

AFFECTIVE DISORDERS OF THE STATE: A SPINOZAN DIAGNOSIS AND CURE

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Abstract: The problems of contemporary states are in large part “affective disorders”; they are failures of states to properly understand and coordinate the emotions of the individuals within and in some instances outside the state. By excluding, imprisoning, and marginalizing members of their societies, states create internal enemies who ultimately enervate their own power and the possibility of peace and freedom within the state. Spinoza’s political theory, based on the notion that the best forms of state are those that coordinate the power and emotions of those within a state, offers us both a diagnosis of and a cure for these affective disorders. In this paper I will outline Spinoza’s notion of the power of the state as a function of the power and coordination of the emotions of its citizens, and show that when the state contracts an affective disorder, such as excessive crime, rebellion, terrorism, etc. the state has failed to properly empower, include and coordinate the passions of the multitude of its citizens and subjects.

CRIME, TERRORISM, riots, political factions, culture-clashes and religious extremism: the problems of contemporary states are destructive, but are they intractable? Can we understand these problems as caused by the same forces? In this paper, I will suggest that these problems can be understood as ‘affective’ or emotional disorders¹ that emerge when governments fail to properly understand and coordinate the emotions of individuals within and in some instances outside the state. Developing my framework from Baruch Spinoza’s unique theory of political psychology, I will propose that by properly understanding the affective foundations of political life, we can diagnosis and cure these affective disorders.

Despite his absence from the canon of Anglo-American political thought, Spinoza has much to offer contemporary political theory. In recent years, political theorists writing on the topics of toleration and freedom of expression have revived Spinoza’s writing on these issues.² While Spinoza’s arguments for toleration and the

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¹Seyla Benhabib, Ian Shapiro and Danilo Petranovic (eds.). *Identities, Affiliations, and Allegiances*. (New York: Cambridge UP, 2007); William Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox*. (Ithaca: Cornell UP, 1991); J. S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. (Oxford: Oxford UP, 2002); Michael Sandel, *Democracy’s Discontent*. (Cambridge: Harvard UP, 1996).; J. S. Holmes, *Terrorism and Democratic Stability*, (Manchester UP, 2002); David Held and M. Archbugi (Eds.). *Taming Globalization: frontiers of governance*. (Cambridge: Polity Press, 2003).

²Michael A. Rosenthal and Yitzhak Y. Melamed (Eds.) *Spinoza’s ‘Theological-Political Treatise’: A Critical Guide*. (Cambridge: Cambridge UP, 2011); Hasana Sharp, *Spinoza and the Politics of Renaturalization*. (Chicago: University of Chicago Press, 2011). Justin Steinberg,

freedom to philosophize are powerful, they rest on his understanding of human psychology and specifically his theory of human emotions and their political importance. In this paper, by investigating the psychological and metaphysical foundation of Spinoza political theory, I hope to contribute to the literature on Spinoza's usefulness for contemporary political thought.

I. Power, Passions, and Freedom in Spinozan Political Theory

Spinoza built his theory of political philosophy, including his arguments for democracy, toleration, and freedom of expression on his theory of emotions and individual power. Spinoza takes humans to be primarily 'affective' or essentially emotional creatures. Spinoza argues that in order to build strong democratic states, we need to understand how to coordinate the emotions of a multitude of diverse passionate individuals. Spinoza's primary original contribution to political philosophy is the view that the power of the state is a function of the power and organization of the emotions or 'affects' of those within the state.³

Problems of the state destroy public feelings of security and undermine the power of the government to provide such security to its citizens. The proposed 'solutions' to these problems are often worse than the problem themselves. Mass imprisonment, exclusion, increased citizen surveillance, police crackdowns and military interventions reduce the freedom of citizens and limit the possibilities of individual and collective flourishing. In Spinoza's view these 'affective disorders' predictable and preventable. They can be prevented through empowering citizens and including those who may turn to crime and violence.

