

The Essential **ENLIGHTENMENT**



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Contents

Introduction: What is the Enlightenment? / 1
1 Spinoza and the Origins of Liberalism / 5
2 Spinoza on Toleration / 15
3 Spinoza on Freedom and Power / 23
4 Montesquieu on Despotism, Moderation, and Liberty / 33
5 Montesquieu on Pluralism / 41
6 Montesquieu on Commerce / 45
7 Kant's Ethics / 49
8 Kant's Politics / 55
9 Kant's Legacy / 61
10 Conclusion / 63
Works Cited / 67
Suggestions for Further Reading / 67
Publishing information / 71
About the authors / 72
Publisher's acknowledgments / 73
Supporting the Fraser Institute / 73
Purpose, funding, and independence / 74
About the Fraser Institute / 75
Editorial Advisory Board / 76

Introduction

What is the Enlightenment?

The political ideas that fully came together under the name “liberal” in the early nineteenth century—the ideas we often now refer to as “classical liberalism”—emerged out of major debates and developments from the late 1600s to the late 1700s. This means that they were part of the broad European intellectual movement of that era that came to be known as “the Enlightenment.” (The English word “Enlightenment” didn’t come into use in this sense until the era was long over, in the late 1800s, but equivalent French and German words referring to light and illumination were used at the time.) Liberalism also had other pre-Enlightenment origins as well, and the political ideas of the Enlightenment were definitely not uniformly liberal. But the story of the development of liberal political ideas is in large part about ideas that were articulated and theories that were built up in the Enlightenment, and the story of the Enlightenment is in large part about ideas that eventually became central to liberalism.

In this volume we show how the Enlightenment and the development of liberal ideas were woven together by looking at three defining figures of the era. They span more than a century. Baruch Spinoza wrote in the mid-1600s, and is thought of as either one of the earliest Enlightenment thinkers or as a kind of ancestor who helped generate the whole intellectual movement decades later. The Baron de Montesquieu wrote in the mid-1700s and as much as anyone launched the core era of the Enlightenment in social and political theory. And the career of Immanuel Kant, perhaps the single person most identified with the Enlightenment and with thinking about what that intellectual movement meant, reached its height in the final two decades of the 1700s.

Much divided these men besides time. Spinoza was Dutch, Jewish, and wrote in Latin. Montesquieu was a French Catholic, Kant a German Lutheran, and both Montesquieu and Kant wrote in their native languages. Both Spinoza

and Kant were concerned with fundamental philosophical questions about what we could know about God, morality, the nature of the world, and humanity's place in it. Montesquieu wrote almost nothing about such questions, drawing instead from global history and comparative law. Spinoza was born to a merchant family and for part of his life made a living as a lens-grinder; Montesquieu was a wealthy aristocrat; Kant, a university professor.

But they were all at least suspected of unorthodox views within their religions: Spinoza was excommunicated from his synagogue, Montesquieu's works were banned by the Catholic Church, and Kant's writings on religion were censored for a time. More fundamentally, all shared a deep commitment to religious liberty, a commitment that is at the core of both Enlightenment thinking and liberal politics. While the Enlightenment **is** associated with many things, one of those things was the struggle to understand morality and human nature through the use of reason rather than relying on religious authority; another was the attempt to understand political and social orders in ways that would prevent a return to the wars of religion that had divided Europe in the 1500s and the first half of the 1600s. While some key Enlightenment figures such as Voltaire sought to free the human mind and establish religious peace by attacking organized religion or perhaps belief in God itself, Spinoza, Montesquieu, and Kant in various ways all argued for religious toleration, for the peaceful coexistence of different organized ways of understanding God within civil governments that didn't enforce any one of those ways. With the enforcement of religious orthodoxy as the chief kind of censorship in their eras, their support of freedom of religious thought also made all of them supporters of free inquiry and free speech.

The three thinkers likewise shared commitments to the rule of law and to constitutional forms of government that would constrain the discretionary power of any one ruler. None were what we could call advocates of modern democracy, but all rejected absolute monarchy and argued that even monarchs must be constrained to govern under general rules and for the general good. What we now think of as constitutional government finds recognizable roots in their thought. Their overlapping political views shouldn't be taken to mean that Spinoza, Montesquieu, and Kant were politically identical. They each answered political questions that were particular to their local context, their era, and their particular concerns. But all of them contributed to the emerging combination of ideas that eventually came to be called liberalism.

Spinoza, Montesquieu, and Kant were particularly *important* figures in the Enlightenment, but that doesn't mean they were *typical*. Probably the greatest center of gravity of the Enlightenment as an intellectual movement was the Parisian world of the *philosophes*, many of whom collaborated on the production of the famous 28-volume *Encyclopédie* edited by Jean d'Alembert and Denis Diderot between 1751 and 1772. The *Encyclopédie* combined articles about mathematics and the natural sciences with those about philosophy, religion, and the human or social sciences, and was born of great optimism about the possibilities for human knowledge, reason, and progress. Spinoza and Kant were separated from this world by nation, language, and time. Montesquieu stood closer to it; he contributed one article to the *Encyclopédie* on aesthetic taste, and excerpts from his work appeared in many other authors' articles about politics. But he was not really a part of it; he was more aristocratic, more moderate, more religiously cautious, and older than they were, and died early in the *Encyclopédie's* development. After Paris, the most intellectually vibrant center of Enlightenment thinking was in Scotland. Thinkers such as David Hume, John Locke, and Adam Smith—all of whom are important figures in the development of the liberal tradition and who all have separate volumes in this same book series—developed their ideas through long-term intellectual engagement with each other, much as their Parisian counterparts did. The Scottish Enlightenment was greatly influenced by Montesquieu and, in turn, did a great deal to shape Kant's thought, but neither was part of it.

This book does not aim to be a complete history of the Enlightenment. Rather, it is an introduction to three of the most important contributors to it. The Enlightenment partly took shape around their contributions. So, too, did the development of liberalism.

Note on Texts Used

Below is a list of abbreviations we used when referring to the source texts. Where possible, we use a standardized notation so that readers can find the relevant passages in various editions of these texts.

Spinoza's works

For Spinoza's works:

TP: 1.1 would mean "Spinoza's *Tractatus Politicus* (published posthumously in 1677), chapter 1, paragraph 1. This is standard referencing across all editions.

TTP: IV would mean Chapter IV of Spinoza's *Tractatus Theologico-Politicus* (published anonymously in 1670). Again, this is standard referencing across all editions.

E3P6 means Spinoza's *Ethics* (published posthumously in 1677), Part 3, Proposition 6. In addition, Spinoza has definitions, axioms, proofs, corollaries, and scholiums, e.g., E4P21corollary or E2P15proof.

Montesquieu's works

SL: *The Spirit of the Laws* (1989) [1748]. Anne M Cohler, Basia Carolyn Miller, and Harold Samuel Stone (eds.). Cambridge University Press.

Referencing follows the format Part, Book, Chapter, Page, so that SL 2.11.14.155 means *Spirit of the Laws* Part 2, Book 11, Chapter 14, p. 155.

Chapter 1

Spinoza and the Origins of Liberalism

The political philosophy of Spinoza is the first statement in history of the standpoint of democratic liberalism.”

—Feuer (1987), *Spinoza and the Rise of Liberalism*, p. 65.

Whether Feuer’s claim is strictly true or not need not concern us, but it may very well be. Liberalism in the modern world probably did begin with Spinoza a generation before John Locke, who is usually the thinker most associated with its origin. Born Baruch Spinoza, but sometimes identified as Benedict de Spinoza, he lived from 1632 to 1677 in the Netherlands. We shall have a bit more to say about Spinoza’s biography later, but it is important to know from the outset that the Netherlands at that time was the freest country in Europe. There is no doubt that its environment affected Spinoza’s reflections on political and social matters.

Spinoza’s parents fled the Inquisition in Portugal in the 1590s and arrived in Amsterdam. We think of the Inquisition as requiring conformity among Christians to a certain dogmatic understanding of Christianity. We may not realize that the Inquisition was equally oppressive, if not more so, towards the Jewish community. To save their lives, Jews often outwardly confessed to Christianity but secretly practiced their faith. They were known as *marranos*, and they represent Spinoza’s family background. The lucky ones, such as Spinoza’s family, managed to emigrate. The preferred destination for these escapees was the Netherlands, specifically Amsterdam. Amsterdam not only allowed Jews entrance, but allowed them to practice their religion

as they saw fit. It is not that the Jews thus became free of discrimination as we would understand it today. They were, after all, ghettoized into separate neighbourhoods. But relative to other countries at the time, they were openly tolerated and thus breathed an air of freedom denied in most other places. Indeed, tolerance was largely the hallmark of the Netherlands—a place one could go to avoid persecution. That benefit of having a place to go to escape persecution was sought by others from a number of other countries, including John Locke himself.

The Netherlands at this time had a flourishing commercial economy, and Spinoza's family was among the many merchants in Amsterdam. The "Dutch Republic" was a federated system of seven provinces that were themselves divided into "states." The largest of these was Holland, which contained the city of Amsterdam. The various provinces had considerable political autonomy compared to a typical monarchy and were themselves federated. There was thus a good deal of local autonomy. While not exactly democratic, the Dutch Republic did have a popular dimension to its politics, if for no other reason than the federated system was open to citizens having an influence on political affairs, especially citizens from the merchant class. However, despite this general culture of freedom, there were times when that same ability of citizens to have an influence enabled the toleration of those who held views contrary to a liberal spirit. Religious conservatives, usually connected to Calvinism, were not particularly open to liberal attitudes on thought and speech. And these conservatives were not an insignificant portion of the population. Thus they too sometimes prevailed in securing non-liberal policies and attitudes. This illiberalism was something Spinoza also witnessed during his lifetime. Nonetheless, the general tenor of freedom in the Netherlands during this period provided the basic environment in which Spinoza's thinking emerged.

What might we therefore say constitutes the general features of a liberal political and social order? One central characteristic of a liberal order certainly would seem to be a grounding in popular government. By popular government, we mean a government whose legitimacy and authority is strongly rooted in the consent and well-being of the governed. Today we would probably apply the term "democracy" to this form of government. As we shall see momentarily, Spinoza was perhaps the first modern defender of democracy, and his reasons for that defence have a lot to do with the advocacy

of a liberal social and political order. Another factor in the idea of liberalism is the rule of law. This means that the sovereign itself is subject to law and not above it. As we shall note later, there was some ambiguity about this aspect of liberalism in Spinoza, but this was not due to any belief on his part that some—because of their station in life—are exempt from legal authority. An idea closely related to the rule of law is Spinoza’s argument that obedience to law and authority should be willing obedience and not obedience out of fear and mere coercion. Another important feature of a liberal order is tolerance, and we shall have much to say about that in the next chapter. The idea of individual rights is also normally connected to liberalism. We believe everyone has a right to something akin to the well-known American expression “life, liberty, and the pursuit of happiness.” The doctrine of rights we are familiar with is Lockean in origin. Spinoza has a rather different understanding of rights, one that looks illiberal at first. Later we shall see how his notion of rights has a strong connection with some other core concepts of liberalism, namely, peace and power. Finally, liberal orders tend to be commercial. Perhaps because of his background, Spinoza seems quite open to an appreciation of the nature and value of a commercial order. All of these views are motivated by the love and importance of liberty which is the essence of both liberalism and Spinoza’s political philosophy.



It is now important to say a few words about the philosophical framework from which Spinoza’s social and political theory emerged. As important as political theory was to Spinoza, he was first and foremost a philosopher dealing with metaphysics, epistemology, psychology, and ethics. Aspects of this part of Spinoza’s thought as it relates to our concerns here are best left to our third chapter. Here we should stick with the framework most directly related to political and social theory. Spinoza forcefully states that framework as follows:

In fact, [philosophers] conceive men, not as they are, but as they would like them to be. The result is that they have generally written satire instead of ethics, and have never conceived a political system which can be applied in practice; but have produced either

obvious fantasies, or schemes that could only have been put into effect in Utopia, or the poets' golden age where, of course, there is no need of them at all. Thus... no men are regarded as less fit to govern a state than theorists or philosophers. (*Tractatus Politicus* (henceforth TP): 1.1)

And again,

There is no doubt that statesmen have written much more successfully about politics than philosophers; for since experience has been their guide, they have taught nothing which could not be put into practice. (TP: 1.2)

Additionally,

I have therefore regarded human passions like love, hate, anger, envy, pride, pity, and the other feelings that agitate the mind, not as vices of human nature, but as properties which belong to it in the same way as heat, cold, storm, thunder and the like belong to the nature of the atmosphere. (TP: 1.4)

We see from the foregoing that Spinoza is working within what can be called a realist framework. In such a framework, we don't imagine some ideal persons or states of being and then judge our current situation from there. Instead we look to people "as they are" and draw our inferences about what should be done on that basis. In this way theory answers to practice, rather than the reverse. At the same time we say this, it is important to note that realism is not pessimism. Spinoza holds out the possibility—indeed the belief—that we can improve ourselves and make our condition better. We can only do so, however, if we have a realistic understanding of human nature. Success emanates from understanding, not dreaming.

