 5 and 6.

(2) The next thing to note is that in laying the foundations we must pay the most careful attention to human affects. It is not enough to show what ought to be done; it is necessary also to show how to bring it about that men—whether they are led by affect or by reason—have valid and firmly established rights and laws. For if the rights provided by the state (i.e. the liberty of the public) are only weakly supported by the laws, not only will the citizens have no security that they will maintain their liberty (as I showed in 6§3), but even that weak support will be destroyed.

For this is certain: no condition of a commonwealth is more wretched than that of even the best state when it is starting to go down (unless it is in a satisfactory condition and on the brink of an instantaneous collapse into slavery,

⁸ [Note that although Spinoza is giving what he thinks of as a demonstration of the fundamental principles of a monarchy, he does not hesitate to argue from rough generalizations about human nature and from the practices of those who construct states.] [Note by Curley]

which seems to be impossible). So the subjects will do much better by •transferring their right unconditionally to one person than by •agreeing to uncertain, empty, ineffective conditions for liberty, making the way ready for future generations to descend into the cruelest slavery.

But if I show •that the foundations of a monarchic state (as set out in chapter 6) are firm, and cannot be undermined without arousing the indignation of the greatest part of an armed multitude, and •that these foundations create peace and security for the king and for the multitude, and if I deduce these things from the common nature of men, no-one can doubt that these foundations are the best and true. This is evident from 3§9 and 6§§3 and 8. I shall now show as briefly as I can that they do have this nature.

(3) It is the sovereign's duty, as everyone will admit, always to know the state's condition and circumstances, to look out for the common well-being of all, and to bring about whatever is useful for the majority of his subjects. But since one person alone cannot review everything, and cannot have his mind always alert and concentrated on deliberation, and since he is often prevented from concentrating on public affairs by illness or old age or other causes, the monarch must have counselors who •find out what the situation is, [309] •give the king advice, and often •take his place, so that the basic goals of the state are always maintained.

(4) But because human nature is so constituted that everyone

- is most strongly disposed by his affects to seek his personal advantage,
- judges to be fairest the laws that are necessary to preserve and advance his own interests, and
- defends someone else's cause just to the extent that he thinks it makes *his* situation more stable,

it follows that the selected counselors should be ones whose personal situation and advantage depend on peace and well-being of everyone. This will be achieved if some counselors are chosen from each kind or class of citizens; that will be to the advantage of the majority of the subjects, because they will have the greatest number of votes in the council.

In a council composed of so many citizens, many members must have minds that are quite uncultivated. Still, this is certain: each of them will be shrewd and clever enough in matters that he has long been passionately involved in. So if all the counselors have been busy with their own affairs without disgrace until their 50th year, they will be capable enough to give advice about the council's affairs, especially if in matters of great weight they are given time for reflection.

Moreover, it is far from true that a council consisting of only a few members •doesn't have this problem because it• is not populated by such people. On the contrary, the majority •in a small council• consists of men of this kind, since everyone there tries to have stupid colleagues who will hang on his every word. That does not happen in large councils.

(5) Furthermore, it is certain that everyone prefers ruling to being ruled. 'For no-one willingly grants another the right to command,' as Sallust observes in the first speech to Caesar. Hence it is evident that a whole multitude would never transfer its right to one or a few people, if its members could agree among themselves and not go from the kind of controversy generally aroused in large councils to a rebellion. Indeed, a multitude freely transfers to a king only what it cannot have absolutely in its /power, i.e. an end to controversies and speed in making decisions.

The common practice [310] of choosing a king with a view to war, on the theory that kings are much more successful at waging war, is sheer stupidity. To wage war more success-

fully, people who make this choice are willing to be slaves in peace—if, indeed, peace is conceivable in a state whose supreme power has been transferred, simply for the sake of war, to one man whose virtue and value to them is best shown by waging war. In contrast with this, the chief feature of a democratic state is that its excellence is valued much more highly in peace than in war.

But whatever the basis is for a king's being chosen, he cannot *unaided* learn what is advantageous for the state (I said this in §3.) For this purpose, as I showed in §4, he needs to have many citizens as counselors. And because we cannot conceive that a good solution to the problem they are being consulted about would escape such a large number of men, it follows that no solution conducive to the people's well-being is conceivable except for the opinions the council reports to the king. Thus, because the people's well-being is the supreme law or the king's highest right, it follows that although the king has the right to select one from the opinions brought to him by the council, he is not entitled to decree anything, or render any opinion, contrary to the intention of the whole council. (See 6§25)

But if *all* the opinions brought up in the council were reported to the king, it could happen that the king always favoured the small cities that have fewer votes (for even if even opinions are required by law to be reported without their authors being named, there will be no way to prevent the information about authorship from leaking out). So there needs to be a law stipulating that an opinion that doesn't receive at least a hundred votes is to be considered null and void. The larger cities ought to defend this law with all their force.

(6) Here, if I were not eager to be brief, I would show the other great advantages of the council. Still, I will mention one, which seems to be most important: there can be no greater

incentive to virtue than the common hope of achieving this highest honour. For we are all moved most powerfully by the love of glory, as I have shown fully in my *Ethics*.

(7) There can be no doubt that the majority of the council will never be disposed to favour war; they will always have a great zeal for peace, and a great love of it. [311] Not only will they always fear that war would lead to their losing their property along with their freedom, but war would require new taxes that they would have to pay. Moreover, their children and relations would be compelled to drop their private concerns and apply their zeal to arms. Going into military service, they would bring nothing home from that but unprofitable scars. For, as I said (in 6§31), the army is not to be paid any stipends, and (by 6§10) it is to be formed only from citizens.

(8) Another important factor favouring peace and harmony is that no citizen may have any immovable goods (see 6§12). As a result, the danger from war will be nearly equal for everyone. If they have a law, as the Athenians once did, prohibiting the lending of money at interest to non-residents, then to earn a living everyone will have to work at a trade, or lend money to his fellow citizens. So they will have to engage in business dealings that are entangled with one another or that require the same means to succeed. Thus the majority of the council will generally be of one mind concerning their common affairs and the arts of peace. For, as I said in §4, everyone defends another person's cause just to the extent that he believes it makes his own situation more stable.

(9) Quite certainly, no-one will ever consider trying to corrupt the council with gifts. For if someone drew one or two counselors to his side, from such a large number of men, that would do him no good. As I have said, an opinion that does not receive at least a hundred votes is null and void.

(10) Once the council has been established, it won't be possible to reduce its members to a smaller number, as we shall easily see if we consider men's common affects. For everyone is moved most powerfully by the love of glory, and everyone who is physically healthy hopes to extend his life into a long old age. So if we calculate how many counselors have reached the age of 50 or 60, and if we take account of the large number of the council selected every year, we'll see that there can hardly be [312] any of arms-bearing age who aren't dominated by a great hope of achieving this dignity. So everyone will do his best to defend the law determining the size of the council.

Note that unless corruption creeps in gradually, it is easily prevented. But it is more easily conceivable, and less apt to cause envy, that fewer members should be chosen from each clan, than that fewer should be selected from only a few clans, or that one or two clans should be completely excluded. So a reduction in the size of the council would have to be brought about by excluding one or more from each clan; which means (by 6§15) that any such reduction would take away a third, or a fourth, or a fifth part of the council's members. Such a great change is completely at variance with common practice. And there is no need to fear that the king will delay or be negligent in selecting council members. Should there be a delay, the council itself will make it good. (See 6§16).

(11) So whether the king is led

a by a fear of the multitude, perhaps to bind the greater part of the armed multitude to himself, or

b by a nobility of spirit, to consult the public advantage, either way, he will always either **b** endorse the opinion that has the most votes, i.e. (by §5) the one that is most useful to the majority, or **a** do everything he can to reconcile the inconsistent opinions brought to him, so that he draws

everyone to himself. He will direct all his energy to this end, so that they will know by experience, as much in peace as in war, what they have in this one man. Indeed, when he most looks after the common well-being of the multitude, he'll be most under his own control, and will be most in command of the commonwealth.

(12) The king by himself cannot control everyone by fear. As I have said, his power rests on his soldiers—how many there are and especially on their excellence and their loyalty, which will always be constant among men who are united by need, whether this need is honourable or shameful. That is why kings commonly spur their soldiers on rather than restrain them, and conceal their soldiers' vices more than their virtues, and—generally—oppress the best, seek out the idle and those corrupted by extravagant living, recognise them, aid them with money or favour, reaching out to grasp their hands, blowing them kisses, and playing their slave in all things, *so as to establish mastery over them*.

So for the citizens to be recognised by the king before all others, and to remain their own masters as far as civil order or fairness allows, [313] the army has to be composed entirely of citizens, and the king's counselors have to be citizens. As soon as the citizens allow mercenary troops to be engaged—men whose trade is war and whose power is greatest when there is dissension and rebellion—they are completely reduced to subjection and lay the foundation for eternal warfare.

(13) It is evident from what I have said in §§9 and 10 that the king's counselors ought to be chosen not for life but for three, four, or at most five years. If they were chosen for life, most citizens would have almost no hope of achieving that honour. This would lead to great inequality among the citizens, and so to envy, constant grumbling, and finally to

rebellions. These would not be unwelcome to kings eager to be the master. Moreover, because the counselors would have no fear of their successors on the council, they would treat everyone with great license. Again, the king would not be at all opposed to this, because the more the citizens detest the counselors, the more they will cling to him.

Indeed, even a five-year term seems too long, because it seems possible in that length of time to corrupt by gifts or favours quite a large part of the council, however big it is. So it will be much safer if every year two from each clan yield their seats and the same number succeed them, giving each clan five counselors—except in a year when a clan’s jurist departs and a new, sixth, member is chosen in his place.

(14) No king can promise himself greater security than one who reigns in a commonwealth of this kind—specifically one where **a** the soldiers are all citizens and **b** the governing council is very large. For not only **a** does a king quickly perish if his soldiers are not willing to keep him safe, but it is also certain that **b** the greatest danger for a king always comes from those closest to him. So the fewer counselors there are, and thus the more powerful they are, the greater the danger of their transferring the rule to someone else. Certainly nothing terrified David more than the fact that his counselor Achitophel had chosen Absalom’s side. [2 Samuel 15]

Moreover, if all power has been transferred unconditionally to one man, it can far more easily be transferred from that one to another. For two common soldiers undertook to transfer the rule of the Roman Empire, and they succeeded. (Tacitus, *Histories*, 1:25)

As for **[314]** the devices and tricks counselors must use to avoid being brought down by other people’s envy, they are too well known to need discussion here. No reader of history can fail to know that loyalty has commonly been the ruin of

counselors. For their own protection they are obliged to be shrewd, rather than loyal.

But if

- there are so many counselors that they can’t agree on a single wicked plan,
- they are all equal to one another, and
- they don’t serve in this office for more than four years,

they cannot be a threat to the king unless he tries to take away their liberty. If he does that, he offends all citizens equally. For (as Antonio Perez notes quite rightly): ‘Countless examples show that to exercise absolute rule is very dangerous for a prince, very hateful to his subjects, and contrary to the laws instituted by both God and man.’

(15) In chapter 6 I laid down these foundations and others that provide great security to the king in his rule and to the citizens in maintaining freedom and peace. I shall establish the others in their proper place. I have so far been silent about them in the present chapter because before anything else I wanted to demonstrate the things relating to the supreme council, which are of the greatest importance. Now I shall pursue the remaining things, in the order I have set for myself.

(16) There is no doubt that the citizens are more powerful, and consequently more their own masters, the larger their cities and the better fortified they are. For the safer the place they live in, the better they can defend their freedom, or the less they have to fear from an external or internal enemy. And certainly the wealthier men are, the more they naturally look out for their security. Moreover, cities that need another’s power to preserve them do not have as much right as their protector does. Insofar as they need the latter’s power, they are subject to it. For as I have shown in §§2–3, right is defined only by power.

(17) For this same reason—that citizens should remain their own masters and protect their freedom—the army must consist only of citizens, without exception. For an armed man is more under his own control than one who is not armed (see §12). When the citizens give their weapons to someone else, and entrust their cities' defences to him, they transfer their right to him unconditionally, and commit it completely to his good faith [see 6§10]. To this we may add human greed, which is most people's chief motive. For it is [315] not possible to engage a mercenary soldier without great expense, and citizens can hardly bear the cost of maintaining an idle army.

