

# Spinoza and Toleration

*Sixth Golden Age Lecture*

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by

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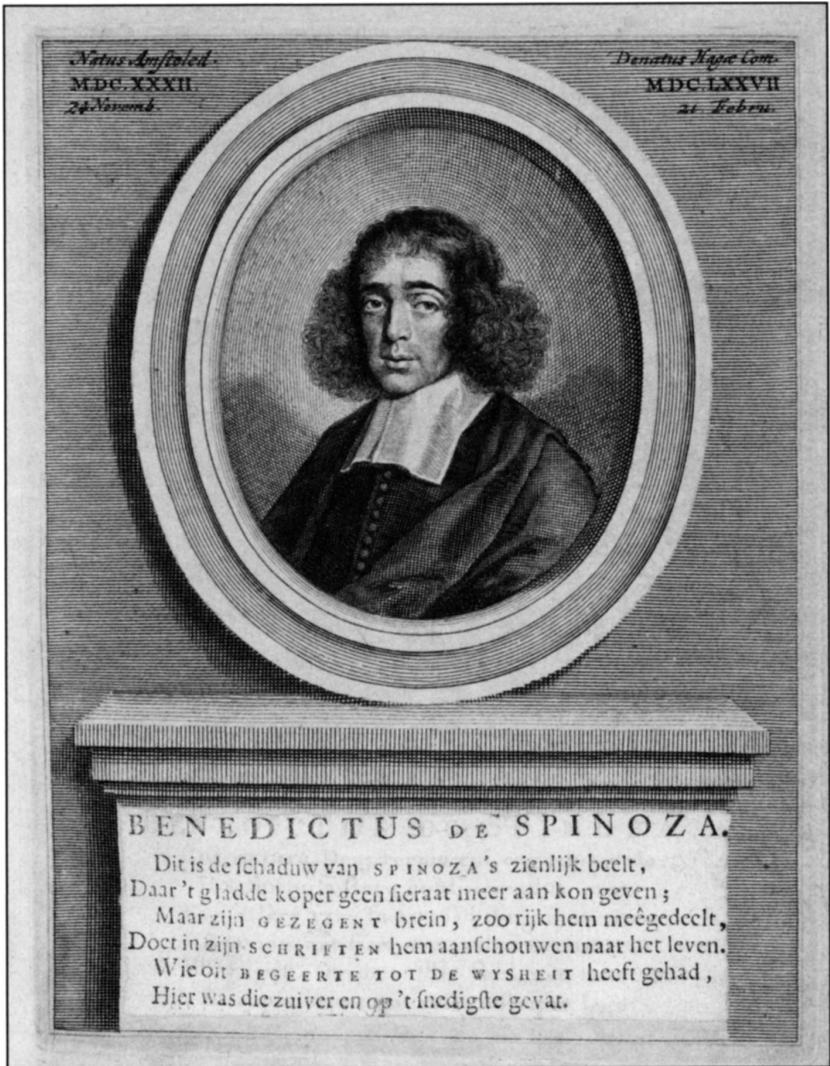
It is a great honor to have been asked to give this ‘Gouden-Eeuwlezing’, and I am very grateful for the invitation, and for the opportunity to speak to you this evening.

My topic does, I believe, go right to the heart of this venerable lecture series’ theme. I will be speaking about Spinoza, perhaps the most important—and certainly the most controversial—intellectual figure in the Dutch Golden Age. And the focus of my discussion will be an equally important subject in the study of the Netherlands in the seventeenth century: toleration.

What I want to do is approach the issue of toleration in Spinoza’s philosophy from two perspectives: First, I shall examine a common conception about Spinoza’s views on the relationship between religion and the state and show why it is, in fact, a *misconception*—that Spinoza is not, in fact, who he is very often taken to be on the question of religious toleration. Second, I would like to argue that Spinoza, despite his well-deserved reputation for being strong defender of toleration in general, in fact does not go far enough, and makes a potentially troubling concession to the legitimacy of state censorship. When I say he does not go far enough, I mean not only with respect to our broad contemporary ideals of toleration (since I do not want to hold Spinoza to any anachronistic standards), but also and especially with respect to his own standards—standards that were indeed exceedingly liberal for his time, but that, I shall suggest, he did not stand by with sufficient consistency.

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The first amendment of the United States Constitution says, among other things, that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” This complex (and oft-debated) proposition, comprised of both an “establishment” clause and a “free exercise” clause, is usually taken to be a clear and paradigmatic statement of the doctrine of separation of church and state. The government may neither contribute to the promotion of any religious worship, but neither may it prevent people from observing any religious rites or ceremonies they wish.