Part of understanding human nature is to realize that people are moved more by their desires and passions than by reason. This realization means that passions that are particularly worrisome for politics—such as envy, lust for power, revenge, glory, and the like—need to be recognized and countered or redirected. Reason, however, will not be the main tool: "those who believe

that a people, or men divided over public business, can be induced to live by reason's dictate alone, are dreaming of the poets golden age or of a fairy-tale" (TP: I.5). Hence, "the causes and natural foundations of the state are not to be sought in the precepts of reason, but must be deduced from the common nature or constitution of men" (TP: I, 7). In traditional liberal thought, the recognition that state power can be abused in diverse ways through the influence of the various passions has led to the idea that the activities of the state should be controlled. In the case of the American Founding, for example, the idea was to limit the state to defined activities and to use checks and balances to counter attempted abuses of power. Spinoza's way of expressing the need to manage the passions likely to result in abuses of power is to call for political stability and security. Here stability and security mean that the state should not be subject to the passions of its rulers, but rather designed in such a way that those rulers are induced to do the right thing no matter what their motives.

Thus when the safety of a state depends on any man's good faith... it will be very unstable; if a state is to be capable of lasting, its administration must be so organized that it does not matter whether its rulers are led by reason or passion—they cannot be induced to break faith or act badly. In fact it makes no difference to the stability of a state what motive leads men to conduct its affairs properly, provided that they are conducted properly. For freedom or strength of mind is a private virtue; the virtue of the state is stability. (TP: I, 6)

Controlling passions within oneself is what Spinoza means here by freedom or strength of mind. We shall have something more to say about that later. What, then, is the key to and meaning of stability in this context?



In trying to answer this last question, there are two components to consider, namely, what is the purpose of the state and what form of political organization best adheres to that purpose. Spinoza is very clear about the purpose of the state.

It is not, I say, the purpose of the state to change men from rational beings into brutes or puppets; but rather to enable them to exercise their mental and physical powers in safety and use their reason freely, and to prevent them from fighting and quarrelling through hatred, anger, bad faith, and mutual malice. Thus the purpose of the state is really freedom. (*Tractatus Theologico-Politicus* (henceforth TTP): XX)

One of the first things one notices about this statement of the purpose of the state is how limited the ends of the state are. Basically, the role of the state is to keep us from fighting or hurting one another so that we might exercise our powers in safety and freedom (TP: V, 2). Once safety and stability are achieved, one has freedom because there is little else for the state to do beyond maintaining that condition. Hence freedom is the purpose of the state. With freedom we are insured against being “brutes or puppets” where our capacities are not allowed to be exercised as we see fit. The two main obstructions to such freedom are continual conflict on the one hand and unwillingly having to do someone else’s bidding on the other. It is not the role of the state to make us better persons, or wealthy, or happy, or virtuous. The state is limited, and limited state activity and transparency of its rules are the hallmarks of a liberal order. As we shall see in chapter 3, freedom is also the means, and the only means, by which individuals and societies can become maximally empowered.

One of the characteristics of a liberal social and political order, as we have suggested, is it refrains from trying to control the behaviour of individuals even when undesirable consequences might result from that behaviour. Spinoza tells us that, “he who seeks to regulate everything by law will aggravate vices rather than correct them. What cannot be prohibited must necessarily be allowed, even if harm often ensues” (TTP: XX). As creatures of our passions, our passions will be what most of us will follow most of the time. Spinoza’s realism tells us this is just human nature. The state must thereby accord with that nature, meaning that it cannot be in the business of correcting our “vices” or fail to take them into account in making public policy. Rather, public policy can only competently seek to prevent those passions from threatening the safety and security of others. Quite consistently, and uncharacteristically for

his time, Spinoza was opposed to sumptuary laws—laws that restricted the consumption of “luxury” goods.

I therefore conclude that those vices that are prevalent in time of peace... should never be directly prevented but only by indirect means, that is, by laying such a foundation to the state that most men—I won't say will be eager to live wisely, for that is impossible—will be guided by such feelings as will conduce to the greater good of the commonwealth. (TP: X, 6)

And as we have seen, the foundation conducive to “the greater good” is one of maintaining safety and security. Establishing security and safety for all means that “the fool and the wise man have about an equal chance of happiness or unhappiness.” Both are governed by the same protections and the same rules. “To this end, reason and experience have taught us no surer means than to organize society according to fixed laws” (TTP: III)—that is, to organize society under well-defined rules applicable to all equally.

One aspect of the freedom from harm being described here includes another perhaps more positive freedom—the freedom to live as one wills. To do so requires not just security but also an atmosphere devoid of fear. Of course, one kind of fear is expressed in insecurity and instability. But Spinoza means more than this.

Men should be governed in such a way that they do not think of themselves as being governed but as living as they please and by their own free will, so that their only restraint is love of freedom, desire to increase their property, and hope of attaining offices of the state. (TP: X, 8)

Notice first that fear of one's government or rulers, even though it may create some order, is not the sort of government Spinoza wants. Not thinking of oneself as being governed is perhaps best insured by giving the citizens a say in their government—that is, by democracy—of which we shall speak momentarily. But notice also what Spinoza is saying here: the sorts of things people will be doing in a free state are things ordinary people do regularly—operate a business and get involved in their communities. And while it

may seem strange to think of the love of freedom as a “restraint,” if one loves their freedom, they are less likely to put up with those who want to control or restrict it in some way.



Spinoza’s push for a free state raises the question of who or what should be sovereign in such a state. Spinoza is the first thinker in the modern era to answer this question with “the people”—or in political terms, democracy. Spinoza lived in an era where the typical state was a political monarchy. And the chief political theorist prior to Spinoza, Thomas Hobbes, advocated monarchy. Hence Spinoza’s defense of democracy was all the more distinctive for its time.

Spinoza tells us that democracy is “the most natural form of state, and to come nearest to preserving the freedom which nature allows the individual” (TTP: XVI). In addition, democracy is less prone to folly and more prone to peace and harmony than other forms of government.

There is less danger of foolish decrees in a democracy: first because it is practically impossible for the majority in an assembly, especially in a large assembly, to agree upon a piece of folly; and secondly because of the basis and aim of democracy, which... is precisely to avoid the follies of appetite, and to restrain men as far as possible within the bounds set by reason, that they may live in harmony and peace. Destroy this basis and the whole fabric will collapse at a touch. (TTP: XVI)

The foregoing passage links reason, freedom, and democracy together. Democracy may not always be perfect, but its links to freedom and reason are inexorable. “A state whose laws are based on sound reason enjoys the greatest freedom; for in it everyone can be free whenever he wishes, i.e., can live with a sound mind under the guidance of reason” (TTP: XVI). Since democracy requires that most of us both create the rules and agree to live under the rules we create, we are, in a democracy, doing what we will which, under these conditions, is also being guided by reason. For it is harmony and peace that we seek, so the political order that achieves that is stable, free, and in

accordance with what reason would dictate. It is important in this connection not to confuse stability with longevity.

Experience seems to teach that it makes for peace and harmony if all power is vested in one man. For no state has stood as long without any notable change as that of the Turks, and, conversely, none have proved so short-lived and so liable to constant civil strife as popular or democratic states. But if slavery, barbarism, and desolation are to be called peace, peace is the greatest misfortune that men can suffer... So it is slavery, not peace, that is furthered by the transfer of all power to one man; for peace, as I have said already, is not mere absence of war, but a union or harmony of minds. (TP: VI, 4)

Notice most especially that it is really freedom that Spinoza seeks, and as the passage indicates, political freedom comes through what we would today call cooperation—Spinoza’s “union or harmony of minds.” Cooperation insures the security and safety we spoke of above, as well as the positive sense of doing what one wills. Clearly order for the mere sake of order, or mere survival, are not the objects of a political regime. Whatever problems may beset democracy, its basic sense of cooperation among diverse individuals gives it superior status in Spinoza’s political theory.

However, “this union of minds is quite inconceivable unless the commonwealth does its best to achieve those conditions which sound reason declares to be for the good of all men” (TP: III, 7). Consequently, democracy at its best is the condition where virtually all members of the society *willingly* obey the same rules. Individuals are not, on the one hand, doing whatever they feel like doing, nor are they, on the other, slaves. But when they agree to the same rules, they are doing what they themselves will and are simultaneously creating political and social stability. For “the political order is naturally established to remove general fear and to dispel general suffering; and thus its chief aim is one which every rational man would try to promote” (TP: III, 6). Hence, living in the right political order is both rational and free.

As it turns out, “the commonwealth which is based on and directed by reason will be the most powerful” state (TP: III, 7). Democracy well-constructed is, then, for Spinoza, the most powerful state. We will have more to

say about power in the third chapter. For now, we can conclude that later in Spinoza's life he became more aware of the problems that might emerge from a democracy and that there might be different forms of democracy (TP: XI, 3). We see from the passage above mentioning the Turks that Spinoza saw that there can be instability under a democracy. But he never gave up the idea that power is both actually and best rooted in the people, and that democracy properly constructed is the most completely absolute form of government. He also never gave up his commitment to freedom, as we shall see in the next chapter.

Chapter 2

Spinoza on Toleration

In 1656, at the age of 23, Baruch Spinoza was literally excommunicated from the Jewish community in Amsterdam for his views on God, the law, and the soul. Members of that community were forbidden to associate or communicate with him. This happened even though Spinoza's main discussion of religion, in his *Tractatus Theologico-Politicus* (TTP), did not appear until 1670. Across Europe, religion was perhaps the predominant cultural force. Controversies abounded and intolerance was common, even, at times, in relatively tolerant countries such as the Netherlands. Within a given religious sect, conformity was often strictly enforced. In addition, during the early years of Spinoza's life, the "30 Years War" was raging. That war began as a religious war, though by the end it became more of a war over religious affiliations than over religion itself. Religious affiliation was perhaps the most common basis for group identification in that era. In Spinoza's case, during his lifetime he circulated among some of the more liberal and radical religious sects. He had, for example, a number of Mennonite friends, and that sect was an offshoot of the Anabaptist movement, which advocated a strong separation of church and state. No doubt their "radical" doctrines both attracted and subsequently influenced Spinoza—and also put him at odds with the establishment of both the Jewish and Christian communities in Amsterdam.

But it was not only Spinoza's personal affiliations that made him an outsider. His own beliefs and doctrines were themselves quite outside the norm. Although it is not our intention to discuss these doctrines here, knowing something about them is useful for understanding his call for toleration. Perhaps most striking is Spinoza's identification of God with nature. God, for Spinoza, was not an entity distinct from the natural world who was responsible for, at some point, creating nature. He believed that God is simply whatever is and whatever is is simply an expression of God—no separation. Some have

called this pantheism, others atheism. Still others, such as the German poet Novalis, described Spinoza as the “God intoxicated man.” However one labels this view, it is clearly unorthodox! In addition, Spinoza had other controversial views. He held, contrary to his upbringing, that the Jews were not the chosen people (TTP: III) and that sacred rites contributed nothing to blessedness (TTP: V). Moreover, he held that the Hebrew prophets were endowed with vivid imaginations whereas only Jesus saw things adequately, that is, in accord with reason (TTP: IV). Because of such doctrines, in many places Spinoza’s books were burned or banned. For a long time, even citing Spinoza positively could be dangerous.

One can see why, then, Spinoza would have an interest in toleration. And given the importance of religion in his era, one of the first concepts that comes to mind when thinking of liberalizing religion is toleration. Toleration allows for diversity while at the same time minimizing violence and persecution. It is nonetheless difficult to come by in a religious environment where there is a tendency to seek conformity to doctrine and to hold firm to the certainty of the truth of one’s beliefs. Perhaps the most famous defense of toleration in the Western tradition is John Locke’s *A Letter Concerning Toleration*, first published in 1689. This was the same year that Spinoza’s TTP was published in English.

There may actually be more than a temporal connection between Spinoza and Locke. Locke took refuge in Amsterdam in 1683 from a political scandal known as the Rye House Plot, an alleged Whig conspiracy to assassinate Charles II of England because of his pro-Roman Catholic policies. Although Spinoza had died in 1677, Locke frequented the same groups of religious pluralists as did Spinoza, and Spinoza’s ideas would have been well incorporated into these groups by that time. Moreover, there is evidence the Locke was familiar with Spinoza long before his exile in Amsterdam (see Klever, 2012). Indeed, the evidence runs contrary to Locke’s own public statement that he did not know much about Spinoza—a claim more likely made out of prudence than truth. As noted above, Spinoza’s writings were often so controversial that there was peril in admitting any sort of connection to them. Nonetheless, Locke possessed all of Spinoza’s works, as well as the works of many of Spinoza’s critics, and from marginal notes it is clear he was familiar with them. Moreover, Locke’s views on revelation, prophecy, and the relationship between faith and reason are remarkably similar to Spinoza’s,

even though Spinoza was not a Christian. In short, Locke's *Letter* may be better known, and for that reason more influential than the relevant parts of Spinoza's TTP, but that only highlights Spinoza's historical importance in giving toleration a central role in the canon of liberalism.

What, then, is the foundation of Spinoza's view of tolerance? The following two passages lay out that foundation for us:

How dangerous it is to apply religious law to matters purely speculative, and to legislate concerning beliefs about which it is common or possible for men to dispute; for tyranny is at its worst where the opinions to which everyone has an inalienable right are regarded as criminal. (TTP: XVIII, 2)

and

The safest way to protect a state from these evils is to make piety and worship consist simply in works, i.e., simply in the practice of charity and justice, and otherwise to leave the individual his freedom of judgment. (TTP: XVIII, 2)

These two passages bring out two fundamental points in Spinoza's defense of toleration and freedom of thought. The first is that trying to control or censor thought, and even speech, is likely to end in tyranny because these are not easily controllable. They are not controllable because we all have opinions and they often differ. To make them conform requires force, which, Spinoza believed, apart from its inherent inconveniences is destructive of human progress. We'll have more to say about progress in the next chapter, but it's easy enough to see that force tends to freeze activity rather than promote it. The second point to keep in mind is expressed in the second passage cited above. If we stick to the common denominator for all faiths, namely, that we behave justly and charitably towards our neighbours, then we both achieve peace and avoid tyranny. For if the state limits itself simply to the task of enforcing justice and encouraging civility, then we have both freedom of opinion and a stable, prosperous public order. In this way, faith and reason can converge, at least socially, since they encourage the very same necessary public benefit.

