

## **Benedict Spinoza and the Problem of Theocracy**

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Of all of the features of Spinoza's political theory, perhaps none is more perplexing than his account of the Old Testament Hebrew Commonwealth in chapters 17 and 18 of the *Theological-Political Treatise*. In this discussion of the Hebrew polity governed by Mosaic Law, Spinoza presents his fullest analysis of the intersection of religion and politics, that is to say, it is here in his most important political work that Spinoza considers the issue of theocracy. Antonio Negri is perhaps unique in his dismissal of this discussion as meaningless in the general scope of Spinoza's thought (Negri 1981: 116). Rather most commentators recognize the importance of Spinoza's regime analysis of the biblical Hebrews, yet they often differ as to what it signifies. For some, the Hebrew Republic prior to the kings represents a model of Spinoza's best regime, akin to the role that the Roman Republic plays in Machiavelli's *Discourses on Livy* (e.g., Smith 1997: 146-7, Smith 1995: 222, Haitsma Mulier 1980: 181-2, 186). For others, Spinoza's account of the Hebrew theocracy is primarily a cautionary tale intended to highlight by analogy the dangers that religious orthodoxy and clericalism pose for free government in the context of the seventeenth-century Dutch Republic (Rosenthal 1997: 227-30, Feuer 1958: 121, 134-5, Morrison 1980: 189). Whether it is seen as the object of Spinoza's praise or his criticism, it is perhaps unavoidable that the most authoritative biblical treatment of politics could not avoid drawing Spinoza's attention.

I propose to reconsider Spinoza's treatment of the Hebrew theocracy by focusing on an important, but often neglected, aspect of Spinoza's account. This is the explicit parallel Spinoza draws between democracy and theocracy. As is well known, Spinoza praised democracy setting it as the peak of political possibilities because it was in his view the most natural and most rational form of government. However, less widely recognized is the, at least formal, resemblance or connection between democracy and theocracy for Spinoza claims that in establishing their theocracy, the Hebrews "all gave up their right, equally, as in a democracy".<sup>1</sup> Spinoza's affirmation of the egalitarian foundation of theocracy suggests that our understanding of his praise or criticism of the Hebrew polity must be considered in light of the relation between theocracy and democracy. Thus, Spinoza's conception of theocracy either benefits from its resemblance to democracy—his best regime—or it suffers from the extent to which it departs from the democratic standard of excellence.

This paper will argue that despite sharing some similar properties, democracy and theocracy actually stand as antitheses in Spinoza's political thought because theocracy represents the radicalization of dangerous and erroneous principles deduced from a misunderstanding of the human relation to, and place in, nature. Spinoza contrasts the theocratic perspective, which places the human relation to the divine as the central organizing principle of reality, with the philosophical or scientific approach to the study of nature, which he identifies as natural right. If democracy is the most natural regime because it immerses inquiry about the human in the study of nature simply, theocracy is, perhaps paradoxically, the most narcissistic, and in a sense most unnatural regime, because it encourages a false idea about the moral significance of the distinctly human in nature. Democracy logically flows from the principles of natural right, whereas theocracy does not.

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<sup>1</sup> Spinoza 2007: chapter 17, section 9, page 214 (hereafter in notes and text simply chapter, section, and page). See also 19.6.240.

Spinoza identifies the problem of theocracy operating in two distinct dimensions of Hebrew political life. First, he criticizes the quasi-separation of powers that emerged in the Hebrew polity after the death of Moses as a source of deep structural instability in the Hebrew state. The perpetual conflict between the Levite priestly class and the military leaders over who governs dramatically illustrates the problem of divided sovereignty, and the dangers attending any institutional effort to make religion acquire the force of law. We shall argue that Spinoza's account of the Hebrew Commonwealth also signifies a more general critique of the classical republican idea of balanced government, which was seen by many of Spinoza's contemporaries, as the cornerstone of civic freedom. In this respect, Spinoza's treatment of the Hebrews was designed to impact the modern, but not exclusively Dutch, context by reorienting the republican conception of freedom away from classical ideals of balanced or mixed government, and towards a clearer notion of the democratic and egalitarian foundations of political liberty.

However, for Spinoza the lesson of the Hebrew Commonwealth is not simply the need to have political control over religious authority. Rather the more fundamental problem of theocracy relates to the intellectual foundations of this type of regime. As Spinoza presents it, theocracy is based upon a fundamental contradiction flowing from the proposition that the human relation to the divine is characterized by convention or agreement. On the one hand, theocracy presupposes that God is a legislator and yet, on the other hand, the Hebrew regime signifies that divine law is the product of human agreement. According to Spinoza, the tension, and indeed contradiction, between the divine and the human origins of religious law created a source of permanent internal stability in the Hebrew polity. Thus, the preservation of theocracy requires the suppression of intellectual inquiry about the truth of the prevailing religion, for as Spinoza seeks to demonstrate no plausible account of nature can support the notion of God as legislator or the idea that there is any human agreement or contract that is in principle inviolable. Spinoza's conception of natural right thus reduces every theocratic formulation of divine law into a form of politically enforced mass prejudice. The problem of theocracy, then, is inseparable from the misunderstanding of nature and lack of intellectual freedom that is in principle an essential feature of orthodoxy.