Solutions to the state's affective disorders that disempower the populace further by increasing their fear destabilize the state and diminish the possibility for peace and freedom in the state.⁴ When rulers fear their citizens, they react in ways that are both predictable and counterproductive. They imprison, they spy, they exclude, and they try to diminish the power of those whom they most fear. However, in Spinoza's view, such measures serve only to increase the indignation of the people and further destabilize the state. The power of a state is not measured by how effectively a government can oppress its people. Rather, the power of a state is a function of the power of the citizens of that state.⁵ Disempower one's citizens, and one is left with a weakened polity. The best state, in Spinoza's view, is one that need not fear the power

"Spinoza on Civil Liberation." *Journal of the History of Philosophy*, v.47, n.1, 2009, 35-58; Aaron Garrett, "Knowing the Essence of the State in Spinoza's *Tractatus Theologico-Politicus*." *European Journal of Philosophy* 20 (1) 2012, 50-73.

³Spinoza, *Political Treatise*, in Shirley (Ed.) *Spinoza: Complete Works*. (Indianapolis: Hackett, 2002), TP 2.17, 687; TP 3.2, 690; Alexandre Matheron, "Le Droit du plus fort; Hobbes contre Spinoza," *Revue Philosophique*, Paris, No. 2, (Avril-Juin 1985).

⁴Hasana Sharp, "A Strategy of Anti-Fear" (*Rethinking Marxism*, XVII, 4, 2005); Etienne Balibar, "Spinoza, the Anti-Orwell: The Fear of the Masses," (*Rethinking Marxism*, III, 3, 1989).

⁵Spinoza, *Political Treatise*, TP 2.17, 687; TP 3.2, 690.

of its people. For Spinoza, no stable or free state can be based on antagonistic relations between rulers and ruled.⁶

Living in a time of incredible political upheaval and diversity in culture and religion, with factional disputes spilling into bloody riots in the streets around his home, Spinoza came to see organizing the passions of the rulers and citizens as the basic problem of political philosophy. Unlike the neo-Aristotelians of his time, Spinoza did not think that human benevolence and natural sociability was a firm enough foundation for political security.⁷ Spinoza, following Hobbes, rejected Aristotle's dictum: "It is evident that the state is a creation of nature, and that man is by nature a political animal."⁸ Spinoza granted that humans need one another and that we affect one another by our passions. This passionate interconnection, however, does not mean that a stable society is natural or that human sociability is a sufficient foundation for politics.⁹

The same passions that bring people together and create the social world can destroy it. For Spinoza, every passion has two sides -- a constructive and destructive side. A group of individuals ruled by their passions has both a potential for democratic empowerment as well as a potential for chaos. The passions are volatile, and a multitude ruled by them cannot be trusted to achieve peace alone. Spinoza argues that to achieve peace within the state rulers needed to attend to the passions, or 'affects' of their citizens.¹⁰ Spinoza understood the power and capacity for peace of the state as a function of the power and coordination of those individuals within its boundaries, which, following Hobbes, he called 'the multitude'.¹¹ For Spinoza, the job of the state is to organize the passions of the multitude through the creation of institutions that align the passions of the individuals with the interests of the state.

⁶ Spinoza, *Theological-Political Treatise* in Shirley (Ed.) *Spinoza: Complete Works*. (Indianapolis: Hackett, 2002), TTP, Preface, 390; TTP, Chapter 5, 438; Spinoza, *Political Treatise* in Shirley (2002), TP 6.4, (Spinoza's *Political Treatise*, Chapter 6. Section 4), 701.

⁷ Spinoza argues that the social emotions were double-edged, leading to both peace and conflict. Spinoza, *Ethics*, in Shirley (Ed.) *Spinoza: Complete Works*. (Indianapolis: Hackett, 2002), E3P31C (Ethics, Part 3, Proposition 31, Corollary), 294-5; Spinoza writes, "From the same property of human nature from which it follows that men are compassionate, it also follows that the same men are envious and ambitious" Spinoza, *Ethics*, E3P32Scholium, 295.