Anonymus, Portrait of Spinoza in *De Nagelate Schriften* (1677),  
the Dutch translation of Spinoza's *Opera Posthuma* (1677).

Two hundred years earlier, freedom of religion was enshrined among the founding tenets of the United Provinces of the Netherlands. Article Thirteen of the Union of Utrecht states that “every individual should remain free in his religion, and no man should be molested or questioned on the subject of divine worship.” The leaders of the Dutch Republic in the seventeenth century may not have always been faithful to this principle, and they certainly did not believe in the separation of church and state in the Republic, where the Reformed Church was, if not the *established* church, at least a formally privileged one. Still, there was for the period an unusually high freedom of religion in Holland and the other provinces.

As the author of a “theological-political” work, and having prepared the ground in its early chapters with his discussions of prophecy, faith, Scripture, and political theory, Spinoza must finally address in the *Tractatus Theologico-Politicus* what he views as the proper relationship between the state and religion. And it is often, even usually assumed that he was a strong early proponent of the separation of church and state and that he, along with John Locke, laid the foundation for future religious toleration. One recent commentator, echoing what many others have claimed, even writes that “the spirit of Spinoza lives on in the opening words of the First Amendment of the U.S. Constitution, the phrase referred to as the establishment clause.”<sup>1</sup>

In fact, nothing could be further from the truth.

The separation of church and state can mean a number of things. Spinoza did believe that when it comes to religious *belief* people should be left alone to believe (or not believe) whatever they want. It is impossible to control people’s beliefs anyway; there is no way to monitor what goes on in their minds. True piety, “the inward worship of God”, is an entirely personal matter. It should, as a matter not only of necessity but of right, be left to the individual alone.

Since [religion] consists in honesty and sincerity of heart rather than in outward actions, it does not pertain to the sphere of public law and authority. Honesty and sincerity of heart is not imposed on man by legal command or by the state’s authority. It is an absolute fact that nobody can be constrained to a state of blessedness by force or law ... As the sovereign right to free opinion belongs to every man even in matters of religion, and it is inconceivable that any man can surrender this right, there also belongs to every man the sovereign right and supreme authority to judge freely with regard to religion, and consequently to explain it and interpret it for himself.<sup>2</sup>

As we shall see, Spinoza also argues that the free expression of one's religious beliefs, verbally or in writing, should be tolerated by the state. No one should be prosecuted for heresy or irreligion.

However, if the separation of church and state means what it is usually taken to mean in the free exercise and establishment clauses of the American Constitution, that government may not regulate or formally endorse any particular set of religious practices or outward forms of worship, then here the founders of the American republic have parted company with Spinoza.

According to Spinoza, in the properly ordered state, the sovereign power is charged with all matters of public well-being. Any actions or practices that enter into the public sphere and therefore may possibly affect the welfare of the people and the state are the responsibility of the government. The state's laws and decrees must be directed toward peace, security and the stability of the polity, and its legislators must take care to regulate institutions whose activities have some bearing on these. (By contrast, anything that is not related to the public good, such as private belief, is not within the sovereign's purview.)

It follows, then, that the sovereign's power extends not only to the promulgation of civil laws but to laying down religious laws as well, at least insofar as these are related to piety in the form of public activities. The inner worship of God and the feelings of love toward one's neighbors, which for Spinoza constitute "true religion", are to be left to the individual. But the outer form in which this worship and love are to be practiced—the rites and ceremonies observed and, especially, the expression of the obedience of God and the love of one's neighbor through justice and charity in action—all fall within the public domain and, thus, within the sovereign's sphere of authority.

The welfare of the people is the highest law, to which all other laws, both human and divine, must be made to conform. But since it is the duty of the sovereign alone to decide what is necessary for the welfare of the people and the security of the state, and to command what it judges to be thus necessary, it follows that it is also the duty of the sovereign alone to decide what form piety towards ones' neighbor should take, that is, in what way every man is required to obey God.<sup>3</sup>

This means that the sovereign is responsible for what Spinoza calls the "interpretation of religion". Individual citizens are, of course, free to read and interpret the Bible for themselves and to discover its exhortations to justice and charity. They are at liberty to do this however they can and with whatever metaphysical, theological and historical beliefs may help them toward obedi-

TRACTATUS  
THEOLOGICO-  
POLITICUS

*Continens*  
Dissertationes aliquot,

Quibus ostenditur Libertatem Philosophandi non tantum  
salva Pietate, & Reipublicæ Pace posse concedi: sed  
eandem nisi cum Pace Reipublicæ, ipsaque  
Pietate tolli non posse.

Johann: Epist: I. Cap: IV. vers: XIII.