We should note, however, that toleration is not the same as acceptance. To tolerate something is to allow for something that one disagrees with, believes is mistaken, or is a practice one would not adopt for oneself. Today toleration and acceptance are often confused or regarded to be the same. Yet in some ways tolerance is harder to achieve than acceptance, because it implies that one can allow for ideas or practices that one may not agree with or condone. In this way toleration implies freedom of thought, whereas acceptance implies conformity of belief. In Spinoza's time, and in his arguments, the issue was to defend toleration—particularly with respect to religion.

Second, we should also note that our subject here is the role of the state in controlling or regulating speech and belief, and not necessarily how private individuals should have to regard each other. If the state allows a diversity of religious practices and beliefs, then of course one must also do so as a matter of social practice. But not only does that not imply an acceptance of those beliefs or practices by any given individual, it does not even imply that any given individual must possess an attitude of tolerance towards others. Spinoza's point is that the purview of the state is external behaviour, not internal thoughts. The "wrong" attitude is none of the state's business; the wrong action is. As Spinoza notes, the civil order can, at best, only control some forms of behaviour, though even there its scope is limited. So in the end for Spinoza, "he who seeks to determine everything by law will aggravate vices rather than correct them" (TTP: XX).

The strong defense of toleration and freedom of thought and expression are to be found throughout Spinoza's works, but especially in chapter XX of his *Tractatus Theologico-Politicus*. There he is most explicit about the purpose of the state as we described it in the previous chapter.

It is not, I say, the purpose of the state to change men from rational beings into brutes or puppets; but rather to enable them to exercise their mental and physical powers in safety and use their reason freely, and to prevent them from fighting and quarrelling through hatred, anger, bad faith, and mutual malice. Thus the purpose of the state is really freedom. (TTP: XX)

Notice how this passage combines the two passages quoted just above. Keeping people from harming one another is the concern of the state. Within

that framework, thinking and acting as one pleases should be allowed. The further suggestion here is that this liberal approach accords with our nature, which is to be rational beings. And to be a rational being means to be able to act on one's judgment within the constraint of not harming others. That is our nature, and there's a sense in Spinoza's writing that living according to that nature is best. For this reason, Spinoza notes that, "given... that human nature is such, it follows that laws which proscribe beliefs do not affect the wicked but the liberal-minded" (TTP: XX). Proscribing beliefs is a way of coercing conformity, whereas rational beings open-mindedly consider different alternatives and may form different judgments about those alternatives. Our nature is to consider and express, and whatever impedes that impedes both the self and society generally.

As it turns out, and as evidenced in the following passage, democracy is the most natural form of government and the one most likely to respect freedom of thought and expression.

[I]t is necessary to allow freedom of judgement, and so to govern men that they can express different and conflicting opinions without ceasing to live in harmony. This government is undoubtedly best, and least subject to inconveniences; for it is best suited to human nature. I have shown that in a democracy (which comes nearest to the natural condition) all make a covenant to act, but not to judge and think, in accordance with the common decision... Thus the less freedom of judgement men are allowed, the greater is the departure from the most natural condition, and, in consequence, the more oppressive is the government. (TTP: XX)

Because it is rational for us to consider alternatives and to have diverse plans of life—and being rational in this way is natural to us—the political condition that allows our nature to express itself would be the best one. What Spinoza means by "common decision" is that in a democracy we adopt rules and procedures common to all that are put there by general assent. And because of the general assent and commonality of the rules, people are governing themselves rather than being governed. Aristocracy and monarchy are thus less natural in this respect, as they suggest people being governed by others. As a result, democracies are more likely to be liberal about free speech

and expression than are other forms of government, though Spinoza admits that no form is perfect in this regard.

Spinoza conveniently sums up for us the conclusions of his arguments. Here is what he says:

I have thus shown—

- I. That it is impossible to deprive men of the freedom to say what they think.
- II. That this freedom can be granted to everyone without infringing the right and authority of the sovereign...
- III. That it is no danger to the peace of the state; and that all troubles arising from it can be easily checked
- IV. That it is no danger to piety either.
- V. That laws passed about speculative matters are utterly useless; and finally,
- VI. That this freedom not only can be granted without danger to public peace, piety, and the right of the sovereign, but actually must be granted if they are all to be preserved. (TTP: XX)

In short, Spinoza's doctrine on toleration and free speech is much like the views of many classical liberals who came later: the state limits itself to actions alone, and to those actions that involve or incline towards harm to others. Freedom of thought and expression are thus not only allowed, but also believed to be good for both the individual and the well-being of the state and society. And although Spinoza may have been largely motivated by a consideration of religious intolerance prevalent in his day, he clearly intends these conclusions to apply across the board to virtually any topic.

We must conclude this chapter, however, with a brief introduction to our discussion to follow in the next. Given what we have said above, it might be rather surprising to read the following from the same account in which Spinoza defends freedom and toleration.

What I am discussing now is not [a ruler's] right, but the good of the state. Admittedly, he has the right to rule with the utmost violence, and to hale citizens off to execution on the most trivial

pretexts; but everyone will deny that he can do so with the approval of sound reason. (TTP: XX)

It may look to us like Spinoza is contradicting himself. After all, he was defending a limited state and virtually complete freedom of expression. Now it looks like the sovereign—and here he means every sort of sovereignty from democracy to monarchy—has every right to do as it pleases! One would think he'd be saying the sovereign has no such right.

While it may seem foreign to us because we are used to using terms like “right” and “rights” in ways that carry an idea of goodness and duty with them, Spinoza has a different doctrine. Basically, the doctrine is something like “might makes right.” To speak of someone’s right as strictly a function of their power is anathema to us. We think this way, however, because we have been following a different tradition of talking about rights—one that might be regarded as centered around John Locke and the notion that rights reflect moral claims and duties of some sort. But Locke came after Spinoza, and ways of thinking about rights did not yet have such a defined and universal tradition of discourse. So Spinoza was, in a way, on his own. Our task then is to make some sense of how Spinoza’s doctrine of right can be reconciled with the liberal positions he also adopts. To that task we now turn.

Chapter 3

Spinoza on Freedom and Power

In political philosophy there is an approach called “social contract” theory. Basically, this view began, at least in the modern era, with Thomas Hobbes and holds that the sovereign power—and sometimes also the legitimacy of that power—is established by people “contracting” with one another to set up a government. The time prior to when people get together to set up their government is known as the “state of nature.” The state of nature is thus that period of time, before any general agreement, when there is no government. There are different theories about what such a time would be like, or even whether it is truly possible to have a state of nature. Also, there are different theories about how the move out of the state of nature would go. Although it is debatable whether Spinoza is actually a social contract theorist, he does comment about our natural state and our natural rights, as well as the setting up of a government. Let’s begin with what Spinoza takes to be our natural rights and then move to the state of nature and the rights of government.

Thus the natural right of nature as a whole, and consequently the natural right of each individual, extends as far as its power. Hence everything a man does out of the law of his nature, he does by the sovereign right of nature, and he has as much right against other things in nature as he has power and strength. (TP: II, 4)

It follows that the right and law of nature under which all men are born and for the most part live, forbids nothing but what nobody desires and nobody can do; it forbids neither strife, nor hatred, nor anger, nor deceit; in short, it is opposed to nothing that appetite can suggest. (TP: II, 8)

And moreover,

It also follows that one individual is subject to the right of another, or dependent upon him, for as long as he is subject to the other's power; and possessed of his own right, or free, in so far as he can repel all force, take what vengeance he pleases for harm done him, and, to speak generally, live as his own nature and judgment dictate. (TP: II, 9)

Clearly Spinoza identifies “right” with “power.” One has the right to do whatever one has the power to accomplish. Thus if I lie to you, I have the right to do so; or if I murder you, I have the right to do so. This all sounds crazy! Normally we would say exactly the opposite—that I don't have the right to murder you any more than you have the right to murder me. Just because one *can* do something doesn't mean they *should* or that they have the right to do so. Right?

We will come back to that question in a moment. First let's notice the second passage quoted where all the negative emotions are mentioned. Apart from reiterating the rights-as-power thesis, these are mentioned to emphasize Spinoza's desire to have a realistic political theory, as we noted in the first chapter. In other words, people in the real world do have such emotions and a political theory that ignores them or supposes people will not act on them is one that is not realistic. Moreover, to suppose that such emotions are not common, even at times prevalent, would be naïve as well. Spinoza notes in many places that people are often not guided by reason but rather by emotion, and often those emotions can be the ones listed here. In many respects, the main job of a government is to control the effects that can arise from such emotions—effects that cause harm or injury to others, or incite such consequences. The other point to notice comes from the first quotation and is the phrase “right against other things.” That phraseology will become important to us shortly below.

The third paragraph quoted above suggests again that right and power are the same. However, it further links power relations among people to a conception of freedom. Both of these factors point to Spinoza's different way of looking at the state of nature. Typically, say in the writings of Hobbes, Locke, and Rousseau, people contract themselves out of the state of nature.

The language usually used is that they give up their right to do whatever they want to a sovereign power that restricts certain actions and allows others. In Locke's case, people in the state of nature are fairly independent and only give up a few of the rights they had as individuals to the state, such as defense and punishment. In Hobbes' case, one transfers all one's rights and then the state decides what people will and will not be allowed to do. In all such situations, the existence of the state amounts to a fundamental transformation away from life in the state of nature. Not so, as Spinoza tells it.

First of all, the state of nature is a virtual impossibility for Spinoza because people would have little or no power. That is, as atomized individuals with no connection to others, we would be essentially powerless. "Hence human natural right or freedom is a nonentity as long as it is an individual possession determined by individual power" (TP: II, 15). Essentially, in the state of nature where we are completely on our own we would be too weak to survive. We need the help of others in some way to link their own limited power with our own to create enough power to defend ourselves and produce things for survival. As Spinoza puts it, an individual's power in such a situation "exists in imagination rather than fact" (TP: II, 15). So although it seems at first like you can do anything you want in the state of nature, you actually can do little or nothing at all. You certainly are not going to waste your strength killing someone else if you need that strength to keep them from killing you! You do have as much right as you have power; but that turns out to be very little in the state of nature.

Ironically and perhaps seemingly contradictorily, Spinoza says we never leave the state of nature: "the individual's right of nature does not cease in the political order" (TP: III, 3). How can he both say there really is no state of nature and that we never leave it? To answer this question, we need to distinguish between the principle involved and the actual actions allowed by that principle. The principle involved is that all actions, and thus all relations among actors, are power relations. Whether you organize as a marauding gang, a village, a monarchy, or a democracy—or any other set of connections for that matter—you have established a certain set of power relations. Hence it does not matter whether a complete state of nature is ever possible. No matter what set of relations one has, they will still be in keeping with the basic principle that all is power. The reason the term "state of nature" is used in this context is because the traditional theory begins with the idea that power starts

in the hands of individuals who then may join together to create a sovereign power. No matter what the arrangement, individuals still remain the origin of power, as in the state of nature, even if some arrangements may minimize their ability to exercise it.

But the logic of Spinoza's point has another very interesting dimension—it allows for change, indeed his view *implies* process. Power is something that often varies. It increases or decreases, but generally seeks to extend itself. We noted about the first quotation that Spinoza speaks of a “right against other things.” Power does not exist in a vacuum. It exerts itself in the midst of others exerting themselves. In essence, then, we have a complex group of powers exerting themselves against other powers also exerting themselves. There are similar and contrary directions of these exertions of power, and this process never ends. Just as in the state of nature when the “first powers” of individuals combine to form a sovereign power, that new sovereign power then finds itself in a space of other, perhaps contrary, similar powers. And not only does that power find itself among similar alternative powers, but the very alliances that made the original “contract” may themselves be shifting, causing changes in the power exertions of the sovereign power they created.

We might say about all this more normally that politics has both international and domestic power relations to consider. Both dimensions are in constant flux due to changing power alignments and directions. In that very flux there are “good” and “bad” motives, intentions, and actions among the individuals involved. The “bad” are as much a part of the power plays as the “good”—maybe more so! Hence social and political life is always, in this regard, in the same state of newly realigning power entanglements and disentanglements—that is, we are always in the state of nature in the sense of always forming new alliances.

To appreciate the point more fully, we need to spend a moment on Spinoza's more general philosophy, which is primarily found in his work entitled *Ethics* (hereafter cited as “E”). The work itself is organized “mathematically” with axioms, definitions, propositions, proofs, and the like. The Latin term for the organization is *more geometrico*, or we would say “geometrically,” as in a geometry text. It is a very interesting but complicated work with many different dimensions, including axioms, definitions, propositions, proofs, corollaries, and scholiums. It begins with a philosophy of God and ends with a discussion of human freedom. Besides God and human freedom

the work covers such subjects as free will, emotions, reason, happiness, mind and matter, and related themes. We cannot pursue these themes here, however interesting they may be. Instead let's look for a moment at Spinoza's core idea as it applies to our topic of political liberalism.