⁸ Aristotle, *Politics*. Jowett (trans.), *Pol.* 1.2 1253a7-18.

⁹ Spinoza, *Political Treatise*, TP 2.15, 687.

¹⁰ Although Spinoza uses both 'passions' and 'affects' throughout his works, 'affects' is a technical term within his psychology. Spinoza, in the *Ethics*, changes to the consistent use of the term '*affectus*' or 'affect' to show that what we think of as our emotions or passions are in fact caused by external forces. External forces 'affect' us and we experience those forces as emotions or passions. For the purposes of this paper 'affect', 'passion', and 'emotion' should be considered equivalent.

¹¹ Hobbes, *D.Cv.* II.vi.1, 174.

The best state organizes the passions of the multitude so that the power of the multitude is increased, with this increased power accruing to the state.

To the contemporary ear the phrase ‘power of the state’ and the aims to ‘increase the power of the state’ in order to make the state ‘more absolute’ may have a chilling ring. However, Spinoza, writing at the birth of the modern state, and as one of its first theorists, believed that the state was the best hope for individual empowerment and freedom. Spinoza argues that outside the state, or in a poorly organized or ‘bad’ state, organized through fear, there could be little hope for human freedom. By ‘freedom’, Spinoza did not mean liberty or the absence of obstacles, as in Hobbes’ sense,¹² but rather the positive freedom to increase one’s power and knowledge of the natural world without limit.¹³ Such ‘empowerment’ can only be achieved collectively, within an organized sovereign state.¹⁴ Fear and exclusion diminish the power of the state, and thus, in Spinoza’s view, the possibility for human empowerment and freedom.¹⁵ The power of Spinoza’s state is ‘enabling’ power.¹⁶ Spinoza’s state, we will see, can only become more powerful by increasing the power of its citizens.¹⁷

Spinoza argued that the best states are strong democracies. For Spinoza, the problem of politics consisted in finding out how to make a state more powerful in a way that also made it freer. Given the dearth of democracies in early modern Europe, the idea of a free or democratic state that was stable seemed oxymoronic, and was indeed a fringe view. Mainstream political theory and practice insisted that one ‘head’

¹²Hobbes, *D.Cv.* II.ix.9, 178.

¹³Spinoza, *Ethics*, E5Preface, 363-365; Stuart Hampshire, “Spinoza’s theory of Human Freedom” in Eugene Freeman and Maurice Mandelbaum (eds.), *Spinoza: Essays in Interpretation*. (Lasalle, IN: Open Court, 1975); David E. Ward, “Explaining Agency via Kant and Spinoza.” *Studia Spinozana Volume 7: The ‘Ethics’ in the Ethics*. (Wurzberg: Konigshausen & Neumann, 1991.)

¹⁴Spinoza, *Ethics*, E4P18S, 330-1; E4P73, 357-8; E4App.IX, 359; E4P37S1, 339-40; TTP Chapter 20, 566-7; Spinoza, *Treatise on the Emendation of the Intellect* in Shirley (2002), TIE §14-15, 6.

¹⁵Spinoza, *Ethics*, E2Def6, 244; E3P7, 283; E4Pref, 321; E4Def8, 323.

¹⁶Douglas Den Uyl and Stuart D. Warner. “Liberalism and Hobbes and Spinoza.” *Studia Spinozana Volume 3: Spinoza and Hobbes*. (Alling: Walther & Walther Verlag, 1987), 293.