*Per hoc cognoscimus quod in Deo manemus, & Deus manet  
in nobis, quod de Spiritu suo dedit nobis.*



HAMBURGI,  
Apud Henricum Künrabt. c1670 clxx.

Title page of Spinoza's *Tractatus Theologico-Politicus* (1670).

ence. But in a democracy, Spinoza's preferred form of government, the governing assembly is to decide how God's law is to be translated into practice, since that assembly has sole authority to decide what activities are consistent with the public welfare.

No one can exercise piety toward his neighbor in accordance with God's command unless his piety and religion conform to the public good. But no private citizen can know what is good for the state except from the decrees of the sovereign, to whom alone it belongs to transact public business. Therefore, no one can practice piety aright nor obey God unless he obeys the decrees of the sovereign in all things.<sup>4</sup>

Notice that Spinoza says that the organization and control of religion is the duty of the sovereign *alone*. Among those "private citizens" who are not qualified to make judgments about the public good and thus dictate outward forms of worship (including, presumably, ceremonial rites), are clergy. Spinoza has fully removed the supervision of religion from sectarian leaders and put it firmly in the hands of the civil authority. The sovereign is free to appoint ecclesiastics to act as its "ministers" in religious affairs, but these representatives serve at the pleasure of, and are fully subordinate to, the secular authority.

Civil control of religious affairs, while no doubt offensive to early modern ecclesiastics, was in fact a prominent theme in seventeenth-century Dutch republican thought, and Spinoza was not alone in his views on this matter. Hugo Grotius had proposed secular regulation of preaching and worship,<sup>5</sup> while Pieter de la Court, foreshadowing Spinoza, insisted that the state, insofar as it is responsible for peace, security and prosperity, should have power over all religious activities (while, at the same time, tolerating a diversity of religious *beliefs*). Meanwhile, the Englishman Thomas Hobbes, also, unsurprisingly, argued that the sovereign is to have absolute command over religion within its dominion: not just the organization and content of public preaching, but even in determining what is Scripture and what is the word of God. For Hobbes, there may be many pastors in a state, but they must all be subordinate to a single chief pastor. And, he says, "who that chief pastor is, according to the law of nature, hath been already shown, namely, that it is the civil sovereign."<sup>6</sup> The alternative to "this consolidation of the right politic and ecclesiastic" is, Hobbes believes, "civil troubles, divisions, and calamities of the nation."



Abraham Bosse, Frontispiece of Thomas Hobbes' *Leviathan* (1651).



For Spinoza, then, in the ideal state there is to be one and only one form of public devotion, and it is to be determined and supervised by the civil government.

Now those who would claim that Spinoza was indeed a defender of the separation of church and state might argue that, in fact, what Spinoza is insisting upon is something weaker than what I have suggested: not a single form of public worship, but only the idea that all forms of public worship—and there may be many—must nonetheless be consistent with the civil laws and public welfare, as these are determined by the sovereign. Thus, he says that “no one can obey God unless his practice of piety ... *conforms with the public good*”.<sup>7</sup> Rather than being the establisher of religion, then, government would thereby be only its watchdog. But it seems to me that Spinoza does in fact intend the stronger claim, that there is to be only one form of public worship and it is to be determined by the sovereign; after all, immediately before this passage, he says that “it is the duty of the sovereign alone to decide what form piety towards one’s neighbor should take.”

Spinoza’s intention is most definitely *not* to institute a state religion with compulsory church attendance and religious observance. And he especially does not want the sovereign to dictate religious dogma. No one is to be forced to believe or to worship anything, to join any gathering or to engage in any ceremonial practices. Such enforced (and therefore false) piety and mandated uniformity would not be consistent with the primary aim of the state (or of Spinoza’s political project): increasing the rationality and freedom of its citizens and insuring civic peace. Spinoza is not interested in seeing totalitarian control over people’s lives. Rather, his position is based on the fear that, without such singular and secular control over religious matters, there is a real danger to the well-being of the commonwealth.

In Spinoza’s view, the greatest threat to civil peace—both in theory and as ancient (Biblical) and contemporary (Dutch) events have shown—are the divisions introduced into society by sectarian religion. The multiplication of sects, even the existence of *one* sect distinct from the official public one, will ultimately bring down even a powerful and prosperous society. Sectarian religions set citizens against each other—Christians against Jews, Protestants against Catholics—and, more importantly, against the state itself. As soon as there are alternative sources of authority besides the sovereign, the loyalty of citizens is divided. There are now states within the state. It becomes a legitimate question as to whether the citizens are devoted to the polity at-large and the general welfare or to their more narrow sectarian causes. And a commonwealth within which there is such a division of loyalties, with piety opposed to patriotism, cannot last long. It will eventually disintegrate under the pressure



Title page of a Dutch print of Thomas Hobbes' *Elementa philosophica de cive* (1647).

of civil discord. As Hobbes succinctly puts it, “no man can serve two masters.”<sup>8</sup>

The problem becomes particularly acute when the “religious functionaries” themselves seek influence over not just the hearts and minds of their congregants, but the social and moral lives of citizens. It is, in fact, inevitable that ecclesiastics, once allowed their independent sectarian domains, will encroach upon the civil power and strive for supremacy over it. The result of such a usurpation of political authority is a division of sovereignty in the commonwealth and, in the end, its downfall.