First, when talking about the concept of power in Spinoza, we are not just talking about human beings. Everything that exists exhibits power. All existing things, animate and inanimate, can be said to have a disposition to remain in existence and to be exerting themselves into their environment. As Spinoza puts it, "each thing, insofar as it is in itself, endeavors to persist in its own being" (E3P6). This endeavor is what Spinoza calls "conatus." Hence, "the conatus with which each thing endeavors to persist in its own being is nothing but the actual essence of the thing itself" (E3P7). Spinoza further elaborates by saying that, "the power of anything, or the conatus with which it acts or endeavors to act, alone or in conjunction with other things, that is... the power or conatus by which it endeavors to persist in its own being, is nothing but the given, or actual, essence of the thing" (*Ethics* 3: P7, Proof). That dispositional power is what is essential to them, so power is what is essential to everything.

To put the point in more ordinary terms, imagine a table and a person in front of you. Both exist in certain ways, representing the power they are currently exercising within their environment. If you or the other person bang the table as hard as you can with your hand, the table is likely to be able to resist that blow, but the hand is likely to be hurt. However, the table is not likely to be able to exert itself successfully against a sledgehammer. Similarly, the person across from you has a package of powers much more complicated than the table's. The powers here can be psychological and situational as well as physical. If the person is your boss the powers are of one type; if the person is your subordinate, another. Your "conatus" may be exerting itself to become the boss, or to simply obey. Whatever configuration exists, for Spinoza there is both a set of limitations as well as a set of dispositions to maintain and increase one's power. Every finite thing can be destroyed by something more powerful, so something is always pressing against us as we press against others. The only unlimited powerful being is God.

Your desires represent ways of pushing against your environment. If you want to be the boss, that motivates you to "extend your being" in that direction. You may or may not be successful depending upon the countervailing forces you face. If you don't want to be the boss, you have other desires,

and you want to extend your being in those directions. Others, of course, are doing the same with their desires. The world is a never-ending process of an interplay of powers. The question now becomes what can one do to extend and maximize one's power? Spinoza's answer is to be active rather than passive, so let's take a moment to explore that idea.

Here is what Spinoza says about being active and passive:

I say we are active when something takes place, in us or externally to us of which we are the adequate cause; that is... when from our nature there follows in us or externally to us something which can be clearly and distinctly understood through our nature alone. On the other hand, I say that we are passive when something takes place in us, or follows from our nature, of which we are the partial cause. (Ethics 3: Def. 2)

This description sounds very complicated, but for our purposes the point is rather simple. One is active when one “clearly and distinctly” understands what one is doing in the environment in which one is engaged. One is “passive” when one is being controlled by forces that are unclear and seem to be outside oneself. Though there are exceptions, emotions are typically passive states of being. They happen to us or come upon us. So the more understanding and reason we have, the more active we are in any given situation. To put it even more simply, when one knows what's going on, one is more likely to be able to handle the situation than when one does not understand. One can, so to speak, exert oneself more competently in one's environment when guided by understanding.

As we noted earlier, perhaps most of us most of the time are moved by our passions, appetites, and emotions. Hence, by Spinoza's account, most of us are passive most of the time. The consequences of following any given emotion or passion may or may not help us increase our power, but clearer understanding will surely do so. Furthermore, the mind has a propensity to want to push in that direction of increasing our power through clarity of understanding (E3P12ff). Spinoza calls this clarity of understanding “reason.” The more we reason the more likely it is that we will be successful in our environment. There are even, in such cases, emotions attending to the process of reasoning which Spinoza calls “active emotions.” They no doubt help motivate

us to seek more clarity and understanding. But the point here is the same: acting through reason gives us more power to maneuver in our environment (see e.g., E 4: Appendix).

Now what is interesting is that Spinoza tells us that “by virtue and power I mean the same thing” (E 4: Def. 8). So to be powerful is to be virtuous, and the degree of one’s virtue is measured by the degree of one’s power. Spinoza elaborates that point in the following way: “true virtue is nothing other than to live by the guidance of reason, and so weakness consists solely in this, that a man suffers himself to be led by things external to himself” (E 4: P37, Scholium 1). At the same time he tells us again what we noted earlier, namely, that “every individual’s right is defined by his virtue or power.” What are we to make of all this? Is Spinoza saying that a Mafia boss is more virtuous than, say, a college professor? In actuality it is likely that from Spinoza’s perspective the reverse holds: The Mafia boss has less power than the college professor.

We can begin to unpack this paradox by paying attention to the words quoted above—what is “external to himself.” The Mafia boss is likely to be driven by many forces external to himself, such as fear, suspicion, lust, hatred, pride, arrogance, and many other such passions and emotions. These make the Mafia boss “passive” in Spinoza’s understanding of passivity. Being passive is less powerful than being active, as we noted above. The college professor, by contrast, is likely to have a clear understanding of her interests and how to conduct the life she has chosen for herself. Perhaps that involves a willingness to give up income she could otherwise have because a more modest lifestyle supports her studies. Perhaps it is clarity about her research goals. Perhaps her heightened ability to reflect and think puts her more in control of her life. Whatever the case may be, if she is more guided by reason than the Mafia boss, she has more power over her life than he does. However that may be, the obvious objection is that the Mafia boss has more power over *other* people than the professor. Ignoring the fact that the Mafia boss probably spends most of his time being suspicious and mistrusting those around him, thus living constantly in a kind of fear, is power over someone the sort of power that makes one powerful? In pursuing this question we shall finally be returning to the social political context that is the focus of our inquiries here.

The simplest way to answer the last question is with another one: is the way to accomplish more things to do so through cooperation or through

command and control? Perhaps some might choose the latter, but Spinoza would not. Let's go back to the state of nature again. By ourselves we are basically too weak to survive for long (TP: VI, 1). By joining forces and cooperating with others we gain the power to survive and expand. People can "much more easily meet their needs by mutual help and can ward off ever-threatening perils only by joining forces" (E 4: P35, Schol.). This cooperative endeavor accords with sound reason (TP: 3, 6). First of all, "the whole teaching of reason is that men should seek peace" (TP: 3, 6), so banding together to leave the state of nature, where the absence of law makes conflict inevitable, is rational. In addition, "the commonwealth which is based on and directed by reason will be most powerful and most fully possessed of its own right" (TP: 3, 7). Command and conflict imply passivity; cooperation and coordination imply activity.

Just as the power of an individual is diminished when she is led more by fear than reason, "commands which arouse the indignation of a great number of subjects hardly fall within the right of the commonwealth" (TP: 3, 9). So while we must take the fact that individuals often act more out of emotion than reason when we are designing a commonwealth (or political community), the commonwealth itself should not be encouraging divisive emotions. That would only diminish the power of the commonwealth. Peace is the path to power. The upshot of this politically is,

Since the right of the commonwealth is determined by the collective power of the people, the greater the number of subjects who are given cause by a commonwealth to join in conspiracy against it, the more must its power and right be diminished... what is true of each citizen, or of each man in the state of nature, is true of the commonwealth also; the greater the cause for fear it has, the less it is possessed of its own right. (TP: 3, 9)

No doubt early solutions to the state of nature problem involved gang-like arrangements of marauding bands commanded by a dictatorial leader. Yet by rearranging the forms and modes of cooperation societies can become more complex and powerful. Think of the difference between the power manifested by our society today at both the individual and social levels and the power individuals would have in, for example, a medieval society of serfs and lords and ladies. True, some few individuals back then might have more power

than some individuals in our society today, but overall, especially in commercial societies, all social ranks have significantly increased power due to the forms of cooperation that have developed in modern societies. In other words, both the society as a whole today, as well as the vast majority of individuals that compose it, have more power than their counterparts back then in terms of having the resources to follow their desires and achieve their goals. One is reminded in this regard of Adam Smith and the cooperation that defines the division of labour: “it is the great multiplication of the productions of all the different arts, in consequence of the division of labour, which occasions, in a well-governed society, that universal opulence which extends itself to the lowest ranks of the people” (Smith, 1789/1981: Bk I, ch 1, para 10).

If certain forms of cooperation are more efficient and thus more power enhancing than others, what might be the key to such enhancements? The division of labour as a pattern of cooperation as Smith uses it is a version of the following answer Spinoza himself gives to this question:

It is when every man is most devoted to seeking his own advantage that men are of most advantage to one another. For the more every man seeks his own advantage and endeavors to preserve himself, the more he is endowed with virtue. (E 4: P35, Corollary 2)

If we concentrate our attentions on what we can control and understand about our own interests, desires, abilities, and circumstances, we can better match ourselves with the interests and talents of others. Keeping in mind that this can be done only when individuals have the freedom to follow their interests—and that in turn requires that interactions among people be voluntary—one realizes why peace and freedom are so complimentary. The voluntary alignment of powers is in its nature peaceful as well as efficient. It is also rational in that it focuses our attention upon what we are most likely be able to understand and want to preserve, namely, the success of our own endeavours.

We can now see that despite what may seem to us some rather different terminology when it comes to talking about rights and power, Spinoza’s point is simply that if you want a prosperous and successful society, what we would call a liberal order is the means to that. In other words, individual freedom, peace, and order promote cooperation and thus social and personal

advancement. So although equating rights and power looks like a recipe for oppression, exactly the opposite is what Spinoza is arguing. Oppression stifles power and thus success; freedom liberates it.

Conclusion

We end our reflections on Spinoza and the rise of liberalism with the idea that liberal orders are successful ones. Such has proven to be the case historically. The most prosperous and powerful societies have adopted liberal values, at least partially. We have also seen that liberal values are in accord with human nature in that we are disposed to develop ourselves into the world that surrounds us. More politically, we have seen that democracy coupled with tolerance, both of which are hallmark characteristics of liberalism, is Spinoza's preferred political arrangement. In essence, democracy comes down to a willing conformity to the laws of the land which are themselves only concerned with regulating actions that may harm others. The freedom of individual choice and action is thus paramount. Spinoza was no dreamer. He advocated realism in politics. But a good part of that realism involved the recognition that only a limited state can be a powerful and successful one. The direction towards liberalism to which Spinoza first pointed has been followed up by numerous later thinkers. Their frameworks may have been different, but what they recognized were the basic liberal values Spinoza was one of the first to recognize: individual freedom, popular sovereignty, toleration, and prosperity.

Chapter 4

Montesquieu on Despotism, Moderation, and Liberty

Charles-Louis de Secondat, Baron de La Brède et de Montesquieu (1689-1755) was a member of the provincial French nobility, a jurist, a celebrated novelist, and arguably the decisive figure in inaugurating the key decades of the Enlightenment in the study of society. Earlier thinkers, including Spinoza, had drawn on new scientific ways of thinking to try to understand the human mind, the nature of reality, and the relationship between man and God. But the flourishing of political, social, and economic thought that we associate with the Enlightenment, with thinkers as varied as Rousseau, Smith, Hume, Kant, Beccaria, Ferguson, Madison, Jefferson, Paine, Wollstonecraft, and Condorcet, only got fully underway with the publication of Montesquieu's *The Spirit of the Laws* (1748).

That revolutionary book offered the second half of the eighteenth century new ways of thinking about not only government itself, but about the relationship among government, society, and economy, that went beyond traditional analyses of the citizen and the state to generate a whole social science of modernity and freedom. And it decisively shaped the emerging strain of political thought that came to be known as *liberalism* with its defenses of religious liberty and commerce, its analysis of politics in terms of the avoidance of despotism, its development of the idea of the separation of powers, and its firm devotion to the rule of law and due process of law as defenses of individual liberty. Its influence can be seen in liberal thought for the rest of the century, from the Scottish Enlightenment thinkers such as Adam Smith who studied the effects of commerce and trade to the American founders who drew on his thought about the separation of powers and federalism; and

well into the next century, particularly in the work of French liberals such as Benjamin Constant and Alexis de Tocqueville.

The Spirit of the Laws is both a very long book and a notoriously complicated one; Voltaire criticized it as a “labyrinth without a clue.” This is at least in part because Montesquieu sought to show connections among themes and fields of study that had previously been kept distinct. Of the book’s six parts, the first two addressed questions about forms of government, law, and military power: politics, as it was traditionally understood. Parts III and IV spoke to ways in which political life was shaped and constrained by forces outside the scope of simple political decision-making: climate and geography, commerce and trade. And parts V and VI studied the relationships among various coexisting legal systems and traditions: the positive law of the modern state, the laws given by various religions, and the complex layered systems of law—urban, provincial, feudal, and so on—that characterized France and other early modern European countries. Although Montesquieu constantly explored interactions among all of these, we will treat them separately, with this chapter and the next two roughly following that division of *The Spirit of the Laws* into three, though with the orders of the second and third divisions reversed.

Political philosophers from Aristotle onward had divided forms of government into six: rule by one, the few, and the many, with each of these having a good, lawful version, and a bad, lawless one. This yielded a typology of monarchy, aristocracy, polity (the lawful variants) and tyranny, oligarchy, democracy (the lawless ones), along with mixed constitutions that combined two or three of these, most famously the Roman republic. Some thinkers had challenged parts of this organization—the 17th-century English philosopher Thomas Hobbes, for example, denied that there was any difference between the lawful and lawless versions of each kind of government, with “tyranny” merely being a name people called monarchies they “misliked.” But Montesquieu argued that the old categories should be rethought altogether. In place of Aristotle’s six-fold typology, Montesquieu offered just three: monarchies, republics, and despotisms, with republics further subdivided into democratic and aristocratic types. Lawless rule by the few or rule by the many ceased to mark out different regimes. Rather, Montesquieu suggested that republics of both kinds might protect liberty more or less well (for reasons we’ll get to in a moment) but that they didn’t fundamentally change regime

types when they became worse at protecting liberty. Things are different with respect to rule by one man: the lawful rule of a constitutional monarch differed in kind from the despotism of a ruler like the Czar of Russia or the Sultan of the Ottoman Empire. Monarchies and republics alike were *moderate* governments—and “moderation” is one of the great terms of praise in Montesquieu’s work—to be contrasted with the absolute power found in despotism. The political science Montesquieu developed over the first two parts of *The Spirit of the Laws* was animated by a commitment to moderate government, a horror at despotism, and a barely-concealed worry that France under Louis XVI and his heirs was falling into despotic rule.