¹⁷Spinoza’s emphasis on the importance of the state in yielding human empowerment may come as some surprise to those who know Spinoza primarily through the anarchist interpretations of Michael Hardt and Antonio Negri. It is beyond the scope of this paper to argue that Spinoza was not an anarchist, but the main line of argument is the same as that against the neo-Aristotelians of his own time. For Spinoza, if humans were completely reasonable and their emotions totally controllable, there would be no need for states. Spinoza argues, on the contrary, all humans are part of nature, and therefore necessarily passionate. It would be folly to imagine that passionate individuals could spontaneously order themselves. We cannot wait for the impossible -- human perfection -- in order to have peace. Further, we do not need human perfection in order to have peaceful states in which all can flourish. The aim of Spinoza’s work was to show how, given imperfect and passionate human beings, we can create strong states that are powerful, empowering and free.

or monarch was necessary for a state to be stable. In fact, in United Provinces, Spinoza's own state, the idea of a headless republic threw political theorists and politicians into a crisis. At one point, in order to have a head for their state they invited Queen Elizabeth of England to rule the Provinces.¹⁸ However, Spinoza designed his alternative theory of political power to offer a non-monarchical solution to the problem of creating strong and free states. In his political works he does so by undermining monarchical theories of power. He argues that no matter how strong and fearsome one's leader, a monarch is only as strong as the multitude of subjects and citizens he or she is able to command. Thus, for Spinoza, the power of the state is not vested in the monarch, but rather is a function of the power of the subjects and citizens. In technical terms, this is expressed as follows: Spinoza understands the power of the state as a function of the power of the multitude.¹⁹

Spinoza's multitude, in contemporary Spinoza studies has come to mean all sorts of things, but for Spinoza, a multitude is just a group of diverse individuals living in a particular territory – it is best understood as an aggregate of diverse individuals, who may not share a religion, history, culture or ethnicity.²⁰ The power of the multitude, in turn, is a function of the power of the individuals in the multitude, and their degree of organization and agreement. In very general terms, on Spinoza's view, a multitude is strong if it is made up of well-coordinated individuals who have relatively reasonable laws and customs. A multitude is weak, if the individuals within it are completely disorganized and are each following their own passions – something along the lines of Hobbes' state of nature.

II. Individual Power

Following Hobbes, Spinoza argues that in order to understand the power of the whole, the state, we need to understand the power of its parts – the individuals within the state and their interactions. Both Spinoza and Hobbes focused on the emotions of individuals (or affects, in Spinozan terminology) as their primary mode of interaction. In the following section, I will set out Spinoza's conception of individual power, and then connect this to the theory of collective power, set out above.

For Spinoza, each individual has an irreducible index of power, or *conatus*, which is derived from God, and which can be increased through the proper organization of the affects and the imagination.²¹ The affects, or passions, are, for Spinoza, the expression of the force of the natural world on individuals. External forces impinge upon us, creating affections in us. For Spinoza, humans are part of nature; their knowledge of themselves and the objects that surround them in the world comes through their being affected by these objects. Spinoza defines the affects as follows: “By affect I understand affections of the body by which the body's power of

¹⁸Jonathan Israel, *The Dutch Republic*. (Oxford: Oxford UP, 1995.), 421

¹⁹Spinoza, *Political Treatise*, TP 2.17, 687; TP3.2, 690.

²⁰Spinoza derives his notion of multitude from Hobbes (*De Cive*, VI.1, 174);

[Citation removed for blind review].

²¹Spinoza, *Ethics*, EIP34; EIVP4D, 324-325.

acting is increased or diminished, aided or restrained, and at the same time, the ideas of these affections.”²² The individual experiences increases or decreases in power as affects: as joy or sadness or guilt or anger.²³

In the *Ethics*, Spinoza argues that ‘affects’ can be both active and passive. The active affects, like joy, express an increase our power. Joy is the expression of an increase in our power of thinking and acting. With increased power to act and think, we are better able to understand the world around us and ourselves. The more we understand the world, and what is genuinely beneficial to us, the more likely we are to make decisions that increase our power. Thus, this increased power prepares us to increase our power further. This increase means the individuals can resist the negative or passive affects that would otherwise decrease their power. Joy, thus, acts as a kind of shield against the bad or passive affects.