This is precisely the lesson that Spinoza finds in ancient Israelite history. As long as political and religious authority were combined in one man (such as Moses) or one body acting on behalf of God (the true sovereign), the Hebrew commonwealth thrived as a theocracy. There was no confusion over to whom obedience was owed. A priestly caste existed, but its members were completely subordinate to the sovereign; they were consultants on religious matters, not leaders. After the monarchy was instituted under Saul, however, things deteriorated as power in the kingdom devolved into political and religious spheres. The kings were forced to recognize “a dominion within their dominion” as the priests exercised greater influence within and, subsequently, beyond the confines of the sanctuary. This was the beginning of the end for the Israelite commonwealth.<sup>9</sup>

With the return from exile in Babylon and the restoration of independence in the Second Temple period, “the priests usurped the right of government, thereby holding absolute power.” In a reading of Biblical history that has clear resonance for the contemporary Dutch scene—where, in the late 1660s, the orthodox Calvinist elements in Dutch society exerted their considerable influence on behalf of the Orangist bloc and the return of the stadholder, and thus opposed the domestic and foreign policies of De Witt and the States-party—Spinoza notes that “the priests became inflamed with the desire to combine secular and religious rule”, with ruinous consequences for the Israelite polity.<sup>10</sup> The Dutch Republic, heeding the lesson of the Kingdom of Judah, should not allow ecclesiastics to influence civic affairs.<sup>11</sup> When priests and preachers acquire “the authority to issue decrees and to transact government business”, their individual ambitions will know no bounds and they will each seek “self-glorification both in religious and secular matters.” They will fall out among themselves, increasing sectarian divisions in society. Corruption will necessarily follow as the affairs of state will be run according to the self-interest of whichever sect happens to gain the reins of power. Meanwhile, the religion they enforce, now for the perpetuation of their rule, will degenerate into “pernicious superstition”.<sup>12</sup>

Thus, for Spinoza, in the model state, there is to be only one established religion, and it will be overseen by the sovereign. His views on this matter, then, are not that different from those of Hobbes, as these appear in both *Leviathan* and *De Cive*. In the *Political Treatise*, Spinoza does allow that there can be independent congregations of worship, even, it seems, sects. However, there will be restrictions: "Large congregations should be forbidden, and so, while those who are attached to another religion [besides the state religion] are to be allowed to build as many churches as they wish, they are to be small, of some fixed dimensions, and some distance apart." The houses of worship of the "national religion", by contrast, "should be large and costly."<sup>13</sup>

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I shall now turn to the more general question of toleration. Spinoza is, without question, one of history's most eloquent proponents of a secular, democratic society, and the strongest advocate for freedom and toleration in the early modern period. After all, the ultimate goal of the *Theological-Political Treatise* is enshrined in both the book's subtitle and in the argument of its final chapter: to show that the "freedom of philosophizing" not only *can* be granted "without detriment to public peace, to piety, and to the right of the sovereign, but also that it must be granted if these are to be preserved."<sup>14</sup>

To begin with, there is the question of the toleration of *beliefs*. And what we have already seen Spinoza say about the freedom of religious belief holds for all opinions whatsoever: they are to be absolutely free and unimpeded, both by right and in fact. "It is impossible for the mind to be completely under another's control; for no one is able to transfer to another his natural right or faculty to reason freely and to form his own judgment on any matters whatsoever, nor can he be compelled to do so." Indeed, any effort on the sovereign's part to rule over the beliefs and opinions of citizens can only backfire, as it will ultimately serve to undermine the sovereign's own authority. In a passage that strikes the reader as both obviously right and extraordinarily bold for its time, Spinoza writes that

a government that attempts to control men's minds is regarded as tyrannical, and a sovereign is thought to wrong his subjects and infringe their right when he seeks to prescribe for every man what he should accept as true and reject as false, and what are the beliefs that will inspire him with devotion to God. All these are matters belonging to individual right, which no man can surrender even if he should so wish.