Moreover, everyone who has read history, sacred or profane, knows that no-one should be chosen to command a whole army, or a large part of one, unless circumstances make it necessary. Then it must be for a year at most. Reason teaches nothing more clearly than this. For if you grant a man time enough to achieve military glory, and raise his name above the king's—or to make the army loyal to him by indulgence, liberality, and the other arts [see Glossary] commanders use to make themselves masters and others their slaves—you entrust the power of the state completely to that man.

Finally, for the greater security of the whole state, I have added that these military commanders should be chosen from those who are or have been the king's counselors, and thus have reached the age when men generally prefer the old and safe to the new and dangerous.

(18) I have said that the citizens should be divided into clans, and that an equal number of counselors are to be chosen from each clan, so that the larger cities would have more counselors corresponding to the larger number of their citizens, and thus could bring more votes to bear. This is fair; for the power of a state, and hence its right, are to

be reckoned by the number of its citizens. I don't believe we can devise a more suitable way of preserving equality among citizens. What makes this clan-based one so suitable is the fact that everyone is so constituted by nature that he wants to be reckoned as belonging to his own kind, and distinguished from the rest by his origin.

(19) Moreover in the state of nature there is nothing a person is less able to claim for himself and make himself master of than the land and whatever is so attached to it that he can't conceal it or carry it off somewhere. So the land and everything attached to it in that way is utterly the common property of the commonwealth (i.e. of all those who can claim it for themselves by their united forces) or of him to whom they have all given the power to claim it for himself. Consequently, the land, and whatever is attached to it, must have a value, in the eyes of the citizens, proportional to their need to be able to settle there and defend their common right, or freedom. I showed in §8 what advantages the commonwealth must derive from this.

(20) For the citizens [316] to be as equal as possible—which is especially necessary in a commonwealth—none are to be counted as noble except the king's descendants. But if every descendant of the king were allowed to marry or to have children, there would eventually be a large number of them; and they would be a burden to the king and to everyone else, as well as being a source of fear for them. Men who have too much leisure often spend their time contemplating wicked actions. It is because of nobles that kings are especially prone to wage war. For a king surrounded by nobles, there is more security and tranquility in war than in peace. But I leave these matters. They are well enough known, as are the things I said in 6§§15–27. The main things have been demonstrated in this chapter, and the rest are self-evident.

(21) Everyone also knows •that judges ought to be so numerous that a private person cannot corrupt a large proportion of them by gifts, •that their votes ought to be secret, and •that they deserve compensation for their service. But the custom everywhere is for them to have an annual salary. As a result they are in no hurry to settle disputes, which often go on for ever. And where the confiscation of goods is profitable to the king,

‘often it is not right or truth that is considered in their inquiries, but the size of the defendants’ fortunes; denunciations occur everywhere, and the richest are seized as prey; these proceedings are intolerable burdens; though excused by the necessity of war, they continue in peace.’

[Though he does not say so, Spinoza there is (approximately) quoting Tacitus.] Still, the greed of judges who occupy their positions for two or three years at most is moderated by fear of their successors—not to mention that the judges can have no immovable goods, so that to make a profit they must trust their money to their fellow citizens, and thus are forced to •consider the citizens’ interests rather than •plot against them, especially if (to repeat the point) there are many judges.

(22) But I have said that the military are not to receive regular payments.⁹ For the army’s greatest reward is freedom. In the state of nature each person tries to defend himself as much as he can, simply for the sake of freedom. No one expects any other reward for excellence in fighting than that he should be his own •master. Now in the civil state •all the citizens collectively ought to be considered as just like •one man in the state of nature. So when they all fight for their state, they are looking out for themselves and devoting

themselves to themselves. But the counselors, [317] judges, officers, etc., are devoting themselves more to others than to themselves; so it is fair that they receive compensation for their service. Moreover, in war there can be no more honourable or greater incentive to victory than the image of freedom.

On the other hand, if only some of the citizens are assigned to military service, so that they have to be granted regular pay, the king will inevitably give them greater recognition than the others (as I showed in §12). And these will be men

- who know only the arts of war,
- who in peace are corrupted by extravagant living, because they have too much leisure, and
- who because of their poverty think of nothing but plunder, civil discord, and wars.

So we can say that a monarchic state of this kind is really in a condition of war, that only the army enjoys freedom, and that the rest of the people are slaves.

(23) I believe that what I said in 6§32 about admitting foreigners to citizenship can be known without argument. Moreover, I don’t think anyone doubts that those closely related to the king by blood ought to be kept at some distance from him, and occupied with matters of peace, not war. This will bring honourable achievements to them and tranquility to the state.

However, not even this has seemed safe enough to the Turkish tyrants, which is why they have felt it a matter of religious duty to kill all their brothers. We shouldn’t wonder at this; the more absolutely the right to rule has been transferred to one person, the easier it is to transfer it

⁹ [Not quite what 6§31 said: in peacetime no regular payments are to be made to soldiers; in wartime those who sustain their life by daily work should receive regular payment; officers receive only the spoils of war.] [Note by Curley]

from him to someone else (I have shown this by example in §14). But no doubt a monarchic state like the one I conceive here, in which there are no mercenary soldiers, will have provided sufficiently for the king's well-being if it is set up in the way I have described.

(24) No-one can dispute what I have said in §§34–35. Moreover, it is easily demonstrated that the king ought not to marry a foreign wife. For apart from the fact that two commonwealths, though united in an alliance, remain in a state of enmity towards one another (by §14), it is necessary to take special care that war is not stirred up because of the king's domestic affairs. Because alliances by marriage are especially likely to produce controversy and dissension, and disputes between two commonwealths are generally settled by the right of war, it is disastrous for a state [318] to enter into a close marital alliance with another state.

We find a fateful example of this in Scripture. For after the death of Solomon, who had married the king of Egypt's daughter, his son Rehoboam waged war very unsuccessfully against Shishak, the king of Egypt, who completely reduced him to subjection. Moreover, the marriage of Louis XIV, king of France, with the daughter of Philip IV of Spain was the seed of a new war. In addition to these, there are a great many other examples in history.

(25) The shape of a state should be kept one and the same; so there should be one king, of the same sex, and the sovereignty should be indivisible. Moreover, what I said in §§37–38—that the king's eldest son should succeed to his father by right, or, if there are no male children the closest male relative—is evident both from §13 and because a multitude's choice of a king ought to be eternal, if possible.

Otherwise it must happen that the supreme power of the state often passes to the multitude, which is the greatest and hence the most dangerous change.

Those who maintain that because the king is master of the state and possesses sovereignty by absolute right, he can . . . choose as his successor whomever he wishes, and thus that the king's son is heir to the state by right—those people are surely wrong. For the king's will has the force of law just so long as he holds the sword of the commonwealth, because the right of the state is defined only by power. So the king can indeed abdicate; but he cannot hand over the state to someone else unless the multitude, or its strongest part, agrees to this.¹⁰

To understand this more clearly, note that children are their parents' heirs by *civil* right, not by *natural* right. [Spinoza's rather difficult explanation of this comes down to the following. That I *own* anything while I am alive is solely due to the power of the commonwealth, which dictates who owns what; and this same power dictates who owns my goods after I die, namely those whom I want to own them. He continues:] In this way each person in a civil order maintains the same right even after his death that he had while alive. The reason, I repeat, is that he can make a decision concerning his goods not by his own power but by that of the commonwealth, which is everlasting.

But for the king the reasoning is completely different. For the king's will is the civil law itself, and the king is the commonwealth itself; so the king's death is, in a way, the death of the commonwealth; so that the civil order returns to the natural order and the supreme power [319] naturally returns to the multitude, who can therefore rightly

¹⁰ [Spinoza's position is that in a monarchy the eldest son does succeed his father by right (§37). He just doesn't do so by right of inheritance. He does so because the multitude has so willed, once and for all. (But why must the multitude, in instituting a monarchy, have made that stipulation?) [Note by Curley]]

make new laws and repeal old ones. So it is evident that no-one succeeds to the king by right except the one the multitude wants to be his successor—or in a theocracy, as the Hebrew commonwealth formerly was, the one God has chosen through a prophet.

We could also deduce these things •from the fact that the king’s sword—his right—is really the will of the multitude itself or of its stronger part, or •from the fact that men endowed with reason never give up their right so much that they cease to be men and may be considered as mere cattle. But there is no need to pursue these matters further.

(26) Furthermore, no-one can transfer to another his right of religion, or of worshipping God. But I have spoken about this at length in the last two chapters of my *Treatise on Theology and Politics*; it would be superfluous to repeat here what I said there.

With this I think I have demonstrated clearly enough, however briefly, the foundations of the best monarchic state. Anyone willing to carefully consider how these foundations fit together will easily see their coherence or the **proportion** of the rule.¹¹

One last point: I am conceiving a monarchic state established by a *free* multitude, the only kind to which these things can be useful. A multitude that has become accustomed to another form of state won’t be able to uproot the foundations they have received without a great danger of overthrowing the whole state and changing its structure.

(27) What I have written may be ridiculed by •those who think the vices common to all mortals belong only to the plebeians—•those who think that

•there is no moderation in the common people; that

they are terrifying, unless they themselves are cowed by fear; or that

•the plebeians either serve humbly or rule proudly, and that

•there is neither truth nor judgment in them, etc.

But •these people are wrong•. Everyone shares a common nature—we are just deceived by power and refinement. [Meaning: We are deluded into thinking otherwise by the fact that people differ in what power they have or how refined they are.] That is why it often happens that two people do the same thing, and we say that it is all right for the one to do it but not for the other—not that the act itself is different, but that the one who does it is.

Pride is what sets rulers apart. Men are puffed up when they hold office for a year. How can nobles not be proud, when they enjoy their honours for all time to come? But their arrogance is adorned with haughtiness, extravagance, wastefulness, a certain blending of vices, a kind of sophisticated folly, and a refined [320] shamelessness. Each of their vices, considered in itself, is disgusting and shameful, because then it is quite conspicuous. But •taken together• they seem honourable and becoming to folk who are ignorant and naive.

Moreover •the reason• why

there is no moderation in the common people; they are terrifying, unless they themselves are cowed by fear

is that freedom and slavery are not easily combined. And it is no surprise that

there is neither truth nor judgment in the plebeians when the rulers conduct the state’s chief business secretly, and the plebeians are only making a guess from the few things the rulers cannot conceal.

¹¹ [Note by Curley: ‘I take Spinoza to be claiming that his foundations for a monarchic state are well-designed in that they give the king enough, but not too much, power—enough to provide security and order, but not so much that it compromises the freedom of the citizens. On this reading the idea of **proportion** would refer to the balance of power between the king and the multitude (as in the quote from Ferdinand in §30).’]

To suspend judgment is a rare virtue. So it is sheer stupidity to want to do everything in secret, and then expect the citizens not to judge the government's actions wrongly and interpret everything perversely. If the plebeians could •restrain themselves and suspend judgment on matters they know little about, or •judge things correctly from scanty information, they would be more worthy to rule than to be ruled! But, as I was saying, everyone has the same nature: everyone is proud when he is master; everyone terrorizes when he is not cowed by fear; and everywhere it is common for **a** enemies and **b** servile flatterers to bend the truth ¹²—especially when they are ruled despotically by one or a few men who in their investigations consider not •what is right and true but •how wealthy the parties are.

(28) Next, professional soldiers—accustomed to military discipline and to enduring cold and hunger—usually scorn the crowd of citizens as far inferior to themselves, as unable to storm a city or fight in open battle. But no sane person will say that the state is less successful or stable for that reason, ·i.e. because it has a paid army·. On the contrary, no fair judge will deny that the most stable state is one that •has enough power to defend its own possessions, but not enough to seek those of others, and therefore •tries in every way to avoid war and to preserve peace.