The passive affects, like sadness and fear, express a decrease in our power.²⁴ Spinoza understood that when humans are fearful, sad and angry, although they are weak, they are dangerous to themselves and others. When humans are weakened by sadness and fear, they tend to latch on to anything that seems like it might palliate their temporary sadness. They believe any superstition and they may make unwise alliances with any individual or group which seems to offer them relief or hope of a better state to come. When at one’s weakest point, we have little energy to investigate the causes of our unhappiness. Those things that offer temporary relief from our pain may not always be the best things for us. Individuals increase their power through increasing their active affects, like joy. Individuals become *most* powerful when they understand and act by following reason; however, Spinoza does not expect the mass of individuals to ever follow reason, or to understand what is best for them. Spinoza writes,

Now, if men were so constituted by nature as to desire nothing but what is prescribed by true reason, society would stand in no need of any laws. [...] But human nature is far differently constituted. All men do indeed seek their own advantage, but by no means from the dictates of sound reason.²⁵

For Spinoza, human beings seek their advantage, but are often mistaken about what is truly good for them.²⁶ Spinoza’s solution, both to help individuals seek what is actually best for them, and also to create a state which would be powerful enough to protect and support these individuals, is to organize the state in such a way that the multitude would identify with the state.²⁷ From this initial identification, the state can

²²Spinoza, *Ethics*, E3Definition3, 278.

²³Spinoza, *Ethics*, E3 General Definition of the Emotions, 319-320.

²⁴Spinoza, *Ethics*, E3P37D, 297.

²⁵Spinoza, *Theological-Political Treatise*, Chapter 5, 438; *Political Treatise*, TP 6.3, 701.

²⁶Spinoza, *Ethics*, E3P2S[ii], 280-282.

²⁷Spinoza, *Ethics*, E3P27, 292; E3P27S, 293.

encourage individuals to act in accordance with its laws. However, the imaginative identification is prior to and ensures that individuals follow the law. Wise legislators, Spinoza argues, do not count on citizens to be reasonable. Instead, they create a variety of other mechanisms to encourage individuals to identify with the state and to follow its laws, following the laws of the state as if they were following their own interests.²⁸ To ensure that individuals in the multitude identify their interests with those of the state, their affects and imaginative conceptions of the world must be coordinated. What is achieved in this coordination is not just obedient citizens, but empowered citizens; individuals whose power can accrue to the state. In the next section, I will outline Spinoza's theory of individual power to show how, for Spinoza, individual power is enhanced through progressive and inclusive democratic states.

III. The Spinozan Individual

Each individual human, for Spinoza, has a certain striving or power, which he called, 'conatus'. Spinoza borrows the term 'conatus' from Hobbes; however, his conception of conatus differs from Hobbes' in several important ways. Hobbes understands individual humans as characterized by appetites and passions. They are motivated by fear and desire, which culminate in the will, which Hobbes defines as 'the last appetite before action.'²⁹ In other words, passions and desire culminate in individual action. In Hobbes' conception of the state of nature, these passionate beings are motivated by fear and desire to preserve themselves. Each fears the intrusion of the other. Each has a right to any and everything that could preserve them, yet because of their weakness and fear of others they are unable to obtain or hold onto these things for long.³⁰

Hobbes' state of nature is chaotic, and lacks the rules and coordinating forces needed even to assure the shared use of language.³¹ Without shared conventions or norms working together would be a challenge for these individuals. The only sure way to coordinate individual actions and desires, Hobbes writes, is through the creation of a sovereign who will ensure the mutual assistance pact that the individuals make among one another. In Hobbes' contract scenario, the free and equal individuals of the state of nature agree among themselves to give up their power, judgment and will to a sovereign, which they create, and whose power can be understood as the summed power of each individual.

Spinoza takes up this Hobbesian picture of the political individual, agreeing with Hobbes that this individual is moved by its passions and by its conatus, or desire for self-preservation. Spinoza, however, redefines conatus as the power or striving of an

²⁸Spinoza, *Theological-Political Treatise*, Chapter 4, 427; An example of a strategy is given in the *Theological-Political Treatise*, Chapter 17, 538-539.