A sovereign is certainly free to try and limit what people think, but the result of such a foolhardy policy would be only to create resentment and opposition to its rule. "It is true that sovereigns can by their right treat as enemies all who do not absolutely agree with them on all matters, but the point at issue is not what is their right, but what is to their interest."<sup>15</sup> The freedom of opinion is, for Spinoza, an "inalienable right".

Still, the toleration of belief is easy, because necessary. Even Hobbes saw that citizens cannot be forced to believe anything.<sup>16</sup> The more difficult case, the true test of a philosopher's commitment to toleration, concerns the liberty of citizens to *express* those beliefs, either in speech or in writing. And here Spinoza goes further than anyone else in the seventeenth century.<sup>17</sup>

Utter failure will attend any attempt in a commonwealth to force men to speak only as prescribed by the sovereign despite their different and opposing opinions ... The most tyrannical government will be one where the individual is denied the freedom to express and to communicate to others what he thinks, and a moderate government is one where this freedom is granted to every man.<sup>18</sup>

Spinoza's argument for freedom of expression is based both on the right (or power) of citizens to speak as they desire, as well as on the fact that (as in the case of belief) it would be self-defeating for a sovereign to try to restrain that freedom. No matter what laws are enacted against speech and other means of expression, citizens will continue to say what they believe (because they can), only now they will do so in secret. "It is far beyond the bounds of possibility that all men can be made to speak to order. On the contrary, the greater the effort to deprive them of freedom of speech, the more obstinately do they resist."<sup>19</sup> The result of the suppression of freedom is, once again, resentment and a weakening of the bonds that unite subjects to sovereign. In Spinoza's view, intolerant laws lead ultimately to anger, revenge and sedition. The attempt to enforce them is a "great danger to the state."

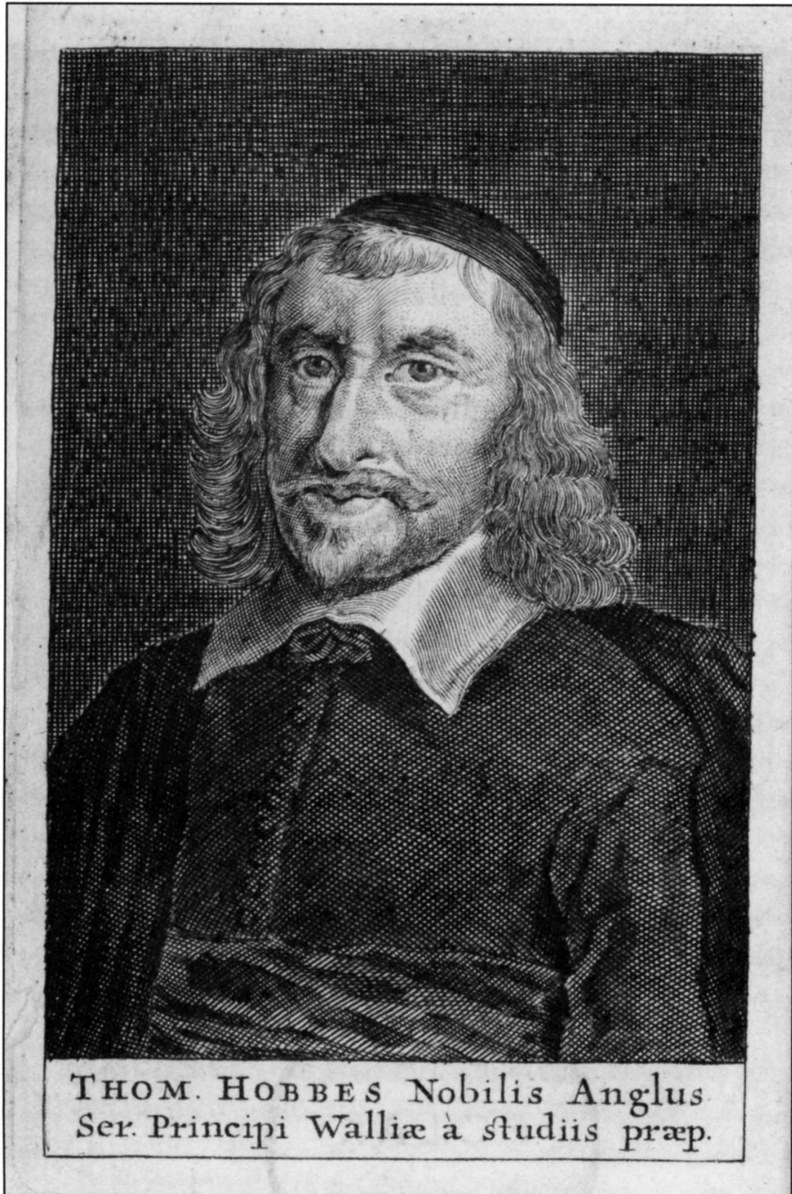
Spinoza also argues for freedom of expression on utilitarian grounds. It is necessary for progress in the discovery of truth and the spread of creativity. Without an open marketplace of ideas, science, philosophy and other disciplines are stifled in their development, to the technological, economic and even aesthetic detriment of society. In this respect, Spinoza's defense of liberty foreshadows the one that John Stuart Mill would offer two centuries later in his essay *On Liberty*. As Spinoza puts it, "this freedom [of expressing one's ideas] is of the first importance in fostering the sciences and the arts, for it is