(29) I admit the plans of this state can hardly be concealed. But everyone must agree with me that it is much better for the state's proper plans to be open to its enemies than for a tyrant's wicked plans to be kept secret from his citizens. Those who can manage the business of the state secretly have it absolutely in their power to treat their own citizens as deviously in peace as they treat the enemy in war. No-one

can deny that silence is often *useful* to the state; but no-one will ever prove that it is *essential* for the state's survival. On the contrary, [321] it is quite impossible to entrust the commonwealth to someone absolutely and at the same time maintain your freedom. And it is downright stupid to incur the greatest evil so as to avoid a small harm. But this has always been the song of those who hanker after absolute rule for themselves: *It is utterly to the state's advantage that its affairs be conducted in secret* and so on. The more these ·state doings· are cloaked in the mantle of utility, the greater is the threat that they will lead to slavery.

(30) Finally, so far as I know there has never been a state embodying all the provisions I have specified. Still, if we considered the *causes* of the preservation or overthrow of any state that is not barbarous, our experience would show that this form of monarchy is best. I cannot do that here without boring the reader, but there is one memorable example that I don't want to pass over in silence, ·and that will run to the end of this section·.

The state of Aragon showed singular loyalty towards its kings, yet steadily kept its institutions unharmed. After throwing off the yoke of slavery to the Moors, the Aragonese decided to choose a king for themselves. But they disagreed among themselves on the conditions of the kingship, so they consulted the Pope about the matter. On this occasion he showed himself to be truly Christ's vicar. He chastised them for not being sufficiently mindful of the example of the Hebrews [1 Samuel 8] and seeking a king so stubbornly. But if they insisted, he advised them not to choose a king unless they had first established procedures that were both fair and consistent with the people's mentality [*ingenio*; see *in suo ingenio*]

¹² [Wernham notes an allusion here to the opening paragraph of Tacitus' Histories with its complaint that other historians writing about the empire did not serve the cause of truth well, for one of two reasons: either **b** they hated the emperor and exaggerated his defects or **a** they wanted his favour and flattered him. Tacitus himself claimed in his Annals to write *sine ira et studio*, without anger or partiality.] [note by Curley]

in the Glossary]. He especially urged them to create a supreme council that •would confront the kings, as the Ephors did in Sparta, and •would have an absolute right to settle quarrels between the king and the citizens.

Following this advice, the Aragonese established laws that seemed to them utterly fair. The supreme •interpreter of these laws—and hence the supreme •judge—would be the council, not the king. They call this council ‘the Seventeen’, and its presiding officer ‘the Justice’. The Justice and the Seventeen are not chosen by any vote, but by lot, for life. They have the absolute right to review and reject any judgment against any citizen whatever, whether made by other councils, either political or ecclesiastical, or by the king himself. So any [322] citizen would have the right to call even the king himself before this court. Moreover, at one time the members of the council also had the right to deprive the king of his /power and elect a new one.

But many years later king Don Pedro, known as the Dagger, finally managed—by solicitations, bribes, promises, and all kinds of favours—to have this right rescinded. . . . Nevertheless, they abolished this right on the condition that *they could, and can, take up arms against any force by which anyone seeks to enter the kingdom to their detriment, indeed, even against the king himself and any future prince who might be his heir, if he enters the state in this way.* This condition, of course, corrected the right rather than abolishing it. For, as I have shown in 4§§5–6, the king cannot be deprived of his power of being the master by civil right, but only by right of war—that is, his subjects are permitted to repel his force only by force. (They also stipulated other conditions, which are not relevant here.) These rights, supported by universal opinion, remained inviolate for an incredibly long period, with the kings always showing as much loyalty to their subjects as the subjects did

toward their king. But after the kingdom of Castile passed by inheritance to Ferdinand, •who thus became king of Aragon•, the Castilians began to envy the freedom of the Aragonese, and urged Ferdinand to rescind those rights—•dealing with their envy not by claiming those rights for themselves but by trying to deprive the Aragonese of them•. But he was not yet accustomed to absolute rule, and did not dare to try anything. So he made this reply to his counsellors:

Besides the fact that he had accepted the kingdom of Aragon on conditions they knew, and had sworn a most sacred oath to preserve those conditions, and besides the fact that it is uncivilized to break a promise one has given, he had become convinced that his kingdom would be more stable as long as the king’s security was no greater than that of his subjects, so that the king did not outweigh his subjects, and the subjects did not outweigh their king. For if either party turns out to be more powerful, the weaker party will try not only to recover its former equality, but also to repay the other party for the harm it has suffered. So one or the other will fall.

These are indeed wise words. They would be less admirable if they had been uttered by a king accustomed to rule slaves, not free men!

So after Ferdinand [323] the Aragonese retained their freedom, not now by right, but by the grace of more powerful kings, until Philip II, who oppressed them as cruelly as he did the United Provinces, though more successfully. And though Philip III seems to have restored everything to its former condition, still the Aragonese—of whom

- most are led by their desire to flatter the powerful with lip service (for it is sheer stupidity to kick against the pricks) and
- the rest are deterred by fear,

have retained nothing but specious *words* of freedom and empty rituals.

(31) I conclude, then, that a multitude can preserve a full enough freedom under a king, so long as it brings it about that the king's power is determined only by the power of the multitude, and is preserved by the multitude's support. And this was the only rule I followed in laying the foundations of a monarchic state.

Chapter 8: That an aristocratic state should be composed of many patricians; of its excellence; that it is more absolute than a monarchic state, and hence more suited to preserving freedom

(1) So far I have discussed the monarchic state. Now I shall say how an aristocratic state should be organised so that it can last. I have said that a state is aristocratic if the rule is not by one man but by certain men selected from the multitude, whom I shall henceforth call *patricians*. Note that I say that certain *selected* men rule. For the chief difference between this and a democratic state is that in an aristocratic state the right to govern depends only on choice, whereas in a democratic state it depends chiefly either on some innate right or (as I shall say in the proper place [11§1]) on a right acquired by fortune. So even if the whole multitude of a state were admitted among the patricians, provided that this right was not hereditary and did not pass to others by some common law, that state would still be completely aristocratic, since only those expressly [324] chosen would be admitted

among the patricians. But it's not a matter of indifference how many patricians there are in an aristocratic state. If only two patricians are selected, each will try to be more powerful than the other, and (because each has too much power for the other to conquer easily) the state will easily be divided into two factions—and into three, or four, or five factions, if three or four or five patricians have power. But the larger the number of people on whom the rule has been conferred, the weaker the factions will be. From this it follows that there's a minimum number of patricians required for an aristocratic state to be stable; what this number is depends on the size of the state.

(2) Suppose, then, that for a state of moderate size it is enough to have 100 outstanding men on whom the supreme power of the state is conferred, and who consequently have the right to select their patrician colleagues when one of them dies. They will of course do their best to be succeeded by their children or their closest blood-relatives. The result will be that the supreme power of the state is always possessed by those who *happen* to be children or blood-relatives of patricians. Of 100 men who achieve honours in that way there will be at most *three* who are powerful and influential because of their skill and judgment; so the power of the state will rest not with 100 men but with only two or three who stand out because of the excellence of their minds. They will easily draw everything to themselves, and in the common way of human desire each will be able to hope for a smooth path to monarchy for himself.

So if my calculations are right, a state whose size requires at least 100 outstanding citizens needs to confer the supreme power on at least 5000 patricians.¹³ In this way the state

¹³ [Thucydides judged that the government of the 5000 at Athens in 411 BCE was "a reasonable and moderate blending of the few and the many", producing a better government than Athens had ever had in his lifetime.' [note by Curley]]

will never lack 100 men who stand out for their excellence of mind—assuming that out of 50 men who seek honours and achieve them there will always be *one* who is equal to the best, besides others who try hard to copy the virtues of the best and are therefore also worthy to rule.

(3) The patricians are commonly citizens of one city, which is the capital of the whole state, so that the commonwealth or republic takes its name from that city, as the Roman republic once did, and as the Venetian, Genoese, etc. do now. But the Hollander republic takes its name from a whole province, with the result that the subjects of this state enjoy greater [325] liberty than the subjects of a centralised state.

Before we can determine the foundations this aristocratic state must rest on, we should note how rule transferred to one person differs from rule transferred to a large enough council. The difference is very great.

(i) As I said in 6§5, the power of one man is quite unequal to the task of preserving a whole state. It would obviously be absurd to say this about a large enough council, for calling a council 'large enough' is saying that it is equal to the task of preserving the state. So a king absolutely requires counsellors, but a council doesn't require anything of that kind.

(ii) Whereas kings are mortal, councils are everlasting. So the power of a state that has once been transferred to a large enough council never returns to the multitude. This return of power to the multitude can happen in a monarchic state, as I showed in 7§25.

(iii) A king's rule is often *precarium* [meaning unsteady, on-again-off-again], either because he is a child, or sick, or aged, or for other causes of this kind as noted in 6§5. But the power of a council always remains steadily one and the same.

(iv) The will of one man is quite variable and inconstant.

For this reason (as I said in 7§1), in a monarchic state although every law is indeed the king's will made explicit, not everything the king wills ought to be law. This can't be said about a large enough council. For since, as I have just shown, the council itself needs no counsellors, every declaration of its will ought to be law.

I conclude from all this that a rule transferred to a large enough council is absolute, or comes close to being absolute; if there were any really absolute rule, it would be what occurred when a whole multitude ruled.

(4) Nevertheless, given that this aristocratic rule never returns to the multitude (as I have just shown), and that there is no consultation with the multitude in it, but absolutely everything the council wills is law, we must in every way regard this aristocracy as absolute. So it should be based only on the will and judgment of the council, not on the vigilance of the multitude, since they are prevented from offering advice *and* from voting. The only reason its rule is not in practice absolute is that [326] the multitude is terrifying to its rulers, and so maintains some freedom for itself. If it doesn't claim that freedom for itself by an explicit law, it still claims it tacitly and maintains it.

(5) So it is evident that the condition of this aristocratic state will be best if it is organised so that it comes nearest to being absolute, i.e. so that the multitude is as little of a threat as possible and maintains no freedom except what must necessarily be granted it from the constitution of the state itself. (So this minimal freedom is a right not so much of the multitude itself as of the whole state. Only the *optimates* [= 'the best', 'the elite', here presumably referring to the patricians] claim and preserve such a right as *theirs*.) In this way practice will most agree with theory, as is evident from §4, and also evident in itself. For we cannot doubt that

the more rights the plebeians claim for themselves—as in lower Germany those societies of artisans, commonly called ‘Guilds’, usually have—the less the state will be a possession of the patricians.

(6) The plebeians need not fear that sovereignty’s being granted absolutely to the council exposes them to a risk of aggressive slavery. For the will of such a large council cannot be determined as much by immoderate desire as by reason, for of course evil affects pull men in different directions. They can’t be led as if by *one* mind unless what they desire is honourable or at least appears to be so.

(7) In settling the foundations of an aristocratic state, therefore, the chief thing is that they should depend only on the will and power of its supreme council, so that the council is its own master, as far as possible, and is in no danger from the multitude.

To determine foundations that depend only on the will and power of the supreme council, let us consider the foundations of peace that are specifically right for a monarchic state and foreign to this ‘aristocratic’ one. If for these we substitute other, equivalent foundations that *are* suitable to an aristocratic state, leaving the rest as I have laid them down, there is no doubt that we’ll have removed all causes of sedition—or anyway this state will be at least as secure as a monarchy. It will indeed be more secure, and its condition better, because it will come nearer than a monarchic state to absolute rule, though without this doing any harm to its peace and freedom (see §§3 and 6). For the [327] greater the right of the supreme /power is, the more the form of the state agrees with the dictate of reason (by 3§5), and consequently the more apt it is to preserve peace and freedom. So let us run through what I said in 6§9, setting aside the things that are foreign to this ‘aristocratic’ state and examining the ones

that are suitable to it.

(8) No doubt the first thing necessary is to found and fortify one or more cities. It is especially necessary to fortify the capital of the whole state, and the cities on its borders. For the capital has the greatest right, and ought to be more powerful than all the rest. However, in this ‘aristocratic’ state there is no need for all the inhabitants to be divided into clans, ‘a division that is crucial to the defensive arrangements of a monarchy (see 6§§10–11)’. .

(9) As for the armed forces: since this state doesn’t aim at equality for all, but only among the patricians, and especially since the patricians have more power than the plebeians do, the laws or fundamental rights of this state certainly don’t require that the army be composed only of subjects. But it is especially necessary that no-one be accepted as a patrician unless he is well-versed in the military arts.