This part of the book analyzes a number of important distinctions among the forms of government and their good functioning. Each was animated by a different overall principle that had to be preserved and encouraged in order to maintain the system: for democratic republics, patriotic *virtue* in the citizenry; for aristocratic republics, *moderation* in the aristocratic class and its ambitions; for monarchies, *honour* both in the sense of competition for public recognition (“honours,” as we would say) and in the sense of an insistence on acting honourably in one’s own conduct; and, for despotisms, fear. Despotisms rule by fear, and it is by keeping their subjects in a state of fear that they are able to persist. A related famous distinction was about size: republics were small states, like the city-states of Italy or Switzerland; monarchies were of medium size, like western European kingdoms; and despotisms were characteristically so large that they could only be held together with military force, leaving the ruler who commanded that force able to overawe or destroy any other centers of authority in society.

Each of the moderate forms of government faces challenges and problems: republics are too small to defend themselves; democratic republics depend on a level of equality and patriotic self-sacrifice that is anachronistic amidst the wealth of commercial modernity; aristocratic republics are prone to corruption; monarchies risk collapse into despotism. But Montesquieu never clearly ranks the three moderate governments. His is not the kind of political theory that is concerned with identifying the best constitution, and he offers a variety of reasons to think that different forms of government will suit different countries and peoples in different circumstances. He is very concerned, however, with the worst, and with how to avoid it. Despotism rules by fear, particularly the fear inspired by uncertainty: never knowing whether

one's possessions, freedom, or very body will be seized by the ruler. The opposite condition, one all the moderate governments can and should provide, is secure liberty, guaranteed by the rule of law and the separation of powers.

The moderate kingdoms of western Europe separated powers to at least some degree, typically keeping the judicial power distinct from the other two, even when they were held together by the king. But one country had, in Montesquieu's account, fully implemented a separation of powers, and in so doing had developed the constitution most compatible with liberty: England.

Montesquieu's description of the English constitution, while tremendously influential, was idiosyncratic and to some degree misleading. It was familiar enough to think of England (Britain, by the time *The Spirit of the Laws* was published, but Montesquieu calls it "England," and so shall we) as having a *mixed government* in the sense mentioned above as dating to Aristotle. The one (the monarch) ruled in conjunction with the few (the nobility in the House of Lords) and the many (the people represented in the House of Commons). "The King [or Queen] in Parliament" was and remains the name of the combined actor that has supreme power; but that mixed government understanding is one that *unifies* different actors, not *separates* them. Montesquieu redescribed their relationship, construing the House of Commons as holding legislative authority (increasingly true *de facto* after the Glorious Revolution of 1688), the monarch as holding executive authority (decreasingly true in Montesquieu's time, as ministerial government developed), and the House of Lords as holding constitutionally important parts of the judicial power (the right to try nobles and to impeach officials). The balance of the judicial power he alluded to vesting in juries and grand juries drawn from the people, and so more or less invisible.

Whatever the truth of the account of England, the account of the separation of powers Montesquieu developed in his chapter on England's constitution became the definitive account of that idea. By contrast, John Locke's distinctions among legislative, executive, and federative (foreign policy and war) powers in his *Second Treatise*, while clear enough and genuinely intellectually valuable in some important ways, had little long-term impact. From *The Spirit of the Laws* onward, the idea of a separation of powers has been all but identical with his list: legislative, executive, and judicial. It was particularly influential in the framing of the state constitutions and the federal constitution in the post-Revolutionary United States, but the US case was important

enough for subsequent constitution-writing and constitutional debate around the world that Montesquieu's influence on this point can still be felt nearly everywhere. Indeed, in 2005 the British Constitution was reformed precisely so as to come into closer correspondence with that principle when the centuries-old office of the Lord Chancellor, which straddled all three powers, was stripped of its judicial authority for separation of powers reasons.

Montesquieu famously and awkwardly defines liberty as a "right to do everything the laws permit" (SL 2.11.14.155) and elsewhere as "security, or at least the opinion one has of one's own security" (SL 2.12.2.188). The second definition, and its placement in the context of a discussion of criminal laws, helps us understand the first. Putting them together we can say: I am free to the extent that I am safe, and know that I am safe, from the system of criminal punishment when I have not broken any laws. I am free if I know that I can go about my lawful business without fear of being seized and imprisoned: by the infamous *lettres de cachet*, for example, whereby the King of France could order someone imprisoned ("hidden," *cachet*) without charge in a prison such as the Bastille. In England, over many centuries courts had gradually strengthened the writ of *habeas corpus*, the so-called Great Writ, as a tool with which to prevent such abuses; in the late 1600s it had finally been codified by Parliament. But in a despotic regime, there is no law I can safely remain on the right side of; the despot may seize and punish me at will.

Many modern readers misunderstand both the definition of liberty as security, thinking of modern debates about tradeoffs between civil liberties and security against crime or terrorism; and the definition of liberty as the right to act within the laws, seeing it as a kind of "liberty is obedience" paradox. But Montesquieu had in mind the contrast between systems in which complying with the law keeps you safe from arrest and those in which it does not—or in which *you don't know* whether it does or not, and so you don't have the "opinion" of your security, and you live under the fear that characterizes despotism.

This is the liberty that the separation of powers protects. The executive may not order my arrest or punishment if I have not violated a law that was duly passed by a legislature, and if I am arrested, my case will be heard by a judicial court. The legislature must pass general laws that are possible to follow, and for people to know they are following them, not laws singling out particular people (called "bills of attainder" in the British system and nearly

extinct there by Montesquieu's time; they were specifically prohibited in the US Constitution of 1789). A court may not convict me without the existence of a valid law I have violated, and so on. This is neither the mixture of the mixed government tradition, with the different classes acting in harmony or unity, nor a simple idea of "checks and balances" in which different parts of the government limit each other just by their competition. It is a specific kind of division of authority that also divides the *process* whereby people's liberty is threatened: the holders of state power who make the rules must not be the ones who enforce the rules or the ones who judge cases under the rules. Montesquieu notes elsewhere in *The Spirit of the Laws* that prosecutions are brought in the name of the monarch (in Commonwealth countries today, a prosecution is *The Crown v. the defendant*), so for the monarch to judge would make him both a party to the case and the judge over it. In the many prosecutions that end in fines or confiscations of property, this is doubly true: the Crown stands to financially benefit from a conviction. "No one may be judge in their own case" is an old and fundamental principle of law; Montesquieu maintained that the principle demanded a separation of powers.

The separation of powers was not the end of Montesquieu's concern with the criminal law; the topics of procedural protections, the authority to judge, and the severity of punishments recur throughout the book and make up the primary themes of Part I, Book VI. Against the admiration that some eighteenth century thinkers expressed for the simplicity of law and the speed of trials in absolutist states such as the Ottoman Empire, Montesquieu defended the systems of precedent and procedure that characterized the moderate European states. This was a lawyerly defense, and Montesquieu's critics such as Voltaire were happy to point out that that suited his professional past as a judge. But it was driven by his emphasis on avoiding despotism and rule by fear. Quick trials that dispensed with precedent and complicated procedures went along with trials in which the absolute ruler could dictate the result—and impose extreme punishments.

Montesquieu often refrained from explicit normative judgments of existing institutions and expressed a general view that each country tends to have the laws that suit it. In three major cases he made his criticisms clear; in every case influentially siding with liberty and moderation against despotism, fear, and cruelty. He defended religious toleration against policies of persecution. He opposed and bitterly mocked slavery, particularly the European

practice of enslaving Africans. And he denounced the systems of criminal law that gave despotisms their power to rule by fear. To the degree that states that thought of themselves as moderate and lawful monarchies tended in the direction of despotic systems of lawless justice—using torture, engaging in (literal) witch hunts, manipulating trials for political advantage, or arresting and punishing their subjects without charge—they gradually transformed themselves into despotisms, too.

Chapter 5

Montesquieu on Pluralism

Traditional political theories often focused on unity and uniformity as key aspects of a well-governed society. Difference, disagreement, and division were at best problems to manage, and at worst signs that there was no true community at all. From ancient Greece onward, political thought was marked by such metaphors as *the ship of state*, a ship on which we must all row in the same direction, one chosen by a captain we all obey, if we are to get anywhere; and *the body politic*, a body that acts as one, trying to preserve itself under the direction of a single mind.

Montesquieu turned this presumption on its head. Despotism was characterized by centralized and uniform rule over a large country; liberty was better protected by pluralism of many kinds. In his discussion of the difference between monarchies and despotisms early in *The Spirit of the Laws*, he focused attention on the *corps intermediaires*, the intermediate bodies that fill a political system between the individual subject and the monarch: cities, provinces, the established church or churches, and the nobility. A monarch respects their rights; a despot destroys them and governs without them. They in turn help to keep the monarch lawful and moderate; they are powerful enough to limit him, they stand up for the rule of law in order to preserve their rights, and they stand on their status—their *honour*, the animating principle of a monarchy—rather than submitting to despotism and servitude. Montesquieu's support for confederation among small republics, as in the Netherlands and in Switzerland—relied upon, with many citations, in the new United States a few decades later—seems related to his support for intermediate levels of government in a monarchy, in one case building decentralization into a top-down system, in the other building shared authority into an already-decentralized bottom-up system, in both cases seeing the advantage of multilevel governance over unitary authority. He distrusted not

only great monarchs who tried to destroy the intermediate bodies and levels of rule within their society, but also democratic republics that were so small and homogenous that they couldn't generate much internal pluralism at all. And the separation of powers, discussed in the previous chapter, is pluralism of a different kind: a kind of procedural pluralism that requires different steps in a process such as a criminal conviction to be handled by distinct institutions.

But Montesquieu went further than this: a plurality of classes, cultural traditions, interests, and even legal codes within one society helped keep it moderate and law-governed. In the concluding sections of *The Spirit of the Laws*, Parts V and VI, he turned especially to what we might call legal pluralism: the coexistence of multiple legal systems side by side within the same society. Legal pluralism had been pervasive in medieval Europe where the Catholic Church's internal legal system, the so-called canon law, not only had exclusive authority over priests, monks, and church buildings (think here of the tradition of seeking sanctuary from the criminal law inside a church) but also governed marriage, inheritance, and much of property law. Systems of law governed by kings, feudal lords, provincial courts, and cities sat alongside canon law, and while there were a variety of rules governing which courts might decide which cases, these were never perfectly seamless. In much of Europe the complexity was multiplied by the very different ultimate sources of the different legal systems: in different ways, both canon law and the civil law of cities and commerce derived from ancient Roman law, whereas feudal rules derived from traditions of the Germanic tribes that brought Rome down and that had a very different understanding of, for example, land ownership. The details were different in England, where the local common law stood in place of the Roman-derived civil law, but the pattern was the same.

Early modern states governed by increasingly centralized and absolutist monarchs such as Henry VIII or James I in England, Louis XIV in France, and Ferdinand and Isabella in Spain generally tried to limit this complexity and the autonomy of legal systems besides those that derived directly from royal authority. In political philosophy, a supporter of absolute monarchy like Thomas Hobbes would also be a supporter of a unified system of law, and Hobbes insisted that only the will of the sovereign—not common law precedents or Church rules or old Roman texts or principles of justice—made genuine law. Perhaps more surprisingly, critics of absolute monarchy such as John Locke in England or the Protestant resistance theorists in France

who were referred to collectively as *monarchomachs* also ultimately argued for unified systems of law: the only legitimate foundation of law, on their account, was the state created by the social contract of the unified people. Transnational law like that of the Church, or ancient law like that of the Romans, or local or regional law like that of a city or a province, ultimately couldn't be legitimate. Canon law in general and the self-governing jurisdiction of the Catholic Society of Jesus (Jesuits) in particular were objects of criticism from Protestant, Catholic, and irreligious political philosophers alike.

Montesquieu stood almost alone among important political theorists of early modern Europe in defending legal pluralism. Part VI of *The Spirit of the Laws* is devoted to an unconventional constitutional history of France that shows how pluralistic its legal system had always been. This history undermines all of the popular histories of constitutional founding in French thought of the era: French kings who had been given the power of the Roman Emperor when the Empire fell, or who gained sole authority over the kingdom by descent from Charlemagne; a French nobility that ruled the whole kingdom by right of conquest, as the descendants of the victorious Franks who had defeated the Gauls in the early Middle Ages; the original social contract of the whole people imagined by the *monarchomachs*. Each of these stories of foundings identified one legitimate ruler or ruling class, one legitimate source of law. In fact, Montesquieu maintained, jurisdictional multiplicity had *always* characterized France; it had not been founded, but had evolved from many different and overlapping institutions over the course of centuries. Against each of these different attempts to show that only unified and absolute authority—whether of the king, of the nobility, or of the whole people of the nation—had legitimate roots, he insisted that they were all distortions of a more complicated, more moderate, truth.