only those whose judgment is free and unbiased who can attain success in these fields.”<sup>20</sup>

For Spinoza, then, there is to be no criminalization of ideas in the well-ordered state. *Libertas philosophandi*, the freedom of philosophizing, must be upheld for the sake of a healthy, secure and peaceful commonwealth and material and intellectual progress. “What greater misfortune can be imagined for a state than that honorable men should be exiled as miscreants because their opinions are at variance with authority and they cannot disguise the fact? What can be more calamitous than that men should be regarded as enemies and put to death, not for any crime or misdeed, but for being of independent mind?”<sup>21</sup> One cannot but think that Spinoza had his unfortunate friend Adriaan Koerbagh, who had recently died in prison, incarcerated for his philosophical writings, in mind when he wrote these words.

Spinoza’s views on liberty go beyond what was envisioned by another philosopher renowned for his defense of toleration: John Locke. Locke was primarily interested in the toleration within a society of a variety of religious ideas, so that individuals may enjoy the uninhibited personal communion with God in which religion consists. In his “Letter on Toleration”, written in 1685, Locke argued that no religious group, nor even the state, has the right to persecute those who belong to other sects. Membership in a community of believers is voluntary, and thus no church may use force (or engage the power of the state) to further its narrow sectarian aims. Different forms of worship and theological dissent are to be allowed, even encouraged, in the commonwealth.

Like Spinoza, Locke also makes his case for toleration with utilitarian considerations. Such freedom, insofar as it fosters the search after truth, brings great benefits for society, and not just intellectual ones. Locke was clearly impressed by the economic fruits of toleration that he saw in the Dutch Republic, where he was residing when he wrote the Letter. However, Locke makes one significant exception to the general policy of openness for religious and secular ideas: there is to be no toleration of atheism and other forms of irreligion. Since atheists do not believe in God, they have no foundation for morality, and thus they cannot be trusted not to act in ways that are harmful to their fellow citizens. “Those are not at all to be tolerated who deny the being of God ... promises, covenants, and oaths, which are bonds of human society, can have no hold upon an atheist.”<sup>22</sup> Locke’s refusal to grant the same freedom to atheists that he provides for believers is therefore made on political and ethical rather than religious grounds. And apparently it is not only freedom of expression that is being denied to them, but freedom of belief, since their mere presence in the state is supposed to be a threat to its welfare. I



Anonymus, Portrait of Thomas Hobbes in *Elementa philosophica de cive* (1647).

believe this represents an inconsistency in Locke's thought and a striking failure of toleration, one that is absent from Spinoza's account.

However—and this brings me to my main point—Spinoza does not support *absolute* freedom of speech. He explicitly states that the expression of “seditious” ideas is *not* to be tolerated by the sovereign. There is to be no protection for speech that advocates the overthrow of the government, disobedience to its laws or harm to fellow citizens. The people are free to argue for the repeal of laws that they find unreasonable and oppressive, but they must do so peacefully and through rational argument. If their argument fails to persuade the sovereign to change the law, then that must be the end of the matter. What they may not do is “stir up popular hatred against [the sovereign or his representatives].”<sup>23</sup>

Absolutists about the freedom of speech will be troubled by these caveats on Spinoza's part, and rightly so. After all, who is to decide what kind of speech count as seditious? May not the sovereign declare to be seditious simply those views with which it disagrees or that it finds contrary to its policies? Spinoza, presumably to allay such concerns, does offer a definition of “seditious political beliefs” as those that “*immediately* have the effect of annulling the covenant whereby everyone has surrendered his right to act just as he thinks fit.”<sup>24</sup> The salient feature of such opinions is “the action that is implicit therein”—that is, they are more or less verbal incitements to act against the sovereign and thus they are directly contrary to the tacit social contract of citizenship. (“Other beliefs”, he says, “in which there is no implication of actions such as the breaking of the covenant, the exaction of revenge, the indulgence of anger and so forth, are not seditious.”)