To keep the subjects out of the armed forces, as some wish, is sheer stupidity, ‘for two reasons’. •The military stipend paid to subjects remains in the realm, whereas whatever is paid to a foreign soldier is lost; and •by the reliance on foreign mercenaries the greatest strength of the state is weakened, for certainly those who fight for their altars and homes fight with singular courage.

From this it is also clear that it is equally wrong to maintain that generals, colonels, captains, etc. ought to be chosen only from the patricians. When you take away from ‘plebeian’ soldiers all hope of achieving glory and honours ‘through promotion to higher ranks’, how courageously will they fight?

On the other hand, to make a law that the patricians are not allowed to hire a foreign army when the situation demands it—whether for their own defence and putting down sedition, or for any other reasons—is not only ill-advised but

also contrary to the supreme right of the patricians. On this, see §§3–5.

Further, a general of an army or of the whole armed forces ought to be chosen only in war, and only from the patricians. He should have the command for a year at most. [328] He cannot be continued in command or chosen again later. This law is necessary in a monarchy, but especially necessary in this ·aristocratic· state. I said in 7§14 that it is much easier for rule to be transferred •from one man to another than for it to be transferred •from a free council to one man. Yet it often happens that patricians are overpowered by their own generals, with much greater injury to the republic. Indeed, when a monarch is removed, it is not a change of the state but only a switch of tyrants. But in an aristocratic state this cannot happen without the overthrow of the state and the loss of the most prominent men. Rome has provided the most grievous examples of this.

Be that as it may, the reason I gave for saying that in a monarchic state the armed forces ought to serve without a salary does not apply in a state of this kind. [Spinoza's explanation of why is obscure, but when its elements are re-ordered they come down to this. Paying citizen soldiers for their service will

- reduce the likelihood that some of them will exaggerate the value of their service,
- not create a danger that the council will give greater recognition to them than to civilians, and
- be fair;

the point of the last item being that] since the subjects are kept from giving advice *and* from voting, they should be regarded as just like foreigners, and so ought not to be brought into military service on less favourable terms than foreigners are.

(10) The fact that all plebeians are ·in a legal sense·

foreigners introduces a further consideration. The whole state is endangered if the fields, houses, and land are publicly owned and leased to the inhabitants for an annual rent. For if subjects who have no share in the state are allowed to carry their possessions wherever they want to, they will quickly abandon all the cities in times of trouble. So the fields and farms of this state should be *sold* to the subjects, not *rented*—on condition that each year they pay some part of the annual income ·to the state·, as is done in Holland.

(11) Having considered these matters, I proceed to the foundations on which the supreme council ought to be supported and strengthened. I have shown in §2 that a state of average size ought to have about 5000 members in its council. So a way must be found of preventing the rule from gradually falling into the hands of fewer men, and indeed of ensuring that

- the number of rulers increases in proportion to increases in the ·population of the· state, that
- as far as possible [329] equality is preserved among the patricians,
- matters are handled expeditiously in the councils,
- the common good is attended to in them, and finally
- the power of the patricians, or the council, is greater than that of the multitude but in such a way that the multitude do not suffer harm by it.

(12) The main cause of rule's gradually becoming concentrated in the hands of fewer and fewer men is *envy*. For men, as I have said, are by nature enemies—however much they are united and bound by laws, they still retain their nature. I think that is why democratic states are transformed into aristocracies, and aristocracies eventually into monarchies. For I am quite convinced that most aristocratic states were

at first democratic.

When a multitude, seeking a new place to live, found it and cultivated it, the whole multitude retained an equal right to command. No-one willingly gives the rule to another. But though each of them may think it fair that another member of the original multitude has the same right against him as he has against the other, each thinks it unfair that foreigners who join them should have a right equal to theirs in a state they sought for themselves by their labour and appropriated at the cost of their own blood.

And the foreigners themselves don't deny this. Those who migrate there, not to rule but to attend to their private affairs, think it is enough for them to be granted the freedom to conduct those affairs in security. But in the meantime, the multitude is increased by the influx of foreigners, who gradually take on the customs of the native people, until at length they are distinguished only by not having the right to acquire honours.¹⁴ And while the number of the immigrants grows daily, the number of citizens is for many reasons diminished. Indeed, often clans die out; some are excluded because of crimes; and many neglect public affairs [see Glossary] because of a difficulty in their domestic affairs. In the meantime the more powerful desire nothing more than to reign alone. So gradually the rule is reduced to a few, and finally, because of factions, to one.

To the causes mentioned, I could add others that destroy states of this kind. But because they are well enough known, I omit them. Now I shall show in an orderly way the laws by which the state I am discussing ought to be preserved.

(13) The most important law of this state must be the one that determines [330] the ratio of the patricians to the

multitude; for (by §1) the number of patricians should increase in proportion to increases in the multitude. And (by what I said in §2) this ratio ought to be about 1 to 50: the disproportion between the number of patricians and the number of the multitude should never be greater than that. The number of patricians can be much greater in proportion to the number of the people—e.g. with a ratio of 1 to 40—without harm to the form of the state; but there is danger in there being too few patricians. How this law is to be kept inviolate I shall soon show in its proper place.

(14) In some places the patricians are chosen from certain clans only; but to establish this by an explicit law is very harmful. For

- clans often cease to exist, and
- such a law would bring disgrace on the other clans, the ones not named in the law, and
- it is (by §1) contrary to the form of this state that patrician status be hereditary, as it would be if one's chance of becoming a patrician depended on which clan one was born into.

Such a measure makes the state seem democratic rather than aristocratic—along the lines of the democratic state I described in §12, where very few citizens rule.

Nevertheless, to prevent the patricians from selecting their own sons and blood-relatives, and hence to prevent the right of ruling from remaining in certain clans, is not only impossible to achieve but absurd to attempt, as I shall show in §39. However, provided that they don't maintain this by an explicit law that *openly* excludes others

who have been born in the state, use the native language, don't have a foreign wife, aren't disreputable,

¹⁴ [The situation described here was roughly that of the Amsterdam Jewish community in which Spinoza grew up. They had come there in search of religious liberty, and were content to be left alone to practise their religion; but in Spinoza's lifetime they had not generally assimilated in the way he describes. [adapted from a note by Curley]]

and don't make their living in some servile occupation (among which are to be numbered wine sellers and brewers of ale, and others of that kind)

the form of the state will still be maintained, and the ratio between the patricians and the multitude can always be preserved.

(15) Furthermore, if it is established by law that younger men cannot be chosen, it will never happen that a few clans keep a hold on the right of ruling. So it should be established by law that no-one can be on the list of candidates until he has reached the age of thirty.

(16) Thirdly, it ought to be established that all the patricians must gather at a certain location in the city at definite, fixed times, and that those who haven't been present [331] should be fined an amount of money that they will notice, unless they have been kept away by illness or some public business. If this is not done, many will concentrate on their private affairs to the neglect of their public responsibilities.

(17) The council's function is to make and repeal laws, and to choose their patrician colleagues and all public servants. For when someone who has the supreme right (as I have maintained that the council does) gives someone else the power to make and repeal laws, he *transfers* it to him and thus relinquishes it. Indeed, whoever has the power to make and repeal laws for even one day can change the whole form of the state. But the assembly can temporarily transfer to others the administration of the *daily business* of the state, according to established laws, without surrendering its supreme right. And if the public servants were *not* chosen by the council but by someone else, the members of the council ought to be called wards—dependent minors—rather than patricians!

(18) Some states appoint a governor or president for the

council, either for life (like the Venetians) or for a time (like the Genoese). But the precautions they take make it quite clear that doing this brings great danger to the state. We can't doubt that it brings the state close to being a monarchy. As far as we can conjecture from their histories, the only reason they did this was that before these councils were established, they had been under a governor or duke, as if they were under a king. So the creation of a governor for the council may indeed be a necessary requirement for a particular people, but it is not necessary for aristocratic states generally.

(19) Nevertheless, because the supreme power of this state is in the hands of the council as a whole—

and not in the hands of each of its members (which would turn it into a disorderly multitude)

—the patricians must all be bound by the laws in such a way that they compose a single body, so to speak, governed by a single mind. But the laws by themselves are powerless. They are easily broken when their defenders are the very persons they are supposed to restrain; the idea that men would punish their colleagues so as to curb their own appetite by fear of the same punishment is quite absurd. So we must seek a means by which the order of this supreme council and the laws of the state are preserved inviolate, but so that there is still as much equality among the patricians as possible.

(20) Having one [332] governor or president who also has a vote in the council must lead to great inequality, especially because of the power he must be granted if he is to perform his duties safely. So we can do nothing more useful for the common well-being (if I have thought this through properly) than to create another council subordinate to this supreme council, composed of certain patricians whose only duty is to see that the laws of the state that concern the councils

and the ministers of the state are not violated. This council should have the power to call to judgment any delinquent minister who has offended against the laws concerning his ministry, and to condemn him according to the established laws. These men I shall henceforth call syndics.

(21) The syndics must be chosen for life. For if they were chosen for a limited period of time, so that afterward they could be called to other public offices, we'd fall into the absurdity presented in §19. But to prevent their becoming too proud through holding this office for so long, no-one should be chosen for it who has not reached at least the age of 60 and who has not served as a senator. (On the senators, see §§29-36 below.)

(22) We shall easily determine the number of syndics if we consider that they are related to the patricians as the patricians collectively are related to the multitude, whom they cannot rule if they are fewer than the proper number. So the ratio of syndics to patricians ought to be the same as the ratio of patricians to the multitude, that is (by §13): 1 to 50.

(23) Furthermore, for the council to perform its duties safely, some part of the armed forces must be allocated to it, which it can command to do what it wishes.

(24) The syndics and other public officials should not receive any salary [*stipendium*], but the benefits [*emolumenta*] they get should be such that they can't administer the state corruptly without great harm to themselves.

(Anyway, we can't doubt that it is fair for the public officials of the state to be decreed compensation [*praemium*] for their time. For the plebeians make up the greater part of the state, and the patricians look out for their security; whereas the plebeians have no

concern with public affairs, but only with their private interests.)

Because (as I said in 7§4) no-one [333] defends someone else's cause except to the extent that he believes he is thereby making his own situation more stable, affairs should be arranged so that the public servants are doing their best for their own interests when they are most diligently looking out for the common good.

(25) So the syndics, whose duty (I have said [§20]) is to see that the laws of the state are preserved inviolate, ought to be assigned the following benefits: each head of a clan who lives somewhere in the state should pay them a small sum of money each year—e.g. a quarter of an ounce of silver—so that from that they can know the number of inhabitants, and what percentage of the total the patricians are.¹⁵ Next, when each new patrician is chosen he should pay the syndics some large sum, e.g. 20 or 25 pounds of silver. Also, the fines that patricians have to pay when they don't come to meetings of the council should also be granted to the syndics. In addition, a part of the goods of officials who have misused their office—who have to submit to their judgment and are punished by a monetary fine or confiscation of their goods—should be set apart for syndics, specifically for those who sit every day and whose duty it is to convene the council of syndics. (On this see §28)

To make sure the council of syndics is always made up of the proper number, this must be the first thing the supreme council looks into when it is convened at its customary time. But if the syndics have neglected this, then it falls to a the presiding officer of the senate (which I shall speak of [in §§29ff])

•to advise the supreme council about this,

¹⁵ [This makes sense only if Spinoza meant to say that each head of a clan should pay 'a small sum of money' for each member of his clan.]

- to require **b** the presiding officer of the syndics to explain the cause of their being silent about it,
- to ask the supreme council what it thinks about it.

If the presiding officer of the senate is also silent, the case should be taken up by **c** the presiding officer of the supreme court, or (if he too is silent) by some other patrician, who should require a reason why the presiding officers of the syndics, of the senate, and of the judges are all silent. [In this puzzling paragraph, the first and fourth occurrences of 'silent' translate *silentium*, which could mean 'inactive'; but the middle two translate cognates of *tacere*, which can only mean 'to be silent'.]