### **I. Defining Theocracy**

Before we begin examining the Hebrew polity, it is important to locate chapters 17 and 18 in the framework of Spinoza's treatment of the relation of politics and religion in the *Theological-Political Treatise*. In the opening ten chapters of this work the Hebrew Commonwealth is a frequent focus of analysis as Spinoza considers the philosophical meaning and political significance of the Old Testament. His primary concern there is to present sound principles for interpreting scripture; that is principles of interpretation that are deducible from reason. In the context of this discussion, two features of Old Testament exegesis assume special significance; namely, the notion of Hebrew election and the role of prophecy in the establishment of Mosaic Law. Together these two propositions stand at the very core of what the Hebrew Commonwealth represents in scripture.

In the course of offering a rigorously naturalistic account of scriptural interpretation, Spinoza presents a starkly unorthodox reading of the meaning of prophecy and Hebrew election. Prophecy we are told is primarily a product of vivid imagination, rather than the superinduction

of divine reason. Even in the case of Moses, who scripture claims was unique among Hebrew prophets inasmuch as God spoke to Moses directly in a “real voice (1.8.15),” Spinoza identifies serious cognitive limitations that can undermine the coherence of prophecy. Indeed, Spinoza insists that Moses did not “adequately grasp that God is omniscient,” and in actuality had only rather rudimentary ideas about God including the belief that God has his “home in the heavens” like the Olympian gods “among the gentiles” (2.14.36-7). Moreover, Spinoza claims that prophecy was by no means unique to the Hebrews for as scripture reveals “all nations have had prophets, and that the prophetic gift was not peculiar to the Jews” (3.8.49).

Spinoza’s critical approach to prophecy largely dismissed the importance of the particular features of Hebrew prophecy and focuses rather on a universal standard of moral actions for assessing the authority of prophecy. It is on this basis that Spinoza’s critical approach to prophecy impacts his interpretation of the biblical idea of election. Insofar as prophecy is a product of human reflection upon moral as opposed to speculative matters, it can only be judged by a secular standard of success or failure. Hebrew election had nothing to do with any particular insights about God’s essence, for Spinoza insists that the Hebrews (including Moses) “had entirely commonplace notions of God and nature, and, thus they were not chosen by God, above others, for their understanding” (3.6.47). Rather what the bible meant to indicate by the idea of Hebrew election is the “success and the prosperity at that time of their commonwealth” (3.6.47). This measure of success had to do primarily with the material welfare of the Jewish people and the independence and stability of the Hebrew state—a standard of success that in principle is universal. Moreover, given the secular basis of election, Spinoza claims that it is not a permanent feature of Jewish political life (3.11.54). Thus, according to Spinoza neither the Old Testament idea of prophecy nor election indicates that the Mosaic Law has any application beyond the Hebrew polity in a particular time and determinable by a measurable standard of political success.

Given the centrality of the Old Testament in Spinoza’s treatment of scriptural interpretation, it is perhaps inevitable that he would expend considerable effort to examine the Mosaic regime that constituted the direct political manifestation of prophecy. However, when Spinoza turns to analyze the Hebrew Commonwealth in chapters 17 and 18, it soon becomes apparent that this polity does not fit standard categories of regime typology such as the classical idea of rule by one, few or the many.<sup>2</sup> Rather Spinoza presents his notion of theocracy as something of a new discovery in the political realm, or at least theocracy emerges as Spinoza’s attempt to craft a meaningful definition out of a decidedly amorphous concept.<sup>3</sup> There are three components to Spinoza’s definition of theocracy. First, he identifies a contractual basis of theocracy. When the Hebrews departed from Egypt they were “not bound by compact to anyone,” and thus their political obligation only came into being when, on “the advice of Moses,” they all agreed “to transfer their right to no mortal man but rather to God alone” (17.7.213). In this sense, theocracy appears to be simply a variant of early modern, especially Hobbesian, contract theory. However, the second element of theocracy is the specifically theological content of the social compact for the practical effect of establishing God alone as

<sup>2</sup> See for example the classic Aristotelian typology at Aristotle 1995: 1279a25-1279b3.

<sup>3</sup> As Feuer (1958: 120) and Balibar (1998: 45) observe, the term ‘theocracy’ was originally coined by the ancient Jewish historian Josephus, however Spinoza is the first thinker in modernity to try to give theocracy a distinct theoretical content.

sovereign is to give religion the force of law. As such, in the Hebrew Commonwealth “religious dogmas were not doctrines but rather laws and decrees,” and the Temple was the “palace of government” (17.8.213, 17.15.219).