But this still leaves a considerable gap for unreasonable censorship of the expression of ideas. Engaging in speech that “immediately” contributes toward weakening the political compact could be done directly, by incendiary words intended to stir up civil disobedience. But it could also be done in a more subtle and indirect way, by spreading subversive beliefs about the sovereign (such as a rumor that its policies are treasonous, or even that its rule is illegitimate—in the United States, this might be exemplified by the so-called “birther” movement, a right-wing fringe who keep insisting that President Obama was not born in the United States and thus does not satisfy one of the necessary conditions for the presidency). Among the things that Spinoza says are not to be allowed is accusing a magistrate of injustice. If there is an “implication of action” or an “immediate” effect of “annulling the covenant” in such a case, it is at best obscure.

It is not clear, then, that Spinoza's position really amounts to the view, as Jonathan Israel (for example) reads it, that the expression of opinions “only



*De Nagelate*  
**SCHRIFTEN**

van  
**B. D. S.**

*Als*  
**ZEDEKUNST,  
STAATKUNDE,  
VERBETERING van 't Verftant,  
BRIEVEN en ANTWOORDEN.**

*Vit verfcheide Talen in de Neder-  
landsche gebragt.*



**Gedrukt in 't Jaar M. DC. LXXVII.**

Title page of the Dutch translation of Spinoza's *Opera Posthuma* (1677).

becomes subversive and hence liable for punishment ... if it directly obstructs implementation of laws and decrees.”<sup>25</sup> It seems a rather hazy boundary here between legitimate dissent and protest (which, for Spinoza, is protected) and being “an agitator and a rebel” (which is not). The U.S. Supreme Court, in a troubling 6-3 decision, recently upheld a federal law which makes it a crime to provide help to a foreign group designated as a “terrorist organization”, even if the help one provides involves only speech intended to encourage that organization to adopt non-violent means for resolving conflicts.<sup>26</sup> Would such a ban be permissible under Spinoza’s principles?

Spinoza may feel that he has provided an unambiguous criterion and identified a small and well-circumscribed domain for what is to count as seditious speech, and thereby set a firewall against the arbitrary abuse of state power over the expression of ideas. But still, there appears to remain a loophole for a clever sovereign to engage in and justify a potentially extensive suppression of ideas, including prior restraint of the press, the censorship of books and even the prohibition of meetings.<sup>27</sup>

Perhaps Spinoza should have more consistently followed the logic of his own reasoning by drawing the line not within the realm of belief (including its expression) but at the border of belief (and its expression), on the one hand, and true action, on the other hand, as he sometimes seems to do.

It was only the right to act as he thought fit that each man surrendered, and not his right to reason and judge. So while to act against the sovereign’s decree is definitely an infringement of his [the sovereign’s] right, this is not the case with thinking, judging, and consequently with speaking, too.<sup>28</sup>

Although, again, Spinoza adds the warning: “provided one does no more than express or communicate one’s opinion, defending it through rational conviction alone, not through deceit, anger, hatred, or the will to effect such changes in the state as he himself decides.”

Now it might be argued that Spinoza does, in fact, draw the line between what the sovereign can and cannot legitimately monitor right at the border between ideas and action, on the grounds that the *expression* of ideas properly falls under the latter category (since such expression—whether in speech or in a publication—is a public action). It would then be perfectly consistent with his principles of toleration for Spinoza to allow the sovereign to censor speech.<sup>29</sup> However, Spinoza does not actually argue in this way. He does not say that the expression of ideas is an action, and therefore is in the domain of the sovereign’s control. Rather, he argues that those verbal expressions that

have an “action that is implicit therein”—that is, speech that is a call or incitement to action—are subject to government control; and thus he maintains the distinction between ideas (and their expression), on the one hand, and action, on the other hand, and allows censorship to extend into the former. It must be confessed, however, that the boundary between thought and action does seem a little blurred with the category of the expression of ideas that is not itself action but “implies” action.<sup>30</sup>

Spinoza is certainly conscious of, and willing to allow for, some potentially unpleasant consequences entailed by the broad respect for civil liberties. There will be public disputes, even factionalism, as citizens express their opposing views on political, social, moral and religious questions. This is, however, what comes with a healthy democratic and tolerant society. As he concedes, “what cannot be prohibited must necessarily be allowed, even if harm often ensues.”<sup>31</sup> The proper state will be very much like Amsterdam itself, which, while not truly democratic, Spinoza greatly admires for the freedom it allows its denizens and the flourishing such toleration has brought the city.