Furthermore, so that the law by which younger men are excluded is strictly observed, it should be established that all those who reach the age of 30, and are not excluded from the government by an explicit law, should have their names inscribed in a register in the presence of the syndics and—in return for [334] a set price—should receive from them a mark of this honour and be permitted to wear a certain decoration, granted only to them, by which they may be recognised and held in honour by everyone else.

In the meantime it should be established by law, subject to a serious penalty, that no patrician is allowed to nominate anyone for election unless his name is inscribed in this register—and furthermore that no-one is allowed to refuse any office or service that he has been elected to perform.

Finally, so that all the state's **absolutely fundamental laws** may be permanent, it should be established that if anyone in the supreme council objects to some fundamental law—for example, about extending the command of some general of the army, or reducing the number of patricians, or the like—he is guilty of treason. Not only should he be condemned to death and have his property confiscated, but there should be some conspicuous, public sign of his punishment, so that the memory of his crime may be everlasting.

But the **other common laws** of the state will be sufficiently stabilised if it is established that no law can be repealed, and no new law made, without the agreement of first the council of syndics and then three-fourths or four-fifths of the supreme council.

(26) In addition, the right to convene the supreme council, and to propose matters to be decided in it, should rest with the syndics, who should also be granted first place in the council but without the right to vote. Before they are seated, they must swear—by the well-being of the supreme council and by the public freedom—that they will do their utmost to ensure that the rights and laws of their country are kept inviolate and the common good consulted. When this has been done, they may make known, in an orderly way, through their secretary, the matters to be proposed.

(27) To ensure that all the patricians have equal power to make decrees and select public officials, and that all business is handled expeditiously, the procedure the Venetians follow for the nominating of public officials seems to me excellent.

- They choose some of the members of the council by lot;
- those members then nominate the candidates for each office; then
- each patrician indicates by secret ballot whether he approves or rejects the person proposed.

In this way no-one knows afterwards who voted which way. As well as giving each patrician equal authority [335] in making the decision, and getting the business transacted quickly, this procedure means that each council member is absolutely free to give effect to his opinion without any danger of ill-will.

(28) The same procedure should be followed in the council

of the syndics and the other councils: the votes should be by secret ballot. Moreover, the right to convene the council of syndics, and propose the things to be decided in it, ought to rest with their presiding officer, who should meet daily with ten or more other syndics to hear the plebeians' complaints and secret accusations about public officials, to protect the accusers if the situation requires it, and also to convene the council before its regularly appointed time if any of them think there is danger in delay.

The presiding officer and those who meet with him daily ought to be elected by the supreme council, and from the syndics—not indeed for life, but for six months. They should not be able to serve again in this office until three or four years have elapsed. As I said in §25, the confiscated goods and monetary fines, or some part of them, ought to be granted to them. I shall say more about the syndics in the proper place.

(29) The second council to be subordinated to the supreme council I shall call the 'senate'. Its function is to conduct public business, e.g. to

- publish the laws of the state,
- organise the fortification of the cities according to the laws,
- give instructions to the armed forces,
- levy **taxes** on the subjects and allocate the revenues,
- reply to foreign ambassadors, and
- decide where ambassadors are to be sent.

But it is for the supreme council to choose the ambassadors themselves. It is especially necessary to ensure that a patrician can be called to a public office only by the supreme council, so that the patricians aren't anxious to seek the favour of the senate.

Moreover, all matters that somehow change the present state of things should be referred to the supreme council,

such as decisions about war and peace: the senate's decisions about war and peace are valid only if confirmed by the authority of the supreme council. And by the same reasoning, the decision to impose **new taxes** is a matter for the supreme council, not the senate.

(30) In determining the number of senators, the following things [336] must be considered:

(1) all the patricians should have an equally great hope of becoming senators; and yet

(2) a senator whose term has ended can serve again after a relatively short interval,

so that the state will always be governed by men who are experienced and tested; and

(3) among the senators there should be many who are well-known for their wisdom and virtue.

The only way to satisfy all these conditions is to establish by law that no-one under the age of 50 should be admitted to the rank of senator, and. . . . [What follows is obscure, and previous translators have differed sharply over how to construe it. All we need is what Spinoza carries away from it, namely:] So all the patricians will always have a great hope of achieving the rank of senator or of syndic, yet the same patricians will always hold the rank of senator, with only brief intervals in their service. By what I said in §2, the senate will never lack outstanding men of great judgment and skill.

Because this law cannot be broken without creating great ill-will among many of the patricians, the only precaution needed for it to always remain in force is that each patrician who has reached the age I have specified should show proof of this fact to the syndics, who will put his name on the register of those destined to achieve senatorial office, and read it aloud in the supreme council; so that with the others of his rank he may occupy a place reserved for such men in

the supreme council, a place nearest to that of the senators.

(31) The remuneration of the senators should be such that peace is more to their advantage than war. So 1% or 2% of the value of the imports and exports should be set aside for them. We can't doubt that this will [337] lead them to safeguard the peace as much as they can, and never be eager to prolong a war. Any senators who are themselves merchants should not be exempt from paying this duty; for (as I think everyone knows) such an exemption would bring a great loss to trade.

Next, it should be established by law that anyone who is or has been a senator cannot serve in any military office; and that no-one whose father or grandfather is a senator, or who has had senatorial rank within the preceding two years, can be chosen to be a general or other high-ranking officer—positions which, as I said in §9, are to be filled only in time of war. We can't doubt that the patricians outside the senate will defend these laws with the utmost vigor; so that the senators will be firmly barred from any chance of profiting through war, and so will always expect more rewards from peace than from war. They will recommend war only if the most urgent necessity of the state requires it.

It may be objected that if the syndics and senators receive such great remuneration, aristocratic rule will be as burdensome to the subjects as any monarchy. But first note:

- (i)** that royal courts require greater expenses,
- (ii)** that these expenses are not made to protect the peace, and
- (iii)** that no price is too high for peace.

Furthermore,

- (iv)** whatever is conferred on one or a few people in a monarchic state is conferred on many in this aristocratic state;

(v) kings and their ministers do not bear the burdens of the state along with their subjects, whereas in this state the patricians *do*, for they are always chosen from the richer citizens, and contribute the greatest part to public affairs; and finally,

(vi) the costs of a monarchic state arise less from the monarch's *display* than from his secret expenses.

When the burdens of the state are imposed to safeguard peace and freedom, even if they are great, they are still endured because of the benefits of peace. What nation ever had to pay so many and such heavy duties as the Dutch? But not only has this nation not been drained dry, on the contrary, their wealth has made them so powerful that everyone has envied their good fortune.

So if the burdens of a monarchic state were imposed for the sake of peace, they would not weigh heavily on the citizens. But as I have said, the secret expenses of this kind of state are such that the subjects sink under the burden, because the virtue of kings is worth more in war than in peace, and [338] because those who wish to rule alone must try to their utmost to have poor subjects. [This strange inference really is there in the original. Its bewilderingness is not an artifact of the present version.]

(32) Some of the syndics, elected to that role by the supreme council, ought to have non-voting seats in the senate, so as to observe whether laws concerning the council are followed properly, and to make sure that when something has to be referred to the supreme council by the senate, the supreme council is convened. For, as I said in §26, the right to convene the supreme council and to set its agenda rests with the syndics. But before the votes are collected on such things, the officer then presiding over the senate will report on the state of things, and say what the senate's own opinion is about the matter proposed, and for

what reasons. When this has been done, the votes are to be collected in the usual way.

(33) The whole senate should not meet daily, but at some fixed time, like all large councils. But between its meetings the business of the state must still be conducted; so some part of the senate must be chosen to represent it during those intervals. The duty of this body is

- to convene the full senate when necessary,
- to carry out its decrees concerning public affairs,
- to read letters written to the senate and to the supreme council, and
- to deliberate about matters to be proposed in the senate.

But to make it easier to grasp all this, and the organisation of the whole council, more easily, I shall describe everything in more detail.

(34) As I have already said, the senators should be chosen for a year. They should be divided into four or six groups. If there are four groups, the first should preside over the senate for the first three months; if six, then for the first two months. A second group should take the place of the first when its term is up. In this way each group takes its turn in the first place in the senate for the same period of time, with the group first in the first months being last in the next months, and so on.

Furthermore, as many presiding officers should be elected as there are groups, and each should have a deputy to take his place when necessary. That is, from each group two men should be chosen, one to be the presiding officer and the other his deputy. The one who presides over the first group should also preside over the senate in the first months. **[339]** If he is absent, his deputy should take his place. Similarly with the other groups, the order being preserved as above.

Next, from the first group some are to be chosen, either by lot or by vote, who with their presiding officer and his deputy should represent the senate in the interim between its meetings. They will do this for the same length of time that their group has the first place in the senate. When their term has expired, an equal number must be chosen from the second group—again, either by lot or by vote—who with their presiding officer and his deputy will replace the first group and represent the senate. Similarly for the remaining groups.

There is no need for the supreme council to make the choice of those whom I have said should be selected for each two- or three-month period, either by lot or by vote. (Henceforth I shall call these men 'consuls'.) The reason I gave in §29 is not relevant here (and the reason I gave in §17 is even less so). It will be enough if they are chosen by the senate and the syndics who are present.

(35) As for their number, I cannot say exactly what it should be, but there certainly ought to be enough of them so that they can't be easily corrupted. ·Don't think that their power is so small that it doesn't matter if they are corrupted·. Although they don't decide anything about public affairs by themselves, they can still cause delay in the senate or (worse) deceive it by proposing things of no importance and withholding ones that matter more. Not to mention the fact that if there were too few of them, the mere absence of one or two could delay the conduct of public business.

·Because of the need to avoid corruption·, a middle ground has to be found here, making up for the lack of numbers by the brevity of the appointment. If only thirty or so are chosen for two or three months, that is too many to be corrupted in such a short time. That is why I have also recommended that the consuls who are to replace outgoing consuls be chosen at the time of the change-over ·and not in

advance.

(36) I have said that it is the duty of these consuls

- to convene the senate when some of them—even if only a few—judge that this is necessary,
- to propose the matters to be decided in it,
- to adjourn the senate, and
- to carry out its decrees concerning public business.

Now I shall discuss briefly the procedure that ought to be followed in the senate's proceedings, so that the discussions don't turn into long and useless disputes. [340]

The consuls should deliberate about business to be proposed in the senate, and what must be done. If they are all of one mind about it, then when the senate has been convened and the question explained in an orderly way, they should say what their opinion is, and collect the votes in an orderly way, without waiting for any other opinion. But if the consuls have disagreed about the matter in question, they should first state in the senate the position the majority of the consuls have supported. If a secret ballot shows that the senators and consuls who support this position are outnumbered by those who oppose it or abstain, then the consuls should inform the senate of the position that had the next biggest support among the consuls, and so on down the list.

But if no position is approved by a majority of the whole senate, the senate should be adjourned till the next day or a little later, to give the consuls time to explore whether they can come up with something else that more of the senators would accept. If they fail in that, or if what they come up with doesn't get majority support in the senate, then each senator's opinion must be heard.

If a majority of the senate still does not approve any position, then a vote must be taken again on each position. This time not only the ballots of those voting 'aye' are to be

counted, as was done before, but also the votes of those abstaining and those voting 'nay.' If more are found to vote 'aye' than either abstain or vote 'nay,' the position should carry. If more vote 'nay' than either abstain or vote 'aye', it should fail. But if on each position the number of abstentions is greater than the number of 'nays' or 'ayes,' then the council of syndics should be added to the senate, to vote with the senators. Only affirmative or negative votes should be counted; those who cannot make up their minds should be omitted. The same procedure is to be followed concerning things that are referred to the supreme council from the senate. So much for the senate.

(37) As for the court, or tribunal, it cannot rest on the same foundations it did under a monarchy as I described that in 6§§26–29. That is because (by §14) it is not consistent with the foundations of this aristocratic state that any account be taken of lineage or clans. Certainly, [341] judges chosen only from the patricians might be deterred from pronouncing an unfair sentence against one of their class by fear of the patricians who succeed them as judges; but they might also through group loyalty be kept from punishing them as they deserve, and they would have no inhibitions in their treatment of the plebeians, regularly plundering the rich among them.