The third, and final element, of Spinoza’s definition of theocracy is the separation of powers. The striking characteristic of the structure of the Hebrew government was, according to Spinoza, that “the right to interpret the laws and communicate God’s responses was assigned to one man while the right and power of administering government according to the laws interpreted by the first and the responses he communicated was given to another” (17.10.215). In practice this meant that authority was divided between the high priest, who interpreted the law, and the civil leadership, who commanded the military. By this account, theocracy differs from monarchy, aristocracy and democracy precisely because it reflects the anti-absolutist thrust embodied in the classical republican idea of divided or balanced government. That is to say, God rules theocracy almost by default as no other political or religious actors can govern on their own.

Even as Spinoza presents his multidimensional definition of theocracy, it is apparent that this theoretical account is in some sense inseparable from the distinct features of Jewish history and religious experience. While Spinoza argues that the Hebrew Commonwealth is the product of mass compact at a particular point in time during the exodus from Egypt, he also indicates that the Hebrew polity is indistinguishable from the religious rituals and ceremonies that “served to establish and preserve the Jewish state” (5.1.68). The complex dynamic of theocracy appears to flow in part from the tension between habituation and consent, between the deliberative actions of a political community and the ceremonial habits of continual obedience. It is on this basis that the relation between theocracy and democracy assumes real significance for our purposes.

## **II. The Parallel of Theocracy and Democracy**

Any effort to define Spinoza’s conception of theocracy is radically incomplete without careful consideration of the explicit parallel he draws between theocracy and democracy. Spinoza suggests this relation early in chapter 17 when he indicated that while “god alone held the government of the Hebrews,...in reality the Hebrews retained absolutely the right of government” (17.8.213-4). The underlying basis for Hebrew self-government was the fact that “the Hebrews did not transfer their right to another person but rather all gave up their right equally, as in a democracy...It follows therefore that they all remained perfectly equal as a result of this agreement” (17.9.214). The common link between theocracy and democracy is the egalitarian basis of each for in both states it is the “common consent” (19.6.240) to live by the dictates of reason or prophetic revelation respectively that ground the polity.

The significance of Spinoza’s references to the resemblance between democracy and theocracy is immediately apparent when we recall that the superiority of democracy is one of the hallmarks of Spinoza’s political philosophy. In chapter 16 of the *Theological-Political Treatise*, just preceding his treatment of the Hebrew Commonwealth in chapters 17 and 18, Spinoza famously argued that democracy is the best regime because it is the most natural regime, that is to say the regime in which a community can be formed “without any alienation of the natural right” of individuals (16.8.200). Insofar as in democracy sovereignty is retained by the society

as a whole, it is thus the freest and most rational form of government (16.9-10.200-01). The basis for this claim is Spinoza's formulation of natural right. As is well known, by natural right Spinoza meant more than just the Hobbesian right of self-preservation inhering in individuals. Rather for Spinoza the principle of natural right extends to the whole of nature and thus far from being a normative principle distinguishing humanity from the rest of nature, natural right in the Spinozist formulation embeds any consideration of human morality within the context of a non-teleological mechanistic account of nature. In this grand deterministic system, all beings strive to preserve themselves and "the right of each thing extends so far as its determined power extends" (16.2.195). In other words, it is the natural right of big fish to eat smaller fish. According to Spinoza's natural right, God is nothing less than the totality of nature, "who has supreme right to do all things" (16.2.195). Democracy, then, is the most natural, and hence most Godlike, regime because at least in principle it most fully collects the power of all the individuals in society.

When Spinoza refers to the "excellence" of the Hebrew state at the time of Moses, the determination of political excellence must hinge upon the theocracy's connection to democracy. That is to say, questions about the political character of Hebrew identity take on greater urgency in the aftermath of the crucial discussion of democracy in chapter 16. Democracy is the political portal Spinoza sets for glimpsing into the essential properties of nature. As such, his account of natural right established the preface of sorts for his treatment of the Hebrew Commonwealth. As Spinoza presents it, natural right grounds three basic political problems with which every government must grapple. First, natural right is the basis of human equality insofar as every human being has more or less equal right to preserve themselves. There is simply less natural power differential among humans than among fish. As natural equals, human beings thus resent rule and "will not allow themselves to be ruled" easily (17.4.210). Second, the inexorable preservationist thrust of natural right means that the most fundamental normative principles are essentially self-regarding. One aspect of the political problem, then, is how to make individuals prefer public right to private advantage (17.4.211)? The third element of the natural right political problematic is really just the cumulative effect of natural equality and self-interest. Spinoza insists that governments survive or perish on the basis of their ability to secure the loyalty of the subjects or citizens. Every government in history has been "at greater risk from its own citizens" than from foreign enemies (17.1.208). By implication, the great strength of democracy is that its respect for intellectual and political freedom inspires the loyalty of its citizens.