Take the city of Amsterdam, which enjoys the fruits of this freedom, to its own considerable prosperity and the admiration of the world. In this flourishing state, a city of the highest renown, men of every race and sect live in complete harmony; and before entrusting their property to some person they will want to know no more than this, whether he is rich or poor and whether he has been honest or dishonest in his dealings. As for religion or sect, that is of no account, because such considerations are regarded as irrelevant in a court of law; and no sect whatsoever is so hated that its adherents—provided that they injure no one, render to each what is his own, and live upright lives—are denied the protection of the civil authorities.<sup>32</sup>

It is surprising to see Spinoza writing this. As I mentioned, one of his close friends has just died in prison, condemned by the city of Amsterdam—in a brutal act of intolerance at the instigation of the Calvinist consistory—for philosophical and religious ideas. So perhaps there is a good deal of bitter irony in Spinoza’s words here. On the other hand, Amsterdam was the most liberal and tolerant city in a republic renowned in its own time for religious and political toleration, and Spinoza, while aware of the city’s shortcomings, also knew well and appreciated its virtues.

One can hope that perhaps Spinoza himself was uncomfortable with the restriction he had placed on freedom of speech, and that deep down he really was an absolutist on this matter. In the penultimate paragraph of the *Theolo-*

*gical-political Treatise*, he does draw a clear line between ideas and their expression, on the one hand, and actions, on the other hand, and insists—this time without any qualification—that the sovereign’s authority should (if only out of prudence) be restricted to the latter: “The state can pursue no safer course than to regard piety and religion as consisting solely in the exercise of charity and just dealing, and that the right of the sovereign, both in religious and secular spheres, should be restricted to men’s actions, with everyone being allowed to think what he will and to say what he thinks.”<sup>33</sup> This sentence, a wonderful statement of the principle of toleration, is perhaps the real lesson of the *Treatise*, and should be that for which Spinoza is remembered.

## Notes

1. Goldstein 2006, p. 11.
2. TTP VII, G III.117; S 103.
3. TTP XIX, G III.232; S 215-16.
4. TTP XIX, G III.232-3; S 216.
5. See Malcolm 2002, p. 41.
6. *Leviathan* III.29.v, Hobbes 1994, 316.
7. TTP XIX, G III.232; S 216 (my emphasis)
8. *De Cive* VI.11, Hobbes 1991, 179-80: "For no man can serve two masters; nor is he less, but rather more a master, whom we believe we are to obey for fear of damnation, than he whom we obey for fear of temporal death."
9. TTP XIX, G III.235; S 218.
10. TTP XVII, G III.221; S 203-4.
11. TTP XVIII, G III.225; S 208.
12. TTP XVIII, G III.222; S 205-6.
13. TP VIII.46, G III.345; SM 740.
14. TTP XX, G III.247; S 229.
15. TTP XX, G III.240; S 223.
16. Curley (2009) suggests that, in fact, beliefs are not so immune to external coercion, and that Spinoza himself recognized this.
17. Hobbes explicitly denies freedom of speech, and insists that the sovereign should exercise careful control over what ideas are expressed in the commonwealth. "It is annexed to the sovereignty to be judge of what opinions and doctrines are averse, and what conducing, to peace; and consequently, on what occasions, how far, and what men are to be trusted withal, in speaking to multitudes of people, and who shall examine the doctrines of all books before they be published" (*Leviathan* II.xvii.9; Hobbes 1994, p. 113).
18. TTP XX, G III.240; S 223.
19. TTP XX, G III.243; S 226.
20. TTP XX, G III.243; S 226.
21. TTP XX, G III.245; S 227.
22. From Locke's "A Third Letter for Toleration", quoted in Israel 2001, p. 266. For a comparative discussion of Locke and Spinoza on toleration, see Israel 2001, pp. 265-70.
23. TTP XX, G III.241; S 224.
24. TTP XX, G III.242; S 225 (my emphasis).
25. Israel 2006, p. 158. See also Balibar 1998, p. 27.
26. Holder v. Humanitarian Law Project, No. 08-1498; see "Justices Uphold a Ban on Aiding Terror Groups", *The New York Times*, June 22, 2010. The court's majority argued that such speech would help the group achieve its ends, as well as free up other resources at its disposal.
27. In this respect, it may be that while Spinoza's views on toleration seem much more liberal than those of Hobbes, when the sovereign's ability to censor ideas in

the name of public peace and political stability are taken into account, the two thinkers in fact are not that far apart; see note 18 above.

28. TTP XX, G III.241; S 224.
29. See Garber 2008, p. 170.
30. As Israel (2006) notes, whether there really can be “so clear and evident a distinction between action, on one side, and thought and expression, on the other, as this theory presupposes, may well appear unlikely” (158).
31. TTP XX, G III.243; S 225.
32. TTP XX, G III.245-6; S 228.
33. TTP XX, G III.247; S 229.