I know that this is why many approve of the policy of the Genoese, because they choose their judges from foreigners, not from Genoese patricians. But to me, considering the matter in the abstract, it seems absurd for foreigners, not patricians, to be called upon to interpret the laws. For what are judges but interpreters of the laws? So I am convinced that in this matter the Genoese gave more weight to the mentality of their people than to the nature of this aristocratic state. If we consider the matter in the abstract, we must find the means that agree best with the form of this

state.

(38) As for the number of judges, the nature of this aristocratic state doesn't require any particular number. As in a monarchy, so also here: the main thing is that there should be more judges than can be corrupted by any private man. For their duty is only

- to ensure that one private person doesn't wrong another,
- to settle disputes between private parties, whether patricians or plebeians, and
- to impose punishments on offenders—even patricians, syndics and senators—if they have disobeyed laws binding everyone.

As for disputes arising between the towns under the state, they must be settled in the supreme council.

(39) Furthermore, the principle governing the length of judges' terms is the same in each state, as is the principle that some should step down each year. So, finally, is this principle: though there is no need for each judge be from a different clan, it is still necessary that no two blood-relatives sit on the courts at the same time.

This rule ought to be observed in all the other councils except for the supreme council. All that is needed to prevent undue familial bias there is for the law governing elections to say that no-one may nominate a near relative, or vote for one if he is nominated by someone else, and that if, when lots are being drawn for the nomination of public officials, two near relatives are both drawn, one of those nominations must be rejected.

This, I say, is all that is needed **[342]** in the supreme council, which is composed of such a large number of men, and for which no particular remunerations are decreed. So there will be no harm to the state from that, i.e. from not

having a law saying that no two blood-relatives can be in the supreme council at the same time. As I said in §14, it is absurd to make a law excluding from the supreme council the relatives of all the patricians who are already there. The absurdity is obvious:

The patricians couldn't establish that law without absolutely yielding their own right in this matter. So the defenders of this law would not be the patricians, but the plebeians. This is directly contrary to what I have shown in §§5–6.

Anyway, the right and power of the patricians must be preserved, so that they are not too few to rule the multitude; that is the main point of the law—see §13—requiring that we preserve the same proportion between the number of patricians and the number of the multitude.

(40) Back to the judges. The supreme council must choose the judges from the patricians, that is (by §17), from the very founders of the laws. The opinions they hand down, concerning both civil and criminal matters, will be valid if reached by the proper procedure and without favouritism. The law will allow the syndics to investigate, judge and if necessary rectify these doings.

(41) The remuneration of judges ought to be as I said in §29: for each opinion they hand down in civil matters they should get *some percentage* of the award from the losing party. As for sentences in criminal cases, the only difference is that *the whole* value of the goods they have confiscated and the fines they impose for minor crimes should be set aside for them—but on the condition that they are not allowed ever to use torture to force anyone to confess.

This will be a sufficient precaution against their being unfair to plebeians and favouring the patricians too much out of fear of retaliation. For one thing, this fear should

be moderated simply by greed, cloaked in the fine-sounding name of justice [he means: greed for the money they will get from fines and other penalties]; for another, the judges are many and their votes are cast secretly, so that someone who is angry because he has lost his case cannot retaliate because he cannot pick on any one judge to blame.

Next, the judges' respect for the syndics will deter them from pronouncing an unfair sentence (or at least, an absurd one), and prevent any of them from [343] acting deceitfully, not to mention the fact that in such a large number of judges there will always be one or two who love justice and whom the unjust ones hold in awe.

Finally, as far as the plebeians are concerned, they will be adequately protected if they are permitted to appeal to the syndics. As I have said, the law authorises the syndics to investigate, judge, and if necessary rectify the actions of the judges. Certainly they—the syndics—will inevitably be hated by many patricians, whereas they will always be in favour with the plebeians, whose applause they will be anxious to win as much as they can. To that end they will take every available opportunity to reverse judgments that violate the laws of the court, to examine judges, and to impose penalties on ones who judge unfairly. Nothing wins the hearts of the multitude more than this.

It is not a problem that such examples can rarely happen; on the contrary, that is a very good sign. As I showed in 5§2, a commonwealth that regularly has to make examples of wrong-doers cannot be well organised; and extremely rare examples of something are the ones that will stick longest in peoples' minds.

(42) Those sent into cities or provinces as governors

ought to be chosen from the senatorial order, because it is the duty of the senators to take care of the fortification of cities, finances, armed forces, etc. But those sent into rather remote regions won't be able to regularly attend meetings of the senate. So only those destined for cities in the homeland should be called upon from the senate itself; governors for more remote places should be selected from those who are not yet quite old enough to be in the senate.

Still, I don't think that the peace of the whole state will be adequately taken care of if the cities on the periphery do not have the right to vote. (It would be otherwise if they were all so weak that they could be openly treated with contempt; but that is inconceivable.) So they should be granted the right of citizenship. And from each city, twenty, thirty or forty selected citizens should be enrolled in the ranks of the patricians—the number being proportional to the size of the city. From these, three, four or five should be chosen each year to belong to the senate; and one should be made a syndic for life. Those who belong to the senate should be sent as governors, together with the syndic, to the city from which they were selected.

(43) Furthermore, the judges [344] to be set up in each city should be chosen from the patricians of that city. But I don't consider it necessary to treat these matters more fully because they don't pertain to the *foundations* of this aristocratic state.

(44) Because the secretaries in each council, and the other ministers of that kind, don't have the right to vote, they should be chosen from the plebeians. But because their lengthy experience dealing with public affairs gives them an exceptional knowledge of how to conduct them, it often

¹⁶ [This is commonly taken to refer to Johan van Oldenbarnevelt (1547–1619) and Johan de Witt (1625–72), leading figures in the Dutch Republic whose ability and industry gave them an influence beyond the official powers of their positions. [Adapted from a note by Curley]]

happens that more deference is given their advice than is due to their rank, and that the condition of the whole state depends chiefly on their direction.¹⁶

This has been disastrous for Holland. ·The rise of a plebeian to power in an aristocracy· is bound to arouse great envy among many of the elite. And of course we can't doubt that a senate whose prudence is derived from the advice not of the senators but of their ministers will be populated mostly by incompetents. The condition of this state will be not much better than that of a monarchic state in which a few councillors of the king govern. On this, see 6§§5–7.

But how open a state is to this evil will depend on how well it has been set up. If a state does not have firm enough foundations, its freedom is never defended without danger. When such danger threatens, the patricians choose as ministers plebeians who are ambitious for glory. Afterwards, when affairs take a different course, these men are sacrificially killed to appease the anger of those who plot against freedom ·and who created the danger in the first place·.¹⁷ Where the foundations of freedom are firm enough, the patricians demand for themselves the glory of protecting it and make sure that the prudent direction of affairs is derived only from *their* advice ·and not from that of subordinate ministers·.

In laying the foundations of this ·aristocratic· state, I have particularly observed those two things, ·the tendency of ambitious commoners to seek more power than they should have, and the tendency of patricians to resent this·. The foundations require that:

- (i) the plebeians be excluded both from the councils and from voting (see §§3–4), and thus that
- (ii) the supreme /power of the state rests with all the patricians, while

(iii) authority [here = the active application of the laws] rests with the syndics and the senate; and finally

(iv) the right to convene the senate, to propose and discuss matters to be decided there concerning the common well-being, and to carry out the senate's decisions, rests with consuls selected from the senate itself.

If it is also established that

(v) the secretaries in the senate or the other councils are chosen for four or five years at most, and that each will have an assistant designated for the same period of time, [345] who sometimes takes on part of the work. . . .

it will never happen that the power of the ministers will amount to much.

(45) The treasury officials should also be chosen from the plebeians and should be required to give an account of their performance, not only to the senate, but also to the syndics.

(46) In my *Treatise on Theology and Politics* I showed fully enough what I think about religion. But there are some things that I did not cover there, because that was not the place for them. I present them now.

(1) All the patricians should be **a** of the same religion, **b** a very simple and most universal religion such as I described in that *Treatise*; for it is very necessary to ensure that **a** they aren't divided into sects with different political attitudes, and that **b** they aren't led by superstition to try to deprive their subjects of the freedom to say what they think.

(2) Next, though everyone must be granted the freedom to say what he thinks, nevertheless large assemblies should be prohibited. And thus, although those who adhere to some

¹⁷ This again refers to **a** Oldenbarnevelt and **b** de Witt (see preceding footnote), of whom **a** one was tried and executed by the patrician who took over from him and **b** the other was murdered by a street mob, possibly at the instigation of his patrician successor.

other religion must certainly be allowed to build as many houses of worship as they wish, these should be small, of some definite size, and at some distance from one another.

(3) But it is very important that the temples dedicated to the national religion be large and magnificent, and that only patricians or senators be permitted to officiate in its chief rituals. So only patricians should be permitted to baptize, to consecrate a marriage, lay on hands, and unconditionally be recognised as priests and as defenders and interpreters of the national religion.

(4) On the other hand, for the management of church gatherings, and administering the church's financial affairs and daily business, the senate should select some of the plebeians, who will be, as it were, the senate's representatives; and for that reason they will be bound to render to the senate an account of everything they do.

(47) Those are the things that concern the foundations of this state. I shall add a few others, which are less important, but still quite significant. •The patricians should dress in a way that lets them be recognised; •they should be greeted with some special title; and •a plebeian should always step aside to allow a patrician to pass. If a patrician has lost his goods, and can show clearly that this came about through some unavoidable misfortune, he should be made whole from the public goods. [346] But if it is established that he has squandered his fortune through extravagance, arrogance, gambling, prostitutes, etc., or that he is worse than penniless because he owes absolutely more than he can pay, he should lose his status and be considered unworthy of every honour and office. For someone who cannot manage his private affairs will be even less able to consult the public

interest.

(48) Those whom the law compels to swear will be much more careful to avoid perjury if they are commanded to swear by their country's well-being and freedom, and by its supreme council, than if they are commanded to swear by God. He who swears by God pledges a private good, whose value he determines;¹⁸ but he who pledges the freedom and well-being of his country swears by the common good of all, whose value he does not determine. If he perjures himself, he thereby declares himself the enemy of his country.

49) Academies supported at the expense of the state are instituted not so much to develop minds as to keep them in check. But in a free republic both the arts and the sciences are cultivated best if anyone wanting to teach publicly is allowed to do so, at the risk of his own resources and reputation. But I save these and similar things for another place. For I had resolved to treat here only things pertaining to an aristocratic state.

Chapter 9: Aristocracies with several cities

(1) Up to this point I have considered only **a** the aristocratic state that takes its name from one city, which is the capital of the whole state. Now it is time to treat of **b** aristocracies that have several cities, which I think are preferable to the kind I have been discussing. To show the difference between them, and the excellence of each, I shall review the foundations of **a** the preceding state, one at a time, reject the ones that are alien to **b** this kind of state and lay down others that ought

¹⁸ [The point seems to be that if a man is required to swear by a god in whom he does not believe, he will not fear divine punishment for lying. [note by Curley]]

to take their place.

(2) The cities that enjoy the right of citizenship must be so established and fortified that none of them is so strong that it can survive on its own, but also that none is so weak that it can secede from the rest without great harm to the whole state. In this way they will always remain united. But the cities that are so constituted that they cannot preserve themselves [347] or be a threat to the rest by secession, are not their own masters but are absolutely subject to the control of the other cities.

(3) The things I showed in §§9–10 are deduced from the common nature of an aristocratic state, such as •the ratio of the number of patricians to the number of the multitude, and •what should be the age and condition of those to be made patricians. Whether the state has one city or several, these things will still apply. But where there are several cities the nature of the supreme council should be different. For if any city in the state were designated for all meetings of the supreme council, that city would really be the capital of the state, which is unacceptable. So the arrangement would have to be either

- that the cities take turns in housing the supreme council, or
- that the council always meets in some one place that does not have the right of citizenship, so that the choice of it is neutral with respect to the cities which do have that right.

Either way: easy to say, hard to do. Each solution requires thousands of men to frequently go outside their cities, perhaps to meet now in one place, now in another.