The political "excellence" of the Hebrew theocracy must, then, be understood in the context of Spinoza's praise of democracy. Theoretical discussions of sovereignty, he suggests, point to the practical requirement to limit political power in favour of institutional and legal recognition of individual freedom and equality. Thus, the central question animating any attempt to get at the heart of theocracy is: How well or poorly did Spinoza think that the Hebrew Commonwealth dealt with these basic political problems?

### III. The Institutional Problem of Theocracy

The opening sections of chapter 17 of the *Theological-Political Treatise* surprisingly say nothing about the Hebrew Commonwealth directly. Rather here Spinoza moved to correct the abstract treatment of sovereignty from the previous chapter by suggesting that while the logic of sovereignty leads to a form of absolutism, in reality the sovereign power of government is limited seriously by the internal freedom of mind and individual consciousness. The importance of loyalty in Spinoza's conception of political obligation derives from his assessment of this irreducible subjective freedom—citizens and subjects are not animals or machines. The structural component to Spinoza's definition of theocracy suggests that the excellence of the Hebrew polity would depend, at least in part, on its capacity to do two things; namely, to secure the loyalty of the citizens and to limit the power of government through a system of divided sovereignty. While Spinoza lists among the strengths of the Hebrew polity its ability to protect the property of individuals and the manner in which the citizen militias of the tribes encouraged civic virtue among the people, his idea of excellence also perhaps connects to the technical sense of a compound thing's excellence lying in its capacity to sustain its original complex structure over time (17.25.224, 17.18.220-1). In this case Spinoza's definition of excellence would resemble the classical republican principle of hostility to monarchy; that is to say, for centuries the separation of powers successfully moderated or checked Hebrew leaders after Moses who sought to establish one-man rule. But does Spinoza's account of the Hebrew Commonwealth prior to the kings actually signify its excellence either in terms of civic virtue or structural stability?

An examination of Spinoza's account of the Hebrew separation of powers suggests that far from lauding its virtues, he actually saw it as a highly problematic concept that planted the seeds of deep social conflict in the Hebrew polity. The source of the problem is moreover inseparable from theocracy for it is a function of the compact, which Spinoza claims is the institutional foundation of the regime. For Spinoza, the Hebrew polity rests on not one, but two covenants. The first was a democratic compact whereby the entire community transferred "their right to no mortal man but rather to God alone," and the second is the following agreement according to which they "plainly abolished the first covenant and absolutely transferred their right to consult God and interpret his edicts to Moses" (17.7.213, 17.9.214). Herein Spinoza suggests that theocracy is a fluid concept adaptable in principle to both a democratic and monarchical arrangement. The problem Spinoza identifies with these two concepts is not only the elevation of Moses to a quasi-monarchical position, but also the inherent ambiguity relating to Moses' succession. The profoundly undemocratic character of the second covenant derives from the fact that the Hebrew people apparently did not retain any right to choose or limit the power of Moses' successors. Not only did Moses by this compact absorb the power of making and interpreting the laws solely upon himself, he also reserved the authority to bequeath his office in radically altered form.

The central feature of the separation of powers established by Moses was the parceling out of power to a supreme military commander and twelve tribal chiefs, on the one hand, and to the Levites, a hereditary class of priests, on the other. While the supreme civil command assumed a decidedly ad hoc character after Moses' chosen successor Joshua, the elevation of the

Levites established an entrenched power that would for all intents and purposes dominate Hebrew theocracy. The Levites were also, according to Spinoza, a source of fatal instability in the commonwealth. He even goes so far as to suggest that the Hebrew republic “could have lasted forever,” if it had not been for the introduction of religious and civil conflict by the Levites (17.30.229). What was it about the Levites that was so dangerous to the balanced government? Part of the problem is that the Levites sparked deep resentment from the other tribes who were charged with supporting this non-laboring priestly elite (17.26.226). It could hardly have helped matters that the Levites were also Moses’ tribe, and the first high priest was Moses’ brother Aaron. Spinoza refers pointedly to the Korahide rebellion against Moses, fueled largely by the perceived favoritism for his own tribe, which was only suppressed after great loss and “terrible disaster” (17.28.227).<sup>4</sup> The more fundamental problem with the Levites, however, had to do with their role in the system of divided sovereignty whereby the high priests were “supreme interpreter of the divine laws” revealed to the people originally by Moses (17.11.216). While Spinoza admits that the Levites were not given what he calls “the right to command,” that is control over coercive power, he insists that the Hebrew clergy were greatly empowered by the written Mosaic Law and the Jewish emphasis on ritualism. For as the Levites were supreme interpreters of the Mosaic Law, the separation of powers in the Hebrew theocracy could not help but slant the “greatest honour” in the regime toward the priestly class.