His most substantial treatment of religion in *The Spirit of the Laws* came in the form of an extended discussion of religious laws and their relationship to civil laws in Part V. While he called for important limitations on religious authority, defended legal toleration of different religions, and rejected any attempt to use legal force to coerce religion (singling out the Spanish Inquisition in particular for criticism), he did not follow his contemporaries in seeking to replace religious law altogether. Instead, he distinguished various aspects of life—politics, family, commerce—and various virtues and vices a society might be concerned with, and discussed the advantages each kind

of law might have in addressing them. The details of how he recommended dividing up jurisdictions are probably not of much enduring interest; what is striking is that he argued for preserving an autonomous space for religion at all, against the main currents of both the politics and the philosophy of his day—and against the direction of French history, since a few decades later the French Revolution would destroy church autonomy altogether and seek to subordinate religious belief to support for the state, even on the part of priests.

In two brief chapters near the very end of *The Spirit of the Laws*, Montesquieu drew his ideas about laws together into a critique of both political philosophers who set themselves up as legislators of imagined societies—Plato, Aristotle, Thomas More (author of *Utopia*), and so on—and of those political rulers who tried to impose uniformity on their societies: “the same laws in the state, the same religion in all its parts.” He suggested that the costs of legal innovation and change are often greater than the costs of leaving things alone, and that the kind of “perfection” rulers look for when they impose uniformity isn’t suited to law and politics. “When the people observe the laws,” he concludes, “what does it matter if they observe the same ones?” (SL 6.29.18.617).

Chapter 6

Montesquieu on Commerce

The traditional emphasis on unity in political thought we discussed in the previous chapter accompanied a distrust of commerce, with its division of labour, difference between buyers and sellers, class differences, specialization, and conflicts of interest. In Part IV of *The Spirit of the Laws* Montesquieu decisively rejects that vision, and develops what comes to be known as the *doux commerce* thesis: commerce and trade soften and polish what had been harsh, warlike, and barbaric values. They have transformed the modern world and drawn it together. Although they have also provided the occasion for new kinds of international injustices through imperialism and colonialism, they tend to encourage toleration, peace, and justice. Montesquieu's doctrine of the separation of powers shaped constitutional thought in the United States and elsewhere. His general approach to legal reform and criminal justice, his support for constitutional moderation, and his opposition to despotism were crucial for subsequent liberal political thought. But his account of commerce was probably his most important, transformative contribution to the social thought of the era of Enlightenment and to the development of what became liberal social theory. By putting the development of commerce at the center of his account of the transformations in European politics, and by developing an account of trade and exchange that stressed their moral advantages, he paved the way for the intellectual revolutions of the next few decades that were associated with the Scottish Enlightenment. *The Spirit of the Laws* was a widely acknowledged source and influence for the ideas subsequently developed by such authors as David Hume, Adam Ferguson, and Adam Smith.

The discussion of commerce immediately followed what strikes modern readers as the strangest part of *Spirit of the Laws*: a long account of the importance of geography and climate on human societies and politics. Much of this admittedly looks silly in light of what we've learned since Montesquieu's

day about human biology: discussions of cold weather numbing the capacity for pleasure and pain, or hotter weather increasing the appetite for love. But some of it reflects a kind of wisdom that even now social scientists have to rediscover every generation or two: that the geographic location of a society, whether mountainous or full of fertile soil, landlocked or an island, has tremendous importance for its prosperity and politics. The same institutions don't suit every country in the same way, and local physical conditions affect the possibilities for local human societies. Here we see an important contrast with the highly abstract political theories of the previous century's contractarians such as Hobbes, Locke, and Spinoza: these conditions are not of human creation, but they nonetheless constrain what humans can simply decide to do or create in their political societies.

This part of the book unites Part III's discussion of geography and climate with Part IV's analysis of commerce. While laws can regulate, affect, limit, or channel commerce, they do not fundamentally *create* it. The rise of commerce and trade in the modern era was not created by any legislature or constitution or single state; while starting in Europe, it has reshaped the world.

Montesquieu's narrative history of the "revolutions" of commerce reaches back to Greek and Roman antiquity, and spans a great many topics, but a few stand out as influential both for the Enlightenment and for liberalism. First is the tendency of commerce to reduce both aggression at the individual level and war at the societal level. This is not only, though it is in part, because one can simply buy someone else's goods rather than fighting for them at risk to oneself. It is also because of the moral *habits* commerce inculcates: a moderate respect for justice at the expense of both heroic military virtue and a barbarous love of violence. We become different people, and our societies become different societies, when buying and selling crowds out other activities. Those who focus only on the highest possibilities of human moral character, such as Plato, might see this as a corruption; but Montesquieu as always is more interested in preventing the worst outcomes than in pursuing the best. If commerce reduces the number of Platonic philosophers but also the number of wars, it is well worth it.

Second, commerce "polishes manners." The development of polished manners—the English words *polished* and *polite* derive from the same French root—was of great interest to eighteenth-century social thinkers, Hume and Smith as much as Montesquieu. How do we become people who engage in

conversation that allows for a discussion of ideas? “Exchange” and “intercourse” were widely used to describe both polite conversation and trade relations; Montesquieu established the intellectual foundation of the relationship between them. A give and take between equals characterized both and set them apart from the barbarous relations of violence and domination.

Third, commerce taught, and encouraged, toleration. Montesquieu here devotes special attention to the history of Jews in Europe: subject to constant persecution and the expropriation of their goods and land at the hands of Christian rulers, they developed tools such as bills of exchange for rapidly moving funds around Europe and the Mediterranean. When wealth could move so quickly, rulers could not simply seize it, and had to reach new accommodations with the Jews under their rule.

Finally, and related to all of the previous items: increasing commerce made it unavoidably apparent to states and rulers that they were bound by social facts outside their direct control. The example of Jews moving funds from country to country is a vivid example, but the fundamental case is that of prices. Montesquieu points out that a ruler can no more successfully set the level of prices than he can insist that $1/10$ is equal to $1/20$; there’s an underlying truth to the ratio of exchange between different goods. The reality of supply and demand means that attempts to fix a lower price for food than the market price will lead to famine. Montesquieu was one of the first to explain why the brutal Spanish conquest of Central and South America and its extraction of silver from those lands had not made Spain rich. Rather, it had flooded Europe with silver whose real price could not be effectively legislated either in terms of gold exchange or in terms of the prices of ordinary goods. While he did not bring the same level of clarity and sharpness to the analysis of inflation that Hume and Smith did later on, Montesquieu introduced the core idea that the rules of supply and demand, even as applied to the metals used as money, were outside of state control.

All of this, Montesquieu maintained, gradually taught moderation and lawfulness to the states of Europe, at least domestically and among themselves. (Their behaviour in Africa and the New World was another matter.) Where “Machiavellianism” taught that states could do whatever they wanted, acting in their own best short-term interest, commerce gradually forced them not only into peaceable relations but into law-abidingness. Montesquieu was the first of the great social thinkers to understand that political discretion was

curbed and constrained by market forces, and that states that didn't want to abandon themselves to isolated poverty would have to respect stable ownership, the free-market determination of prices, and international peace.

Chapter 7

Kant's Ethics

Immanuel Kant is widely regarded as one of the most important thinkers in the history of Western philosophy for his contributions to both epistemology—the study of what there is to know and how we can know it—and ethics—what we generally understand to be the study of right and wrong. But for Kant, ethics is closely tied to epistemology, rationality, and the characteristics of rational beings. Instead of focusing on whether certain *actions* are right or wrong and why they are right or wrong, Kant's moral philosophy focuses on the principles underlying those actions, how they are adopted, and whether or not they are consistent with individual freedom or autonomy.

If you've already encountered Kant's moral philosophy through an undergraduate course, you likely remember that Kant's *categorical imperative* is at the heart of his deontological or duty-based ethical theory. A "categorical imperative" is simply a rule (i.e., an "imperative") that all people ought to follow under all circumstances (i.e., it is "categorical"). For Kant, this rule is that whenever we perform an action that has moral significance, we ought to act (1) as if everyone will adopt the principle upon which we are acting, and (2) everyone adopting this principle and acting in accordance with it would appropriately recognize and respect the moral worth of all rational beings. Kant's ethics is deontological or duty-based because he believes we have an obligation to adopt principles for action that are consistent with this rule.

But to whom is this obligation? In many discussions of ethics, when we think about right and wrong behaviour it is in the context of the person being affected by that behaviour. Consider the Golden Rule, which for many people is what comes to mind when they think of an ethical principle. The Golden Rule tells us that we ought to do unto others as we would like them to do unto us. It asks us to put ourselves in the position of the person who will be affected by our actions and to think about if we would appreciate being affected by

someone else's actions in that way. For ethical theories that focus on actions and the people affected by those actions, removing other people also removes morality. For example, morality would not be relevant if you were living on a deserted island and in no way could any of your actions affect other people.

Not all approaches to morality focus on the people who will be affected by actions to determine if those actions are right or wrong. Some religious approaches to ethics, for example, understand morality as an obligation that an individual has to God. Here, just because someone is living alone on a deserted island does not absolve him of his moral duties. While a duty to not covet thy neighbour's wife would not be relevant, that person might still be under a dietary obligation, such as not consuming seafood that does not have fins or scales. If God has laid down certain rules that must be followed, an individual has a duty to God to obey those rules. But if God does not exist—either because God never existed or because God has somehow ceased to exist—then all things would be permitted, a point made famous by Dmitri Karamazov in Dostoevsky's *The Brothers Karamazov*.

For nearly all approaches to ethics, doing the right thing is something we owe other people (who are affected by those actions) or God (who has commanded us to act in certain ways). But Kant's moral theory does not operate in this way. For Kant, the obligation to do the right thing—by which Kant means adopting principles of action that are consistent with the categorical imperative—is not a duty to God (ever) or to other people (first and foremost), but rather it is a duty I have to *myself*.

For example, Kant argues that lying is always morally wrong. Lying fails when tested against the categorical imperative because adopting the relevant principle of action contains a contradiction in conception. An individual who lies acts on a maxim similar to the following: "When it is to my advantage to do so, I will make a false statement to someone else when he believes that this false statement is true." What makes lying wrong is not that I cannot conceive of a world in which this principle can be universalized, but rather that universalizing this principle is self-defeating. That is, in a world in which everyone lies when it is convenient, lying serves no purpose because a lie is likely not to be believed.

Lying for Kant is wrong, therefore, not because it is harmful to someone else, but because it is behaviour inconsistent with reason. It requires me to adopt a principle of action that is self-defeating. That I would act in such

a way is a failure to respect my dignity as a rational being. Although the liar may possess the external freedom to act how he sees fit, he has chosen to act from a principle grounded in something other than reason. Thus, while the liar possesses negative freedom because he is not under significant influence from external factors and is able to adopt moral, immoral, or non-moral maxims, he is not completely free because he fails to display reason by choosing to adopt moral maxims.

There are two relevant terms at play here: *reason* and *autonomy*. *Reason* is the capacity to draw logical inferences. Since reason generates the Categorical Imperative or moral law, reason and morality are closely connected. Rational beings have wills. A being with a will has the capacity to identify and pursue ends. *Autonomy* is the characteristic of a will to adopt principles of action that it sets for itself using reason, instead of those principles being determined for me by something that is separate from my reason. An autonomous will is a free will.

Suppose someone puts a gun to my head and tells me to do X or he will shoot me. Overcome by fear, I choose to preserve my life, and so I do X so that I don't get shot. In this case, I have not willed to do X freely. Similarly, imagine I am at the point of extreme starvation such that the chemicals in my brain are affecting me in a way that alters my normal decision-making process. As in the previous example, my willingness to do anything under these circumstances is not free, even though, in this second example, the source of this thing influencing my will is not external to my body.

That what I have willed in either of these cases has not been willed freely says nothing about the goodness or badness of the actions I have performed, but it may say something about the goodness or badness of my will and the strength of my own character. For Kant, wills are good if they adopt principles of action consistent with the moral law because doing so is morally right (i.e., there's a duty to do so). A will that falls short of this ideal is evil, and evil comes in degrees.

From bad to worse: (1) A person may attempt to adopt the correct principles because doing so is morally right, yet for whatever reason is too weak-willed to follow through in this way. This weakness is a lack strength possessed by an individual to will in a manner consistent with the moral law. For example, I may recognize that I ought to will the principle, "I will always help people in need" because I understand it is the right thing to do, but I may

lack the strength of will to will that principle on some or most occasions. In these cases, I recognize this failure and am disappointed by my own weakness.

(2) A person may will principles that generate actions appearing to be consistent with morality, but motivated do this not only because it is the morally right thing to do but also because of some other reason (e.g., self-interest). For example, I may adopt the principle, “I will always help people in need,” not just because it is the right thing to do but also because I believe it will be profitable (money, fame, good reputation, etc.) for me to do so. Kant frequently raises the concern throughout his work that it is often impossible for us to know for certain when we have adopted moral principles of action whether we have done so purely out of recognition that morality demands it or because of mixed motivations.

(3) Finally, a person may adopt principles entirely without regard to the what the moral law demands. So, for example, I may adopt the principle, “I will always help people in need,” because I believe it will be profitable (money, fame, good reputation, etc.) for me to do so. In this case, it is just chance that this principle also happens to be consistent with what the moral law demands.