(4) To infer from the nature and condition of this state the right conclusions about how this problem should be solved—i.e. how the councils of this state should be set

up—here is what we must consider:

- (i)** the right of each city exceeds that of a private man as much as its power does (by 2§4);
- (ii)** so each city in this state (see §2) has within its walls—i.e. within the limits of its jurisdiction—as much right as it has power.
- (iii)** The cities are all combined with one another and united not as allies but as jointly constituting a single state;
- (iv)** but in such a way that each city has greater right in the state than the others do just to the extent that its power is greater than theirs.

For to seek equality among unequals is absurd. The citizens are rightly thought equal, because the power of each one is negligible compared to the power of the whole state. But the power of each city constitutes a great part of the power of the state itself—*how* great depending on the city's size. So, the cities can't all be considered equal; just as the power of each city should be reckoned from its size, so should its right.

The ties by which they must be bound, so that they compose one state, [348] are chiefly (by 4§1) the senate and the court. But there remains a question about *how* all the cities are to be united in such a way that—despite these ties—each city's right remains as great as it can be. I shall now show briefly how this is to be done.

(5) I conceive that in each city the patricians—whose number ought to be proportional to the city's size (by §3)—have the greatest right over their city. In that city's supreme council they have the supreme power to fortify the city, to expand its walls, impose taxes, make and repeal laws, and do absolutely everything they judge to be necessary for the city's preservation and growth.

And a senate must be created to deal with the common business of the state, on the conditions I set out in chapter

8, so that •this senate differs from •the one described there only in that this one has the authority to settle disputes between the cities. For in this state, which has no capital, the supreme council cannot do this as it does in the other, •i.e. in an aristocracy that has a capital•. (See 8§38)

(6) Moreover, in this state the supreme council is not to be convened unless it is needed when the structure of the state is at issue or in some difficult business that the senators don't think that they can carry through. So it will rarely happen that all the patricians are called into council. For (as I said in 8§17) the supreme council's principal function is to make and repeal laws and secondly, to choose ministers of state. Now, the laws—or common rights of the whole state—ought not to be changed as soon as they have been made; but if time and circumstances require some new law to be established or an existing one to be changed, the question •of what to do about this• can be considered first in the senate. After the senate has agreed on it, it should next send representatives to each city to explain the senate's decision to that city's patricians. And finally, if a majority of cities agree with the senate's decision, it will remain valid; otherwise it will be null and void. This same procedure can be followed in choosing generals for the army, in sending ambassadors to other governments, and in deciding whether to go to war [349] or accept conditions for peace.

But in choosing the other ministers of state, a different procedure must be observed, because (as I showed in §4) each city ought to remain its own master as far as possible, and possess more right in proportion as it is more powerful than the others. The patricians of each city must choose the senators: that is, the patricians of a city in their council will choose from among their fellow citizens a certain number of senators, in a 1 to 12 ratio to the number of patricians the city has (see 8§30). And they will designate the ones

they want to be of the first, second, third etc. rank. In the same way the patricians of the other cities will choose more or fewer senators, in proportion to their own number, and distribute them into as many orders as I have said the senate is to be divided (see 8§34). So in each rank of senators there will be more or fewer senators in proportion to the size of each city. As for the presiding officers of the ranks and their deputies, whose number is less than the number of cities, they must be chosen by lot from those selected as consuls by the senate.

The same procedure is to be retained in choosing the supreme judges of the state. The patricians of each city should choose from their colleagues more or fewer judges, in proportion to their own number. The result will be that in choosing ministers each city is its own master as far as possible, and the more powerful a city is the greater is its right, both in the senate and in the court, if the procedure in the senate and the court in deciding matters of state and settling disputes is entirely as I described in 8§§33–34 and 37–38.

(7) Next, commanders of companies and other army officers ought also to be selected from the patricians. Because it is fair that each city should be bound to assemble a certain number of soldiers (in proportion to its size) for the common security of the whole state, it is also fair that each city should be permitted to select from among its patricians as many officers, commanders, standard bearers, etc. as are required for organising their share of the armed forces they are supplying to the state—*what* share depending on the number of regiments they are bound to support.

(8) The senate must not impose any taxes on the subjects, [350] but must call on the cities themselves, not the subjects, to provide the funds needed for the public business it has

decreed; so that each city will bear a part of the expenses proportional to its size. The patricians of the city shall extract that part from the city-dwellers in whatever way they wish, either by assessing them according to how wealthy they are, or—much fairer—by imposing duties on them.

(9) Next, even though not all the cities of this state are on the coast, and not all the senators are drawn from coastal cities, nevertheless, we can assign them the same recompense we mentioned in 8§31.¹⁹ For this purpose we can devise means, in accordance with the constitution of the state, to unite the cities more closely with one another. Furthermore, the other points that I made in chapter 8 concerning the senate and the court, and the whole state in general, are to be applied to this ‘federal’ state also. So we see that in a state that has several cities it is not necessary to designate a definite time or place for convening the supreme council. But the place to be designated for the senate and the court is in a village or in a city that does not have the right to vote. Now back to the things that concern the individual cities.

(10) The procedure of a city’s supreme council in choosing public officials for the city and the state, and in deciding on policies, should be one I indicated in 8§§27 and 36; for the reasoning is the same here as there. Also, subordinated to the council there should be a council of syndics, which •relates to the council of the city in the way the state’s council of syndics is relates to the council of the whole state (see chapter 8), •has a function within the limits of the city’s jurisdiction that is also the same ·as the state’s council has in relation to the state·, and •enjoys the same recompense. But if a city, and hence its number of patricians, is so small that

it can create only one or two syndics (and thus not enough to constitute a council), then that city’s supreme council ought either •to designate judges to assist the syndics in their inquiries as circumstances require or •refer the problem to the ·state’s· supreme council of syndics. For from each city some of the syndics also must be sent to the place where the senate meets, to ensure that the rights of the whole state are kept inviolate, and to sit in the senate without a vote.

(11) A city’s patricians should also choose its consuls [351], who constitute that city’s senate, so to speak. I can’t determine how many consuls there should be, but I don’t think there is any need to do so. The affairs of the city that are of great weight will be dealt with thoroughly by •its supreme council, and those that concern the state as a whole by •the state’s senate. (If a council has few members, they will have to vote openly, not secretly as in the large councils. Why? Because when votes are cast secretly in small councils someone who is a bit shrewder than the others can easily learn the author of each vote and outmanoeuvre the less attentive in many ways.

(12) Furthermore, the supreme council of each city must establish judges, whose opinion can be appealed to the supreme judgment of the state, unless the person’s guilt is proven unambiguously and he confesses his guilt. But there is no need to pursue these matters further.

(13) What remains, then, is for me to say something about cities that are not their own masters. If these are built in the territory of the state, and their inhabitants are of the same nation and language, they must be counted as parts of the neighbouring cities (like villages), so that each of them is under the government of some city that is its own master.

¹⁹ [This sudden mention of ‘coastal’ cities—the only one in the whole work—makes sense in the light of 8§31, where the payment of senators is based on income from imports and exports.]

Here is why this matters:

The patricians in each city are chosen not by the supreme council of the state but by the supreme council of that city. The city's council has more or fewer members in proportion to the number of inhabitants within the limits of its jurisdiction (by §5). So a lot is at stake in the principle that the populace of a city that is not its own master must be included in the population-tally of a city that *is*, and must depend on that city's governance.

As for cities taken by the right of war and added to the state, what should be done is either

- they are considered as allies of the state, won over, and put under an obligation by favourable treatment, or
- colonies are sent there, whose members will enjoy the right of citizenship, while the original inhabitants are sent elsewhere, or
- the cities are completely destroyed.

(14) These are the matters that concern the foundations of this federal aristocratic state. Its condition is better than that of an aristocratic state which takes its name from a single city. I infer this from the fact that the patricians of each city, having the usual human desires, will be eager to retain—and if possible to increase—their right, both in the city and in the senate; so they will do their best to draw the populace to them, and consequently to make the wheels of the state turn more by benefits than by fear, [352]. They will also want to increase their own number: the more of them there are, the more senators they will elect from their council (by §6), and so the more right they will have in the state.

Some will object that the federal = many-city aristocratic state has an enormous disadvantage, because

while each city is consulting its own interest and is jealous of the others, they frequently quarrel with one another and waste time arguing. There is a saying: 'While the Romans deliberate, Saguntum is lost.'²⁰

This objection doesn't hold. Look at the other side of the contrast. In a one-city aristocratic state, all the decisions are made by a few people on the basis of their own affects; and when that happens, freedom and the common good are lost. Human wits are too sluggish to penetrate everything right away; but they are sharpened by asking advice, listening, and arguing. When people try all means, they eventually discover how to get the things they want by means that everyone approves, ones that no-one had ever thought of before. We have seen many examples of this in Holland.

But if someone retorts that this state of the Hollanders has not lasted long without a Count, or a representative who could act in his place, I reply: the Hollanders thought that to maintain their freedom it was enough to renounce their Count, cutting the head off the body of the state. They didn't think about reforming it, but left all its members—i.e. all its working parts, all its governmental systems—as they had been set up before, so that Holland remained a county without a Count, or a body without a head, and the state itself remained without a name.

So it is not at all strange that most subjects didn't know who possessed the supreme power of the state. Even if this hadn't been so, those who really had the authority were far too few to be able to govern the multitude and overcome powerful opponents; so that their opponents were often able to plot against them with impunity and eventually

²⁰ [A proverbial expression, going back to Livy. It refers to the Romans' loss of Saguntum to Hannibal in the First Punic War, attributed to their indecision about how to respond to the threat he posed. [Note by Curley]]

to overthrow them. The sudden overthrow of the republic resulted not from wasting time in useless deliberations but from the defective constitution of the state and the small number of its regents.

(15) Another reason an aristocratic state where several cities share the rule is to be preferred to one where they don't is that there is no need to guard against its general supreme council being overpowered by a sudden attack, since (by §9) there is no time or place designated for convening it.

Furthermore, in this state powerful citizens are less to be feared. For where several cities enjoy freedom, it is not enough for someone who is trying to secure rule over the whole state to occupy one city.

Finally [353] in this state freedom is shared by more men. For where one city alone rules, the good of the others is considered only to the extent that it serves the interests of the ruling city.

Chapter 10: The fall of Aristocracies

(1) Now that I have explained and shown the foundations of each kind of aristocratic state, it remains to ask whether they can, from some inherent defect, be dissolved or changed into another form. The primary cause for the dissolution of states of this kind is the one which that very acute Florentine ·Machiavelli· noted in his *Discourses on Livy*, namely that in the state, as in the human body, 'something is added daily that eventually requires treatment'. So, he says, a state needs the occasional occurrence of something that leads—by chance or by the judgment and wisdom either of the laws or of a man of outstanding excellence—to its return to the principle on which it was established. If this return doesn't happen when it should, the state's defects increase to the

point where they can't be removed except by abolishing the state itself.

We can't doubt that this is a matter of the greatest importance. If there has been no provision for dealing with this problem, the state won't be able to last by its own excellence; it will last only by good luck. On the other hand, when a suitable remedy for this evil has been adopted, the state will not be risk falling because of its own defect; its only risk will be of falling because of some inevitable fate. I shall soon make this quite clear.

The first remedy people thought of for this evil was that every few years they would appoint, for a few months, a supreme dictator who would have the authority to investigate and judge the deeds of senators and public officials, and decide on any punishments for them; thereby restoring the state to its founding principle. But those who favour aristocracy because they are anxious to avoid the disadvantages of sovereignty ought to adopt remedies that agree with the nature of the state that they prefer and can be derived from its foundations. Otherwise, in their effort to escape Charybdis they fall into Scylla.

It is true that everyone—the rulers as well as the ruled—must be kept in bounds by the fear of punishment or loss, not being allowed to sin with impunity, let alone with profit. On the other hand, it is also certain that if both good men and bad have this fear, the state will be in the greatest danger. Now, since dictatorial power is absolute, it cannot be anything but terrifying to everyone [354], which motivates everyone to want to be the next dictator. If it is legally required that the dictator is appointed at a fixed time, everyone eager to be esteemed would seek this honour most zealously. And it's obvious which sorts of men are likely to succeed: excellence is not valued as highly in peace as wealth is, so the grander a man is the more easily he'll

achieve honours.