²⁹Hobbes, *Elements of Law*, Chapter XII, ii.

³⁰Hobbes, *Elements of Law*, Chapter XIV; *De Cive* I.i-ii.

³¹Hobbes, *De Homine*, X.i-iii, 37-41.

individual.³² Spinoza adds to this model of the individual an index of power, which can decrease or increase. The lower limit on this power is the minimum amount of power an individual needs to stay alive, and the upper limit or maximum, Spinoza leads us to believe, is unknown; given our ignorance of the capabilities of the human being understood as part of Nature.³³

An individual's conatus is affected by the individual's appetites, but is also shaped by the individual's imaginative view of themselves and the world, insofar as the world is that which increases the power of the body. An individual's *conatus* consists of three elements:

- i. Appetite or desire
- ii. Image of oneself
- iii. How one imagines those things which increase the power of the body³⁴

All three of these contribute to the individual's conception of itself and the world (those things which increase its power). This imaginative conception of oneself and the world can be more or less accurate, or, in Spinoza's vocabulary 'adequate'. We can be wrong in a variety of ways about who we are, what is best for us, what forces affect us, and what things increase our power.

"Adequate" is a technical term for Spinoza. The more 'adequate' or reliable one's conceptions of the world, the better one understands the world. Adequate is a scalar notion: the adequacy of one's understanding of the world is a matter of degree. We can develop more adequate understandings of the world and ourselves. We begin with inadequate imaginative conceptions of the world, then as we increase our experience and come to understand ourselves and the physical nature of reality, our imaginative views become more adequate. The better or more accurate this imaginative picture, the more our power is increased; the more confused the picture, the weaker we are, and the less likely we are to make choices which will increase our power or preserve us in the best way possible.

If, for example, we are hiking and hungry and think that what are in fact poison berries might be a tasty treat that we then eat, we are likely to decrease our power by becoming sick. If we had prepared snacks in advance we could have avoided this consequence. Better still, we could have researched edible flora before our venture. That is to say, the more we understand our physical environment and ourselves as physical beings, even in this very mundane hiking example, we will prepare for this very predictable mid-hike peckishness.

When we are ignorant of ourselves as physical beings and ignorant of the natural world in which we live, we are bound to make poor choices. If we are ignorant of the natural world and ourselves as bound by this physical world, we might also develop unrealistic goals, which can then lead to poor choices. If we lack an adequate

³²Spinoza, *Ethics*, E3P6, 283; E3P7, 283.

³³Spinoza, *Ethics*, E3P2, 279-280; E3P2S, 280-282.

³⁴Spinoza, *Ethics*, E3P9S, E3P9D, E3P11, 284-5.

understanding of our bodies and the nature of the physical world, for example, we may think that we can use our arms to fly. If we try to flap our arms and fly, we are likely to be disappointed. These are somewhat ridiculous examples, but they show the essence of Spinoza's view: the better we understand the natural world, and ourselves as natural creatures, the better decisions we can make, the better goals we can develop, and the better we can preserve ourselves.

We can be wrong about what we desire, about who and what we are, and we can be wrong about the world and what is good and bad for us. To the extent that we are 'wrong', that is, that our ideas or imaginative conceptions are inadequate, our actions based on these ideas cannot help but be non-optimal. As we come to investigate the natural world and ourselves as part of the natural world, we have the chance to increase our power, to make better decisions, and to act in a way that is actually best for us.