The Levite problem is inseparable from the specific properties of Mosaic Law, especially its reduction of divine law to written form. This is a function of the biblical narrative being designed to move the hearts of the “common people” to “obedience and devotion” (5.18.78). With a religion based on narratives and stories, Spinoza argues, necessarily comes “pastors or church ministers to explain these to them [the common people]” (5.18.78). Thus the power of the priesthood in theocracy differs in kind from the civil command with which it is paired. As Spinoza understands the Hebrew polity, the religious and civil leaders represent diverging tendencies: hereditary centralization with the Levites and a kind of meritocratic federalism embodied in the supreme military commanders and tribal chiefs. The conflict between the high priests and the supreme commanders reflects the fundamental incoherence of the notion of a prophet founder, for Moses could not establish a well-grounded balance of these powers because he did not possess them both himself. Moses, the legislator-priest, was not a military commander, and Spinoza suggests that he made a serious error by allowing the supreme command position to assume an ad hoc character after his death (17.14.217-8).<sup>5</sup> Constitutionally speaking the path to monarchy was laid by the Hebrew Republic’s inability to establish and maintain a unified and permanent office of supreme commander. In lieu of such a legal authority to counter the power of the priests, the Hebrew people, Spinoza argues, inevitably turned to monarchy. Thus, the theocratic balance of power collapsed under the stress put on the governing structures by the weight of not only two different kinds of power—religious and civil—but more importantly very different principles of legitimacy. Divided sovereignty, then, could not avoid eventually producing the dreaded “government within a government” (17.29.228).

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<sup>4</sup> Morgenstern (2009: 55) sees the Korahide incident as a democratic challenge to Moses’ monarchical exclusivity, whereas McShea (1968: 99) sees it rather as an example of Moses’ Machiavellianism as he put down an aristocratic revolt.

<sup>5</sup> For this reason I disagree with McShea’s presentation of Moses as a Machiavellian Hero-Founder (McShea 1968: 102). Indeed, Spinoza seems to suggest that if Moses had been more Machiavellian in some respects such as establishing strong executive power, he would have been a better founder!

Spinoza's account of the defects in the Hebrew model of divided sovereignty did not, however, relate solely to explicating the conflict between the priests and the civil leadership. Rather perhaps the peak of his analysis is his attribution of the root cause of the problem to an incident in biblical history predating the establishment of the Hebrew Commonwealth per se. Spinoza identifies the event that gave rise to the power of the Levites as the infamous Golden Calf episode during the exodus. As Spinoza interprets scripture:

The original intention was to entrust the sacred ministry to the first-born, and not to the Levites (see Numbers 8.17). But after everyone but the Levites had worshipped the Golden Calf, the first-born were rejected and declared unclean and the Levites chosen in their place (Deuteronomy 10.8). (17.26.226).

Spinoza presents the Golden Calf incident as a kind of second fall from innocence, which like the original Fall in Eden produced a punishment emerging from "much anger in the divine mind" (17.26.226). Remarkably he claims that scripture clearly indicates that God would not have instituted theocracy as it came to be, if He had wished the Hebrew "state to last longer" (17.27.227). God at heart is not a theocrat! Indeed if the Hebrews had retained the principle of every first-born male constituting the sacred ministry, it would have drawn all the tribes closer together in "equal right" and "complete security" (17.27.227). This democratization of the priesthood would have had the effect of actually enhancing the bonds of civil union precisely because by privatizing the clergy the Hebrew state would have been freed of any religious authority possessing contestable claims to sovereignty.

As it was however, the system of divided sovereignty perpetually threatened the coherence of the Hebrew polity. Not only was there the constant danger of one element of the government seeking to overturn the balance, but there was also the more insidious threat to Hebrew civic identity posed by the antagonism caused by the Levite hereditary priest class. With an oblique reference to the notoriously loose Dutch Republic, Spinoza claims that the Hebrews were, like the Dutch, "not so much fellow citizens but confederates" (17.14.218). The ties of religion were like treaty obligations among nations than the bonds of political union. Despite the symbolic connection provided by the Temple, the various tribes were practically strangers to each other (17.14.219). Given the hopelessly divided foundation of the Hebrew Commonwealth it could hardly have been otherwise.

#### **IV. The Moral and Intellectual Problem of Theocracy**

Spinoza's detailed treatment of the separation of powers culminates in a portrait of the Hebrew Commonwealth as a kind of prototype of the "failed state". While their institutionalized system of divided sovereignty had some degree of success fending off absolutism and monarchy, this likely had more to do with the federal character of the polity and was nonetheless only temporary. With the establishment of the Levite monopoly over religious power, Spinoza argues the decline of the Hebrew Republic was inevitable. However, the specifically theocratic character of the Hebrew state requires us to probe beyond the bare outlines of the structures of government. Indeed, Spinoza affirmed that the core problem in Hebrew theocracy was the faults in their "laws or their morality" (17.26.225). It was essentially inadequate ideas about nature and the divine that grounded Hebrew moral and intellectual life. Beyond the problematic

institutional structures of the Hebrew lay the deeper problem of theocracy, that is an incoherent principle of unity built upon a fundamental contradiction.