Perhaps this is why the Romans usually appointed a dictator not at a designated time but only when some chance need forced them to. Even so, as Cicero says, ‘talk of a dictator was unpleasant to good men’. Truly, the state cannot be changed for a time into a monarchy (this dictatorial power is absolutely royal) without great danger to the republic, however short the time is. Moreover, if no definite time has been designated for appointing a dictator, there would be no point in trying to regulate the time between one dictator and another. This is something I said ought to be preserved most carefully; but if it is not precisely defined, it may easily be neglected. So if this dictatorial power is not permanent and stable—in which case it cannot be entrusted to one man without changing the form of the state—it will be very uncertain, and so the well-being and preservation of the republic will also be uncertain.

(2) On the other hand (by 6§3) we cannot doubt that if it is possible to

- make the sword of the dictator perpetual,
- make it a terror only to bad men, and at the same time
- preserve the state’s form,

then the state’s defects can never become too great to be removed or corrected. To achieve all these conditions, I have said that the council of syndics ought to be subordinated to the supreme council, so that dictatorial sword would be perpetual, in the hands not of some *natural person* but of a *civil person* whose members are so numerous that they cannot divide the state among themselves (by 8§§1–2) or agree in any crime.

In addition, they—the syndics—•are prohibited from holding other offices of the state, •don’t pay the armed forces, and •are of an age when they prefer familiar and safe things

to new and dangerous ones. So there is no danger to the state from them. They cannot be a terror to good men, but only to bad men. And they *will* be hard on bad men: the less power they have to commit crimes themselves, the more they will have to restrain wickedness. They can oppose the leaders of a threat without delay, because the council is constantly in session; and [355] they are numerous enough to dare to accuse and condemn this or that powerful man without fear of his ill-will, especially since the votes are cast secretly, and the sentence is pronounced in the name of the whole council.

(3) But it may be objected in Rome the Tribunes of the plebeians were constantly at work, yet they couldn’t suppress the power of a Scipio. Moreover, they had to refer what they judged to be salutary to the senate for decision. Often the senate outmanoeuvred them, getting the plebeians to give most support to the Tribune the senators feared less. In addition, the authority of the Tribunes against the patricians was defended by the support of the plebeians; and whenever they called upon this support they seemed to be promoting sedition rather than convening the council. These disadvantages have no place in the state I have described in the preceding two chapters.

(4) However, what the authority of the syndics can do to ensure that the form of the state is preserved is only to prevent people from breaking the laws and profiting from sin. It can’t ensure that there won’t be outbreaks of the sorts of vices that men fall into when they have too much leisure, and that often lead to the ruin of the state. In peace, when fear has been set aside, men gradually change from being savage and warlike to being political or civilised, and from being civilised, they become soft and lazy. They try to surpass one another, not in excellence but in arrogance and

extravagant living. As a result, they begin to disdain their home-grown customs and to take on foreign fashions—that is, to become slaves.

(5) To avoid these evils many have tried to pass sumptuary laws,²¹ but in vain. For all laws that can be broken without harming anyone are laughed at; and far from reining in men's desires and lusts, they make them stronger. We always want and try to get what is prohibited. And even idle men are clever enough to get around laws concerning banquets, games, adornments, and other such things things that cannot be absolutely—across-the-board—prohibited. Those are bad only when excessive; and what count as excessive for a given person depends on his wealth; so it cannot be fixed by any general law.

(6) I conclude, then, that the common peace-time vices that are my topic here should never be prohibited directly, but only indirectly. **[356]** This is done by giving the state foundations that will result, not in

- most people being eager to live wisely (that is impossible), but in
- their being guided by affects [see Glossary] that are more advantageous to the republic.

Thus, what is most desirable is that the rich, if they aren't thrifty, should still be greedy. If this universal and constant affect of greed is fostered by eagerness to be esteemed, it can't be doubted that most people will put their greatest zeal into increasing their possessions without disgrace. That way they achieve honours and avoid the greatest shame.

(7) If we pay close attention, then, to the foundations of the kinds of aristocratic state I have explained in chapters 8 and 9, we'll see that this result follows from them. For in each one there are so many regents that most of the rich

have access to rule and to achieving the honours of the state. If it is also established (as I said in 8§47) that patricians who have borrowed more than they can repay will be expelled from the patrician order, whereas those who have lost their possessions by misfortune will be restored to their place, there is no doubt that everyone will do his best to preserve his possessions. Moreover, if the law establishes that the patricians and those who seek offices are distinguished by special clothing (see 8§47), they will never want foreign dress or scorn that of their native land. In addition to these things, for each state others can be devised that are agreeable to the nature of the place and the mentality of the people, taking special care that the subjects do their duty voluntarily rather than because the law compels them to.

(8) A state that provides only fear as the motive for men's actions will lack vices rather than possess virtue. Men must be so led that they seem to themselves not to be led, but to live *ex suo ingenio* [see Glossary] and from their free decision, so that they are restrained only by love of freedom, the desire to increase their possessions, and the hope of achieving honours. Portraits, triumphs, and other incentives to virtue are signs of bondage, not freedom. Rewards for virtue are for slaves, not free men.

I concede, of course, that these incentives spur men on more than any others. But while in the beginning they are decreed for great men, later, as envy increases, they are granted to ignoble men, puffed up by the size of their fortunes—to the great indignation of all good men. Furthermore, those who boast of the triumphs and portraits of their ancestors believe they themselves are wronged if **[357]** they are not preferred to others. Finally, not to mention other things, this is certain: once equality has been set aside, the

²¹ [That is, laws that limit private expenditure.]

common freedom necessarily perishes, and there is no way equality can be preserved once the public law awards special honours to some man famous for his excellence.

(9) With these things settled, let us see whether states of this kind can be destroyed by some inherent defect. Surely, if any state can be everlasting, it must be one whose laws, once properly established, remain inviolate. For the laws are the soul of the state. So if they are preserved, the state itself must be preserved. But laws cannot stay firm unless they are defended both by reason and by men's common affects; for if they rest only on the support of reason, they are weak and easily overcome. So since I have shown that the fundamental laws of each aristocratic state agree both with reason and with the common affect of men, we can maintain that if any state is everlasting, this one must be everlasting, or at least that it cannot be destroyed by any inherent defect but only by some inevitable fate.

(10) But here is another objection someone might make:

Although the laws of the state presented here may be defended both by reason and by the common affect of men, they can still sometimes be overcome. For there is no affect that is not sometimes overcome by a stronger, contrary affect; we see that the fear of death is often vanquished by the desire for someone else's property. Those who flee an enemy, overawed by fear, can't be restrained by fear of anything else, but rush headlong into rivers or into a fire to escape their enemies' steel. So, however properly a commonwealth is organised and however well its laws are set up, when that state is in a crisis, when (as often happens) everyone is seized by panic, then everyone looks only to what the present fear urges, without giving any thought to the future or to the laws. All heads turn

toward a man who is famous for his victories. They release him from the laws and (a very bad precedent) extend his term in command, entrusting the whole republic to his honesty. That is why the Roman state perished.

In response to this objection I say **(i)** that in a properly constituted republic a terror like that doesn't arise except from some just cause; so that terror and the confusion stemming from it cannot be ascribed to any cause that human prudence could have avoided, and so cannot be the basis for criticising the way the republic was structured. **(ii)** In a republic [358] such as I have described in chapters 8 and 9, it cannot happen (by §§9 and 25) that any one man has such an outstanding reputation for excellence that all heads turn toward him. On the contrary, he must have several rivals whom many others support. So however much terror gives rise to confusion in a republic, no-one can cheat the laws and declare someone elected to military command contrary to law without an immediate challenge from those who want someone else. To settle this dispute it will eventually be necessary to go back to the things established previously, to laws everyone has approved, and to order the affairs of the state according to these laws.

I can assert unconditionally, then, that a state that one city alone controls, and especially a state that several cities control, is everlasting, or cannot be dissolved or changed into another form by any internal cause.

Chapter 11: Democracy

(1) I come finally to the third—the completely absolute—state, which we call democratic. I have said that this state differs from an aristocratic one chiefly in this:

In an aristocratic state, it is entirely up to the supreme council to choose the persons who are to become patricians. So no-one has a hereditary right to vote or stand for political offices, and no-one can demand this right for himself by law, as happens in a democratic state.

Whereas in a democracy everyone who

- has parents who were citizens, or
- was born on the country's soil, or
- has deserved well of the republic, or
- has the right to be a citizen for any other reason prescribed by Law

is entitled to demand the right to vote in the supreme council and to stand for political office, a demand that can be denied only on account of a crime or disgrace.

(2) There could be legally imposed limits to that entitlement. For example, it might be established by law that

- only elders who have reached a certain age, or
- only first-born sons (as soon as their age permits), or
- only those who contribute a certain sum of money to the republic

can have the right to vote in the supreme council, and to manage the business of the state. Any of these could lead to the supreme council's being composed of fewer citizens than the council of an aristocratic state of the kinds I have discussed. Nevertheless, states of this kind ought to be called democratic, because their citizens who get to govern the republic are not chosen [359] by the supreme council as the best, but get there by law.

States of this kind—where it is not the best who come to rule, but those who *happen* to be rich or eldest sons or

the like—may seem inferior to an aristocratic state. But if we consider actual life or the common condition of men, the result will be the same. For the men who seem best to the patricians will always be the rich, or their own close relatives, or their friends. Of course, if patricians were the kind of people who in choosing colleagues were free of every affect [see Glossary] and guided only by zeal for the public well-being, aristocracy would be incomparably the best kind of state. But experience has shown abundantly that things don't work that way—especially in oligarchies,²² where the will of the patricians is least constrained by legalities because they lack rivals who might bring the law against them. For there the patricians keep the best men off the council and try to have on it comrades who will hang on their every word. In such a state things go much less well than they do in a democracy, because the selection of the patricians depends there on the absolute free will of certain men, i.e. a will unconstrained by any law. But let us go back to where I started.

(3) From what I have just said in §2, it is evident that we can conceive different kinds of democratic state. I don't plan to discuss each one, but only one in which absolutely everyone

- who is **a** bound only by the laws of his native land,
- who is **b** under his own control [see Glossary], and
- who **c** lives honourably

has the right to vote in the supreme council and to stand for political offices. I say explicitly **a** 'who is bound only by the laws of his native land' to exclude foreigners, who are counted as under someone else's control. I added that apart from being bound by the laws of the state he is **b** 'under

²² [This word does not occur anywhere else in this work. But it means 'government by a few', and chapter 8 repeatedly emphasizes the need to keep the number of patricians large enough.]

his own control', to exclude women and servants, who are under the /power of their husbands and masters, and also to exclude children and pupils for as long as they are under the /power of their parents and tutors. Finally, I said c 'who lives honourably', to exclude especially those who are disgraced on account of a crime or some shameful kind of life.

(4) But someone may ask whether women are under the /power of their husbands by nature or by custom. If this has happened only by custom, then no reason compels us to exclude women from rule. But if we consult experience, we'll see that this ·subordination of women· occurs [360] only because of their ·natural· physical weakness.

We never find cases where men and women have ruled jointly. What we see in all the countries where they live together is that men rule and women are ruled, and that in this way the two sexes live in harmony. On the other hand, the Amazons, who according to tradition once ruled, did not allow men to remain on their soil, but raised only the females and killed the males they bore.

The greatest human power (and consequently right) consists in strength of character and native intelligence. If

women were by nature equal to men in these, surely among so many and such diverse nations we would find some where the two sexes ruled equally, and others where men were ruled by women, and were educated in such a way that they could do less with their native intelligence ·than women could·. But since this has not happened anywhere, we can say without reservation that women do not have a natural right equal to men's, and that they necessarily submit to men. So it cannot happen that the two sexes rule equally, much less that men are ruled by women. [The case of the Amazons, if it were real, would not count against this. The Amazons did not *rule* men.]

Furthermore, if we consider human affects, specifically the facts that men

- mostly love women only from an affect of lust,
- judge women's native intelligence and wisdom greater the more beautiful they are, and
- find it intolerable that the women they love should favour others in some way,

and so on, we'll have no difficulty seeing that men and women cannot rule equally without great harm to the peace. But enough of these matters. . .

The rest is lacking.