What is worth taking from this discussion is Kant’s commentary on individual freedom and the relationship between reason, autonomy, and what motivates human beings. While I (and, presumably, other human beings) have the capacity for autonomy, that does not mean that I always adopt principles of action that are consistent with the moral law because doing so is the right thing to do. Often things that influence my will but are external to my faculty of reason—what Kant calls “heteronomous impulses”—affect the principles that I either adopt or want to adopt. These influences can come from other people in a variety of capacities, such as the person who held a gun to my held or my religious leader whose views I hold in esteem; society generally, including my desire to do what will make me popular, wealthy, or famous; or my own body, such as my desire to seek pleasure and avoid pain, which may be something I’m actively in control over or something involuntary such as how I may act if I’m on the verge of death by starvation.

Human beings are affected in this way because we have the capacity of reason, but we also possess physical bodies that are influenced by the external world. Our reason, including the principles of action that we adopt, is affected by our senses and desires, which are connected to our bodies and the world around us. Compare the situation for a human being and his will to

the situation for God. For Kant, God possesses a holy will, which means that God is incapable of willing principles that are inconsistent with the moral law.

For God, there is no duty to will moral maxims because God cannot will otherwise. Someone can't have a duty to do something that they do automatically by nature. But someone also can't have a duty to do something that they cannot do. Although human beings are affected by our desires, we are not determined by them in most cases. Attaining a holy will is not possible for human beings because we can never detach our capacity of reason from our bodies. The best we can do is make progress towards attaining a good will, or a will that always adopts moral maxims even if it is pulled initially in other directions by our desires or other external influences.

Kant argues that what allows people to make progress towards a good will is developing strength of character or *virtue*. Virtue is not a characteristic in the sense that people are born with it or not, but rather for Kant it is an ability that people possess. Like other abilities, virtue can be cultivated or made stronger. There are two parts to this process: education and habituation.

Moral education is the process by which individuals come to recognize and understand what type of behaviour morality requires. Keep in mind that Kant's moral theory focuses on individual freedom. If an individual is following moral rules that he has not generated for himself and cannot generate for himself, then the individual who is following those rules isn't free. Kant believed that an individual using his own reason can generate the relevant principles of morality for him or herself. Individuals can then instill those principles in themselves through a method similar to catechistic religious education. If teachers are involved in this process, their role is to help guide the individual towards generating these principles.

Moral habituation is the process by which individuals are able to adopt moral principles consistently. In other theories of ethics or virtue in the history of philosophy—such as the one presented by Aristotle—moral habituation meant that an individual conditioned himself to perform morally praiseworthy acts by performing those acts repeatedly so that it would become a matter of habit. To support this habituation, Aristotle argued that laws could be put in place that would assist people in this process by compelling people to act correctly. While Kant believed that habituation is an important component of morality, an individual is not morally praiseworthy because he has performed actions that he has conditioned himself to perform.

Instead, for Kant, moral habituation aims to condition an individual's emotions to work with rather than against reason, helping that individual to overcome, suppress, or otherwise become apathetic to natural inclinations that prevent him from being able to act from duty. The term Kant uses here is "Ethical Ascetics." "Asceticism" is extreme self-discipline to the point where a person is able to avoid (or deny himself) all forms of bodily pleasures, usually for religious reasons. For Kant, an individual's will is able to make progress towards being good only when that individual is able to combat his natural impulses and master them in cases where they threaten his ability to adopt moral principles of action. Moral habituation helps an individual develop this appropriate disposition.

Chapter 8

Kant's Politics

Kant's account of morality focuses on a person's capacity to be the agent and owner of his own actions, not merely a conduit for social and psychological forces or influences over which he has little or no control. His discussion of this connection between morality and freedom centers on autonomy of the will. Because morality is connected with autonomy, and autonomy is connected with an individual's ability to participate in the process of rational deliberation and choosing ends for himself, it appears as if an individual alone should be the sole determining factor in whether he becomes virtuous. But that is not the case.

Minimally, certain preconditions must be met in order for it to be possible for an individual to develop virtue. For example, morality requires individuals to adopt principles of action freely and via reason, not merely as a response to desire or because they have been conditioned to do so. If it's not actually the case that it is possible for human beings to be free in a substantive way to determine the principles on which they act, then both morality and virtue would not be relevant concepts when applied to human beings.

While this precondition relates to human nature itself, other preconditions relate specifically to the external conditions in which individuals live. For example, Kant believed that liberty (i.e., external freedom) is a precondition for the possibility of autonomy (i.e., internal freedom). Put differently, it is not possible for a human being to possess autonomy unless he also possesses liberty. Here, liberty should be understood not just as an individual possessing external freedom or the ability to move about or otherwise do as he sees fit, but also in terms of having a sense of self-security and not living in fear of bodily harm. Someone who lives in constant fear of sudden and violent death or is otherwise always afraid of being severely harmed is not free in in

any meaningful way to act as he sees fit because his actions are determined by his circumstances.

This relationship between liberty and autonomy produces a few interesting, and perhaps unexpected, consequences. One consequence is that it creates a connection between human virtue and living in civil society. Specifically, living in civil society makes it possible for an individual to become virtuous. Kant believes that this happens in two ways. First, living in civil society provides better protection from liberty-infringing acts performed by other people, acts that when performed frequently make it more difficult for people to act from reason and not from an emotional response such as fear. Second, living in civil society also helps an individual to refine his talents and reason completely, a necessary component of virtue and something that Kant believed cannot be done in isolation.

The previous chapter identified and examined one component of freedom that is connected with adopting principles of action that are consistent with the moral law. A second component is that an individual must be free from external forces that could determine the maxims he adopts. Although autonomy is connected with an individual's ability to participate in the process of rational deliberation and act on maxims that are not contradictory, an individual's external circumstances, circumstances that are often beyond his control, can play a significant role in determining whether it is possible for him to be autonomous in practice.

Consider someone who lives in constant fear of sudden and violent death, or, perhaps less violent but similarly difficult, someone who is in extreme poverty and lives with a real risk of death from starvation or exposure. A person whose mere survival is under constant threat likely will respond to these external pressures and act from basic instincts and not reason. Kant argued that this is the life of the person who lives outside of what he called "civil society." Civil society is a relationship between individuals in which they recognize each other in certain ways. The defining feature of civil society is that it contains "distributive justice," by which Kant meant (1) an individual's liberty and property is secured by juridical law and (2) there is an arbiter who possesses the power to render decisions on legal disagreements and then enforce these decisions.

Kant claimed that individuals are under a moral obligation to enter into this civil relationship with the other people around them to mutually

recognize and respect liberty and property rights. This obligation follows from (1) individuals are under a moral obligation to act autonomously; (2) autonomous action is possible in practice only if an individual's life, health, liberty, and possessions are secured; and (3) the only mechanism to realize this security is by living in civil society. While I'm under a moral obligation to enter into this relationship, it is important to notice that this is something I cannot do alone. While I can recognize and respect the rights of others, they also need to recognize and respect my rights.

So, what happens if they don't agree to act in this way? If people around me do not act in ways that respect my liberty and property rights, Kant argued that I'm justified in using certain kinds of coercive force to get them to do so. At first, it seems weird that Kant argued that coercion under certain circumstances is consistent with a moral philosophy that focuses on individual freedom. When I coerce others in this way, aren't I violating their freedom? If they don't want to recognize and respect me in this way, why am I justified in forcing them to do so?

Although coercion violates individual freedom and is wrong as a general rule, if Person A is using his freedom in a way that violates the liberty or property rights of Person B, then an action that aims to prevent that rights-violating act by Person A is consistent with promoting rights generally and is therefore justified. So, if someone refuses to enter into a condition of civil society with me, I may justly coerce him to do so. The one requirement for this use of coercion to be justified is that I have to coerce him in a manner that recognizes him as a person who also has liberty and property rights.

Assume that we have some sort of legitimate rights dispute. I picked a bushel of apples but you claim that they are yours because I picked them from your tree. If you pull out a gun and tell me that if I don't give you the apples you'll shoot me, thereby using your superior force to impose your will on me and simply take the apples from me, then that use of coercion does not recognize my rights in the appropriate manner and is unjust. But suppose that you pull out your gun and use your superior force to compel me to appear before a designated arbiter, one who was widely recognized as both fair and impartial, who could settle the claim about the apples. This use of coercive force would be justified because it was done in a manner that respected both of our rights.

This aspect of justified coercion highlights the second component of Kant's concept of distributive justice. The first component is that each individual's liberty and property rights are secured by law. The second component is that there exists an arbiter who is able to resolve disputes, has the power to enforce resolutions of these disputes, and has the power to punish people who violate the rights of others.

Most of us, including Kant, would associate this arbiter with the state and its institutions. Lawmakers create the laws, which, presumably, stem from the will of the people and their desire to protect and promote their freedom; judges act as the arbiters of legal disputes, including determining when people break the law; and our police enforce both the laws and the decisions made by our judges. Simply put, the civil state, which Kant separates from civil society, is the set of public institutions that aim to uphold and maintain civil society.

Civil society maintains the external conditions that make it possible for human beings to become autonomous. The civil state helps to maintain civil society. While the most obvious way of maintaining civil society is resolving disputes between individuals, the state is also able to establish laws and policies that proactively prevent disputes. Proactively preventing disputes is the purpose of all laws that establish property rights.

Kant argues that the state is also able to proactively prevent problems in other ways. One way is that the state should use coercive taxation to support the poor, but only at a very basic level. Why only at a basic level? Remember that coercion is justified only to prevent actions that hinder freedom. When someone is in such extreme poverty that they are facing starvation or their lack of very basic resources otherwise affects their decision-making process, Kant believes that the state is justified in redistributing resources to eliminate this situation. This redistribution is not just for the benefit of the people who are poor, but also for the people who are not poor and are having their resources taken from them. Civil society is a condition you enter into with the people around you. Someone who is in extreme poverty cannot enter into this condition.

Consider the following scenario: Three people inhabit a small island. The island has more than enough supplies to keep all three alive until the end of their natural lives. But due to a combination of ingenuity, work ethic, intelligence, and fortune, those supplies are not distributed equally. One person,

call him Rich, is recognized as the rightful owner of the vast majority of the supplies. The second person, call him Poor, possesses nothing but the shirt on his back. While he may be able to acquire enough to sustain himself in the short term (collecting water, catching fish, etc.), his long-term prospects are poor and he always worries about where his next meal will come from, if he will have appropriate shelter during the next storm, and so forth. The third person, call him Rex, possesses just enough to sustain himself. He also possesses a monopoly of force (has the only gun, is the strongest, etc.).

Under these circumstances, if Rich does not give to Poor voluntarily, Rex would be justified in using coercive force to take some of Rich's resources and give them to Poor. The amount of resources that Rex would be justified in taking from Rich would be equal to the amount needed by Poor to get him up to the level of subsistence and provide a safety net so that Poor is not afraid of starving, going without shelter, or lacking other basic necessities. But what would justify Rex's coercion of Rich must be rooted the same principle that justifies any act of coercion—hindering a hindrance to freedom.

And there lies the apparently difficulty. If coercion that promotes freedom is thought to be a response to a particular act, it may not obvious how Rich's failure to provide assistance to Poor (i.e., his lack of action) accomplishes this goal in the manner that Kant requires to justify the use of coercive force. In the case of Rich, Poor, and Rex, coercion is justified using similar reasoning that justified its use in the previously referenced discussion of an individual looking to leave the state of nature. In both cases, coercion is justified as response to inaction that prevented the establishment of a condition that secured distributive justice, a necessary precondition for the possibility of autonomous action.

That Kant would take this position on taxation is not surprising given his discussion of autonomy and the role of the state in securing an external condition that makes autonomous action possible. Autonomy is connected with an individual's ability to participate in the process of rational deliberation, but an individual's external circumstances, circumstances which are often beyond his control, play a significant role in determining whether it is possible for him to be autonomous in practice. One function of Kant's political philosophy is to examine how these external conditions can be established such that all individuals have the opportunity to be free.

If state authority is justified because it helps to secure the external conditions that make autonomy possible, then some degree of taxing the rich in order to support the poor is legitimate. What is at issue is not fairness, but the freedom of the individuals who are destitute. Without state support to provide the basic necessities, these individuals would be in constant fear of lacking what is necessary to survive. For Kant, no one can be autonomous when living in this condition. This position is not unique to Kant, although the justification may be. Support for similar positions can be found in the writings of John Stuart Mill, Friedrich Hayek, and Milton Friedman, all of whom are generally recognized as either classical liberals or as espousing the tenets central to classical liberalism.

In this way, civil state institutions can help maintain civil society. But while civil society cannot exist without these institutions, these institutions can exist without civil society. Think of any state that uses its overwhelming power to enforce an unjust condition. While extreme cases are easy to identify (e.g., Nazi Germany), this arrangement likely describes most states throughout the course of history. In the United States, it is clear that black Americans lacked access to distributive justice during the time of slavery, Reconstruction, or before the civil rights movement of the 1950s and 1960s. It wouldn't be unreasonable to argue that poor, black Americans today still lack complete access to distributive justice, especially when compared to rich, white Americans.

Once an individual has entered into this condition of civil society with the people around him, Kant argues that securing your external freedom is no longer a concern. Instead, the focus then shifts to an individual becoming autonomous, for which the cultivation of virtue plays a central role. Kant claims that human reason does not come fully formed and does not operate on instinct. Instead, it requires practice, experience, and instruction to improve, both at the level of the individual and at the level of humans generally. Receiving this type of training is dependent not only on the immediate assistance of one's fellow community members, but also on the evolution of reason that is passed down from generation to generation.