The basic theoretical problem underlying the Hebrew theocracy has to do with the relationship between divine law and natural right. The notion of divine law is central to Spinoza's definition of theocracy for it is in the Hebrew Commonwealth that he identifies "by what means and by whose decision religion acquired the force of law" (Pref. 14.11). Perhaps the most striking feature of Spinoza's treatment of divine law is the manner in which he employs the Hebrew polity to demonstrate the essentially historical character of divine law: "We must therefore admit unreservedly that divine law began from the time when men promised to obey God in all things by an explicit agreement" (16.19.205). In Spinoza's historicized account of divine law, the first compact among the Hebrews signifies the point in time prior to which no one was obligated to obey divine law.<sup>6</sup> In contrast to the historicism of divine law, Spinoza presents the state of nature as a reflection of the eternal principles of natural right. Divine law cannot be known prior to revelation, whereas natural right is in principle accessible to unassisted reason. Spinoza freely admits that the "state of nature" and the "state of religion" are different, even mutually exclusive conditions (16.19.205). However, does this mean that divine law repudiates or replaces natural right?

The status of divine law vis-à-vis natural right holds great political significance because, as we recall, democracy—Spinoza's best regime—is the form of government most like the state of nature. Democracy is most like the state of nature because it preserves the maximal degree of equality and freedom understood as rational action and free thought and expression (16.11.202, 16.10.201, 16.9.200-01, 20.14.257). Whereas divine law is characterized by "human agreement," Spinoza sets democracy, at least in principle, in a realm of nature extending beyond the narrow confines of human convention. Spinoza does identify what he calls "natural divine law," but this is not a law strictly speaking because it does not depend on human artifice and it amounts basically to a scientific understanding of natural necessity and material causality. The four main tenets of this natural divine law are (1) that it is universal to all human beings, (2) it does not require "belief in any kind of historical narrative," (e.g. the Bible), (3) it does not require ceremonies, and (4) the supreme reward of the law is "to know God and to love him in true liberty" (4.6.61). Thus, the universalism of natural divine law, indistinguishable from natural right, contrasts with the radical particularity and historicism of the divine law that established the Hebrew theocracy.

But was the divine law revealed to the Hebrews by Moses perhaps a rational deduction from natural right adapted to the particular circumstances of a specific people—an emanation from the universal as it were? The key to answering this important question lies in understanding the role of Moses in the founding of the Hebrew polity. On the one hand, Spinoza insists that Moses tailored revelation to the capacity of the Hebrews, a people debased by centuries of slavery. As such, he did not speak as a philosopher teaching them to "live well,

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<sup>6</sup> Here Spinoza's voluntarist conception of divine law most likely bears the influence of Thomas Hobbes, who famously defined divine law as "that which is declared to be so by the law of the commonwealth" (Hobbes 1994: chapter 6, section 36, page 61; see also 26.40.188, 18.16.116). Gildin (1980: 168-9) shows how despite agreeing on the basic theologico-political problem, Hobbes and Spinoza took a dramatically different course on the issue of toleration.

from liberty of mind,” but rather “as a legislator obliging them to live well by command of law” (2.5.38). The relation of Moses to the people was as “parents teach their children prior to the age of reason” (2.15.38). However, Spinoza does not argue that Moses simply set the principles of natural right in rudimentary form suited to a backwards people for, as we have seen, Spinoza detected serious limitations in Moses’ conception of nature and the divine. While there are clear parallels to natural right in scripture’s teaching that God “reduced the visible world from chaos to order (see Genesis 1.2), and sowed the seeds of nature, and therefore has supreme jurisdiction and supreme power over all things,” the idea that God “chose the Hebrew nation for himself alone... and left the other nations and territories to the care of other Gods” is difficult to square with natural right (2.14.37). Indeed, the culmination of Spinoza’s treatment of Moses highlights the inadequacies of what he took to be the rather “commonplace notions of God and Nature among the Hebrews” (3.6.47).

According to Spinoza, divine law is inseparable from the personality and political skills of Moses. Moses is the central player in both the democratic and monarchical compacts founding the Hebrew state, for it is Moses who mediates between God and the people in both situations. And Spinoza is remarkably irreverent about the utilitarian motivation driving Moses who “introduced religion into the commonwealth so that the people would do its duty more from devotion than from fear” (5.11.74). His goal clearly was to encourage loyalty through inculcating a habit of continual obedience through mild, but intrusive, daily rituals. The Mosaic Law is thus, in Spinoza’s view, a reflection of an essentially unscientific perspective. It is in this sense that theocracy is the most narcissistic regime for, perhaps paradoxically, the regime supposedly founded on worshipping the glory of God constantly refers back to its own origins in the human agreement to obey God as the basis of its legitimacy. Unlike democracy, which humbles human pretensions to supercede or seek exemption from natural right, theocracy is a celebration of human pride or vanity, which places the whole of nature in an entirely unscientific way at the service of human identity formation through a people’s relation to a providential deity. Theocracy is a “song of myself” casting nature and the divine in purely supporting roles.