Chapter 9

Kant's Legacy

There's a story in academic circles that serious philosophical work in the liberal political tradition coming out of Enlightenment thinkers died after Kant, only to be resurrected by Harvard University philosopher John Rawls in the 1970s. While this story contains a bit of hyperbole, there's little doubt that, after Kant, no writing before 1971 had the impact of Rawls's *A Theory of Justice*. Rawls's project was to take the principles that he identified as central to Kant's moral philosophy—principles like the obligation not to treat another moral being merely as a means to accomplishing some end—and apply those principles to the political question of what justice entails and how best to bring it about.

For Rawls, addressing inequality is the most significant issue to resolve when it comes to achieving a condition of justice. Here, he doesn't just mean inequality in terms of wealth, but also inequality in terms of voice in the decision-making process of the state and in the ability to maximize one's individual freedom. Rawls identifies two principles of justice that must be met in order to address these concerns: (1) everyone is entitled to a fully adequate scheme of the same basic liberties, and (2) any social or economic inequalities that exist are justified only if (a) they are attached to positions that are open to everyone and (b) these inequalities benefit the people who are least well-off. The consequence, Rawls argues, is that justice requires, among other things, a large redistribution of resources from the rich to the poor, and a central government that is strong and competent enough to make that happen.

But philosopher Robert Nozick, Rawls' colleague at Harvard, saw the practical implications of Kant's moral theory in a fundamentally different way. For Nozick, Kant's moral philosophy—and the philosophical thinking coming out of the Enlightenment generally—focused on individual freedom. The primary aim of civil society, and, by implication, the state institutions that

help to maintain it, is to maximize freedom of all individuals to the extent that it doesn't infringe on the freedom of any other individuals. Inequalities, where they result, are the natural consequence of people using their freedom to make choices about what they value and how they want to live their lives. As a result, it's not the appropriate role of the state to redistribute resources or anything else along those lines. Instead, the state should function similar to a "night watchman," possessing limited powers to protect the freedom of individuals.

Nozick's discussion in his 1974 book *Anarchy, State, and Utopia* help shape contemporary discussion of the principles central to what we now recognize as the classical liberal tradition. These principles include the importance of, and limits to, individual freedom; the appropriate role of the government in helping individuals live flourishing lives; and whether or not the government should intervene in financial markets, and, if so, to what extent and to promote which goals. While not all classical liberals share Nozick's position, this book provided the first substantive, contemporary defense of classical liberal principles rooted in a widely-recognized Enlightenment moral philosophy, demonstrating how the thoughts of Spinoza, Montesquieu, and Kant are still very relevant today.

Chapter 10

Conclusion

The Enlightenment as an intellectual movement is commonly taken to end with Kant. The early modern political and social world that Enlightenment thought arose out of and theorized about was disrupted and transformed by the American, Haitian, and, especially, French Revolutions. By the time self-conscious and self-identified *liberal* political thought and political parties coalesced in the era after the Napoleonic wars had ended, the problems faced in politics seemed very different. States became much more powerful and centralized under the force of wartime military competition. Religious persecution and censorship and the power of absolute kings faded by comparison with the rise of nationalism and worries about the kind of violent, mob rule seen in France during 1793 and 1794. A generalized commitment to constitutional government or republicanism gave way to complicated institutional questions about how much to democratize government, how quickly: how much of a society could take part in voting and elections at any given level of economic and educational development without risk of revolution.

The economic world was transformed by changes that began in the late eighteenth century. But the effects of this transformation took time to build. This observation is especially true for the first stage of the Industrial Revolution. This first stage included a tremendous increase in the efficient productive capacity in the economies that had been thought of as “commercial societies,” which by the mid-1800s came to be called “capitalist.” This rapid economic change also brought new political problems to the fore. Debates about individual free speech and keeping the press free from state and church censorship were supplemented by, if not replaced by, concerns about social conformism arising from the force of public opinion in increasingly equal societies; eccentricity and individuality, it came to be feared, were luxuries

of aristocrats who didn't have to worry about what their neighbours thought of them.

The work of thinkers such as the Swiss-born French Benjamin Constant (1767-1830), the French Germaine de Staël (1766-1817) and Alexis de Tocqueville (1805-59), and the English John Stuart Mill (1806-73)—all of whom were active in liberal politics and government as well as in theoretical writing—was concerned with questions like these. Their ideas lacked the confident optimism of much of Enlightenment thought; the Kantian hope that humanity might be on the verge of an intellectual and moral “emergence from self-incurred immaturity” was replaced with a keen awareness that even desirable social changes could have serious if not catastrophic side effects.

Moreover, after the intellectual era that spanned Kant, Adam Smith (1723-90), and Jeremy Bentham (1748-1832), the more or less unified domain of human social inquiry that the Enlightenment thinkers inhabited, fragmented. Smith's work helped to create a separate field of inquiry of political economy or, simply, economics. Bentham was the founder of the philosophical and political doctrine known as *utilitarianism*. This doctrine evaluated the goodness of actions only in terms of their calculable consequences, which had the result of expelling moral questions from self-consciously social scientific inquiry. Kant, then, through his work, helped to remove moral philosophy from engagement with the social world. Thinkers of the nineteenth and twentieth centuries might make contributions to the moral theory of rights, or the economic understanding of free markets, or the study of the political effects of expanding suffrage, but more and more rarely could try to do several of those things at once, as their Enlightenment predecessors had done.

But the full-fledged liberalism of nineteenth and twentieth century political thought nonetheless grew out of those Enlightenment roots. The idea of a republican constitutional form of government under the rule of law and grounded in social contract legitimacy and the ultimate sovereignty of the whole people—ideas that ran through the era from Spinoza to Kant—took institutional form in the practices of constitution writing and ratification developed in the new United States of America during and after its revolution. Those new written constitutional founding documents also included an explicit enshrinement of Montesquieu's understanding of a separation of powers and, often, explicit commitments to rights of religious liberty, freedom of belief, freedom of speech, and freedom of the press, rights that drew

support from the foundational commitments to free thought and free inquiry in Spinoza and Kant. That package of constitutional practices was imported into France in the early stages of its Revolution, and spread from there. By the early-to-mid 19th century, liberal political movements routinely demanded such constitutions, first as a way to prevent a return to royal absolutism, and later as a way to channel and limit increasingly democratic governments.

Even beyond constitutional texts and forms of government, liberal politics and political thought were marked by particularly deep commitments to the rule of law and to those rights of free belief and debate, principles that we have seen developed through the three Enlightenment thinkers in this book. There are some differences in their legacies beyond that. In Mill's concern with individuality against social conformity, we hear an echo of Kant's *saper aude!* *Think for yourself!* The increasingly non-negotiable demand that legitimate states rest on some form of sovereignty of the whole people—a demand that in the nineteenth century animated nationalist and democratic as well as liberal politics, and movements that overlapped these ideas—has complicated roots that include Spinoza's thought. Tocqueville and Constant both explicitly drew on Montesquieu in developing their critiques of state centralization and their defenses of local and associational pluralism. And, although support for free trade was increasingly offered in the language of economics that derived from Smith, Montesquieu's theory of international commerce as a source for peace had lasting influence here too, an influence that endured until World War I in the twentieth century. The political ideas and movements that came to be identified as liberal (or, later, as "classical liberal") may have responded to a social world that came after the Enlightenment. But they did so using ideas, beliefs, and principles the Enlightenment thinkers left behind.

Works Cited

John Locke's *A Letter Concerning Toleration*, first published in 1689.

Smith, Adam (1789/1981). *An Inquiry into the Nature and Causes of the Wealth of Nations*. Oxford University Press/Liberty Press/Liberty Classics.

Klever, Wim (2012). Locke's Disguised Spinozism. *Conatus* 6,11 (July).

Suggestions for Further Reading

Spinoza's Own Works

Spinoza, Benedict de (1670-1677/1965). *The Political Works*. A.G. Wernham (trans., ed.). Clarendon Press.

Spinoza, Benedict de (1670-1677/1951). *The Chief Works of Benedict de Spinoza*, Vol. I. R.H.M. Elwes (trans.). Dover Publications.

Spinoza, Benedict de (1670/2004). *Spinoza's Theologico-Political Treatise*. Martin D. Yaffe (trans.). Focus Publishing.

Spinoza, Benedict de (1670-1677/2002). *The Complete Works*. Samuel Shirley (trans.), Michael L. Morgan (ed.). Hackett Publishing Company, 2002.

Spinoza, Benedict de (1670-1677/2016). *The Collected Works of Spinoza*. Vols I and II. Edwin Curley (trans., ed.). Princeton University Press.

For Further Study, On Spinoza

Balibar, Etienne (1988). *Spinoza and Politics*. Verso.

Campos, Andre Santos (2021). *Spinoza's Revolutions in Natural Law*. Palgrave Macmillan.

Den Uyl, Douglas J. (1983). *Power, State and Freedom*. Van Gorcum.

Den Uyl, Douglas J. (2008). *God, Man, and Well-Being: Spinoza's Modern Humanism*. Peter Lang Publishing.

Feuer, Lewis S. (1987). *Spinoza and the Rise of Liberalism*. Transaction Books.

Israel, Jonathan J. (2014). *Radical Enlightenment: Philosophy and the Making of Modernity 1650-1750*. Oxford University Press.

James, Susan (2012). *Spinoza on Philosophy, Religion, and Politics*. Oxford University Press.

Lehmann, Devra (2014). *Spinoza: The Outcast Thinker*. Namelos.

Nadler, Steven (1999). *Spinoza: A Life*. Cambridge University Press.

Sangiaco, Andrea (2019). *Spinoza on Reason, Passions, the Supreme Good*. Oxford University Press.

Smith, Steven B. (1997). *Spinoza, Liberalism, and the Question of Jewish Identity*. Yale University Press.

Montesquieu's Own Works

Montesquieu, Charles de Secondat, Baron de (1721/1973). *Persian Letters*. C.J. Betts (trans.). Penguin Books.

Montesquieu, Charles de Secondat, Baron de (1748/1989). *The Spirit of the Laws*. Anne M Cohler, Basia Carolyn Miller, and Harold Samuel Stone (eds.). Cambridge University Press.

Montesquieu, Charles de Secondat, Baron de (1720-1755/2012). *My Thoughts*. Henry C. Clark (trans., ed.). Liberty Fund.

Montesquieu, Charles de Secondat, Baron de (1725-54/2020). *Discourses, Dissertations, and Dialogues on Politics, Science, and Religion*. David W. Carrithers and Phillip Stewart (trans., eds.). Cambridge University Press.

For Further Study, On Montesquieu

Bandoch, Joshua (2017). *The Politics of Place: Montesquieu, Particularism, and the Pursuit of Liberty*. University of Rochester Press.

Carrithers, David W., Michael A. Mosher, and Paul A. Rahe, eds. (2000). *Montesquieu's Science of Politics: Essays on The Spirit of the Laws*. Rowman and Littlefield.

Djin, Annelien de (2008). *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* Cambridge University Press.

Destutt de Tracy, Antoine Louis Claude (1811/2006). *A Commentary and Review of Montesquieu's Spirit of Laws*. Thomas Jefferson (trans.). The Lawbook Exchange.

Keohane, Nannerl (1980). *Philosophy and the State in France: The Renaissance to the Enlightenment*. Princeton University Press.

Kingston, Rebecca, ed. (2009). *Montesquieu and His Legacy*. SUNY Press.

Levy, Jacob T. (2015). *Rationalism, Pluralism, and Freedom*. Oxford University Press.

Shklar, Judith N. (1987). *Montesquieu*. Oxford University Press.

Kant's Own Works

Kant, Immanuel (1996). *Practical Philosophy*. Mary Gregor (trans., ed.). Cambridge University Press.

For Further Study, On Kant

Ellis, Elizabeth (2005). *Kant's Politics: Provisional Theory for an Uncertain World*. Yale University Press.

Maliks, Reidar (2014). *Kant's Politics in Context*. Oxford University Press.

Murphy, Jeffrie (1970). *Kant: The Philosophy of Right*. St. Martin's Press.

Rawls, John (2000). *Lectures on the History of Moral Philosophy*. Harvard University Press.

Ripstein, Arthur (2009). *Force and Freedom: Kant's Legal and Political Philosophy*. Harvard University Press.

Schneewind, Jerome (1997). *The Invention of Autonomy*. Cambridge University Press.

Surprenant, Chris W. (2014). *Kant and the Cultivation of Virtue*. Routledge Press.

Wood, Allen (1999). *Kant's Ethical Thought*. Cambridge University Press.

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Nous envisageons un monde libre et prospère, où chaque personne bénéficie d'un plus grand choix, de marchés concurrentiels et de responsabilités individuelles. Notre mission consiste à mesurer, à étudier et à communiquer l'effet des marchés concurrentiels et des interventions gouvernementales sur le bien-être des individus.

Peer review—validating the accuracy of our research

The Fraser Institute maintains a rigorous peer review process for its research. New research, major research projects, and substantively modified research conducted by the Fraser Institute are reviewed by a minimum of one internal expert and two external experts. Reviewers are expected to have a recognized expertise in the topic area being addressed. Whenever possible, external review is a blind process.

Commentaries and conference papers are reviewed by internal experts. Updates to previously reviewed research or new editions of previously reviewed research are not reviewed unless the update includes substantive or material changes in the methodology.

The review process is overseen by the directors of the Institute's research departments who are responsible for ensuring all research published by the Institute passes through the appropriate peer review. If a dispute about the recommendations of the reviewers should arise during the Institute's peer review process, the Institute has an Editorial Advisory Board, a panel of scholars from Canada, the United States, and Europe to whom it can turn for help in resolving the dispute.

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