The intellectual limitations of Moses need not, however, prove fatal to his capacity to institute a legal code that produces salutary moral effects among the Hebrews. Spinoza indicates that the only basis upon which prophecy can be fairly judged is its impact on morality. Thus, Moses could have been wise about political and moral matters, while still lacking philosophic wisdom (Frankel 2001: 299-301; see also Bottici 2007: 167, Den Uyl 1983: 86). But did inadequate ideas about God and nature impair the moral capacity of the Hebrew state? Upon reflection, it is apparent that Spinoza believed the Hebrew theocracy failed gravely to do two things: (1) to create a coherent principle of political and moral obligation, and (2) encourage intellectual freedom.

On the vital issue of securing the obligation of its citizens the Hebrew Republic failed badly because of the fundamental contradiction upon which theocracy is built. This is the conflict between the notion of God as legislator, on the one hand, and the idea of divine law as a product of human agreement, on the other. The main point of Spinoza’s treatment of “natural divine law” is to demonstrate that the God of natural right—the God who is the totality of nature—is not a legislating force acting beyond or outside of the necessary physical laws of nature: “all God’s decrees involve eternal truth and necessity, and God cannot be conceived as a

prince or legislator enacting laws for men” (4.6.61,19.8.241). Thus, to the extent that the Hebrew state was founded on a compact according to which all swore to obey God alone, then this compact could not explain the citizen’s obligation to obey any written law putatively coming from this divine source. A second problem emerges from Spinoza’s historicist account of divine law. Logically, if God vouchsafes the laws of the state, then they can never justifiably be broken. However, one of the central premises of Spinoza’s natural right doctrine is that every compact or promise can be broken legitimately: “Any agreement can have force only if it is in our interest, and when it is not in our interest, the agreement fails and remains void” (16.7.199). It is this preservationist principle that “should play the most important role in the formation of a state,” rather than pious devotion to holy writ. Here Spinoza presents one of the problems of theocracy as being the hyperextension of the logical fallacy animating the seventeenth-century idea of contractual absolutism. By natural right, any contract is breakable, even one presumably with God, although the God of natural right would never oblige anyone to a contract that did not allow for its own termination. Thus, the central premise of the theocratic ideal of political obligation contradicts natural right.

One of the most important arguments in the *Theological-Political Treatise* is Spinoza’s path-breaking claim that intellectual freedom, especially freedom of thought and speech, are vital elements of political success. Spinoza herein seeks to reverse the long historical prejudice against freedom as being the cause of political instability and ruin. Indeed, Spinoza identifies this defense of freedom as the “core thesis” of the entire work (Pref.8.6). Freedom is the central organizing principle of Spinoza’s account of the true purpose of the state, and the “free state,” which he associates unmistakably with democracy, enjoys “laws founded on sound reason” (20.6.252, 20.12.257, 16.10.201). Did the Hebrew theocracy encourage the civil and intellectual freedom Spinoza attributes to the best state?

What emerges from Spinoza’s account of the Hebrew polity is his sense of the palpable lack of freedom in theocracy. First, there is the stultifying political impact of the Mosaic Law. The law, Spinoza argues, was like a written constitution that people were encouraged to read and digest. The twin effects of having a written revealed law were that it empowered the reactionary tendencies of the priesthood given special power to interpret the law, as well as seriously constraining Hebrew political leaders who had to be very careful not to be seen to stray in the least from the prescribed laws for fear of generating “the most intense kind of hatred among their subjects, as intense as theological hatred tends to be” (17.17.220). While this particular lack of freedom on the actions of political elites could be seen as a healthy democratic suspicion of rulers, the extension of this intellectual rigidity and excessive formalism to a social principle could only result in the most intense theological patriotism. Thus, the second instance of a lack of freedom is the xenophobia Spinoza attributes to the Hebrew Commonwealth: “The love of the Hebrews for their country was not simple love but piety, which along with hatred of other nations, was so nourished and inflamed by daily worship that it must have become second nature” (17.23.223). Spinoza implies that this fierce religious patriotism (or sectarianism) produced not only xenophobia but also, unsurprisingly, suppressed internal dissent among the Hebrews. The manifold rituals and ceremonies of the Mosaic Law only reinforced the broader culture of conformity by engraining the “continual practice of obedience” deep into the Hebrew psyche (17.25.224). Theocracy, in Spinoza’s view, is thus indistinguishable from orthodoxy.

The general lessons about civil freedom that Spinoza draws from the example of the Hebrew theocracy are revealing. First, he distinguishes theocracy from the broader issue of religious freedom and toleration. Spinoza is not naïve about the sovereign power's capacity to mold and shape people's thinking, especially when it has control over sacred matters: "I may say that whoever has this power has the greatest control over the people's minds" (19.16.245; see also 17.2.209-10). However, this does not mean that religion is incompatible with freedom. Rather, unlike public laws, religious belief "does not so much consist in external actions as in simplicity and truth of mind," and thus individual religious belief "does not belong to any public law or authority" (7.22.116). The legal character of Mosaic prophecy contradicts religion properly understood. Insofar as the goal of theocracy is to give religion "the force of law," it requires violating the very source of subjective intellectual freedom that Spinoza initially identified as the libertarian correction to theories of absolute sovereignty: "For simplicity and truth of mind are not instilled in men by the power of laws or by public authority, and absolutely no one can be compelled to be happy by force of law" (7.22.116). His reflections upon the intellectual properties of religious belief lead Spinoza to the conclusion that theocracy, being based on preserving the prevailing religious prejudice, must eventually reduce to rule of force; that is say, it will inevitably seek to compel individuals to be happy (Strauss 1997: 237). Such governments, Spinoza insists, cannot last for long.

The other important lesson Spinoza draws from the Hebrew theocracy relates to the dangers of referring "purely philosophical questions to divine law," and making "laws about opinions which men can or do dispute" (18.6.234). Steven Smith interprets this discussion to signify Spinoza's praise for the manner in which the Hebrew emphasis on works rather than faith helped avoid speculative controversy and suppression of heresy. For this reason, Smith sees Spinoza's account of the Hebrew polity as a model of proto-liberal toleration and individual freedom (Smith 1997: 147, Smith 1995: 222-4). However, the context of Spinoza's discussion suggests a rather different interpretation. Simply put, Spinoza claims that the Hebrew state was not particularly adept at avoiding theological disputes and given that it was a theocracy such a difficulty is hardly surprising. He reveals that the rise of sects within Judaism was a result of the high priests obtaining "authority to issue decrees and manage the business of government" in the later Hebrew Commonwealth (18.4.231). The original source of these clerical pretensions in politics was, as we have seen, the defective separation of powers established by Moses at the founding of the Hebrew state. Spinoza identifies the Pharisees—religious sectarians par excellence—as proof that the Mosaic Republic did not adequately separate practical and speculative, or moral and religious matters. The Pharisees are the legacy of Moses, much as every theocracy will require its own clerical champions, who will inevitably collapse moral and religious questions. Thus, far from being the progenitor of modern liberalism, the Hebrew theocracy stands as Spinoza's exemplar of the root causes of the kind of speculative controversy and theological conflict that so badly scarred the Christian states of his own time.

## **Conclusion**

The unifying thread connecting the various defects of theocracy is, according to Spinoza, the fundamental misunderstanding of nature and divine upon which theocracy rests. The lack of individual liberty and the incoherent principle of political obligation that Spinoza identifies in the Hebrew Commonwealth are problems deriving from the same mistaken belief that the civil laws

are unchanging because God is the ultimate author of divine laws. Even if, as Spinoza admits, the moral qualities of the Mosaic Law were often salutary, the political problem is that theocracy cannot restrict the role of religion to support for morality precisely because the logic of theocracy is to impose speculative ideas on the state; however defective they might be. Or perhaps better to say, the theological foundation of the theocratic state necessarily casts suspicion and hostility toward certain kinds of, in Spinoza's view, healthy speculative philosophy. Natural right philosophy contradicts theocracy for given the dynamic character of Spinoza's account of nature, it is inevitable that the divine law will become gradually more brittle and eventually altogether obsolete under the strain of changing power relations in the actual world.

Spinoza's account of the Hebrew Commonwealth is, then, undoubtedly a cautionary tale, but the lessons he draws from scripture extend beyond the particulars of biblical history, reaching rather a broader conclusion about the failure of theocracy as an approach to harmonizing the relation of politics and religion. While the principle of divided sovereignty and the idea of divine law are conceptually distinct, Spinoza reveals that theocracy involves the convergence of these two tendencies. The challenge of establishing a religion consistent with natural right—one of the central goals of Spinoza's political philosophy—required confronting the recurring attraction of theocracy as a regime that appeals to human vanity and desire to be the particular objects of divine attention. Spinoza's treatment of Hebrew theocracy is certainly, at least in part about the religious conflicts in the Dutch Republic of his time in which Christian sects and clerics threatened to tear apart the social fabric of the polity. Thus, on one level Spinoza's treatment of the Hebrew Commonwealth is meant to be a lesson about how democracy, the "free state," must deal with religion. However, Spinoza's deeper impetus perhaps derives from his recognition that insofar as inadequate ideas about nature and the divine continue to plague humanity, then theocracy remains a perpetual political possibility even in modernity.

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