Spinoza's revised picture of the individual changes his view of the state of nature and of the method by which individuals leave the state of nature for political society. In the *Theological-Political Treatise* (TTP), Spinoza first presents a Hobbesian picture of the contract scenario, where individuals join together and contract to transfer their power to a sovereign, which they agree to obey. In the following section of the TTP, Chapter 17, Spinoza begins to worry about the feasibility of this transfer. Although Hobbes' notion of a collective agreement among the individuals in the multitude to transfer of power and authority to the sovereign appears valid, Spinoza is not convinced that such an 'authorization' or 'transfer' is effective. Spinoza doubts that agreements of this kind could be counted on in the future to stabilize this previously disordered multitude for once and for all.³⁵

Spinoza argues that, in reality, no individual could give up either all his or her power or all his or her judgment to another.³⁶ No one can give up all his or her power to the sovereign; each always retains that portion of it that they require for living. This retained power may not seem like much, since these individuals are small and relatively weak. However, whatever power they retain is power that they withhold from the sovereign and which the sovereign may later fear. For Spinoza, this power retained by the individuals entering the civil state erased the boundary between the civil state and the state of nature -- it doomed the Hobbesian contract scenario. Spinoza writes:

The picture presented in the last chapter of the overriding right of sovereign powers and the transference to them of the individuals natural right, though it comes quite close to actual practice and can increasingly be realized in reality, must nevertheless remain in many respects no more than theory. Nobody can so completely transfer to another all his right, and consequently his power, as to cease being a human being, nor will there ever be a sovereign power that can do all it pleases. [...] It must therefore be granted that the individual reserves to himself a

³⁵Spinoza, *Theological-Political Treatise*, 16, 528-530.

³⁶Spinoza, *Theological-Political Treatise*, 5, 438.

considerable part of his right, which therefore depends on nobody's decision but his own.³⁷

The individual, indeed, all the individuals in the multitude retain their power, which they can use against or for the sovereign, even after they have contracted to enter the civil state. Thus, the sovereign cannot ensure that all of its orders are obeyed. To ensure obedience, the sovereign must win over the multitude's obedience for each decision. To ensure state's power, the sovereign must obtain cooperation. The fate of the state thus remains in the hands of the multitude of individuals, whose power, although small, is their own. As long as the sovereign fails to obtain this effective power, sovereignty is lost, the contract is broken, and the 'state of nature' returns.³⁸

While Hobbes argues that the moment of transfer of legal sovereignty from the multitude to the sovereign solved the problem of the state of nature and created a powerful civil state, Spinoza disagreed. Spinoza writes that, "The sovereign powers possess the right of commanding whatever they will only for so long as they do in fact hold supreme power."³⁹ Effective power, the ability to command the actions of the multitude, is the mark of sovereignty.⁴⁰ For Spinoza, the problem of politics and the problem of the state became the problem of organizing the passions of the multitude at every moment. Instead of transferring sovereignty once and for all, the multitude retains their power. Thus, for Spinoza, the power of the sovereign state is a function of the power of the multitude, which can use their power for or against the state. Individuals continue to follow their own appetites and views of the world. If the state does not coordinate these views, and encourage 'reasonable' and non-violent, non-egoistic appetites, then the chaos of the state of nature will return and is in fact a constant possibility. The aim of politics changes for Spinoza:

To guard against all these dangers, to organize a state in such a way as leaves no place for wrongdoing, or better still to frame such a constitution that every man, whatever be his character will set public good over private advantage, this is the task, this the toil.⁴¹

For Spinoza, right is coextensive with power and desire. To the extent these weak individuals retain any amount of power; they always retain some right against the sovereign.

Where this leads is not to Spinoza articulating a right to resistance. He, like Hobbes, is interested in creating a strong civil state. Rather, this model changes *the problem of government*. We cannot, as Hobbes does, understand the power of the

³⁷Spinoza, *Theological-Political Treatise*. (Indianapolis: Hackett, 2001), 17, 254.

³⁸Spinoza, *The Letters*. (Indianapolis: Hackett, 1995), Ep50, 258.

³⁹Spinoza, *Theological-Political Treatise*, 16, 177.

⁴⁰Alexandre Matheron, "The Theoretical Function of Democracy in Hobbes and Spinoza," in Montag and Stolze (Eds.) *The New Spinoza*. (Minneapolis, University of Minnesota Press, 1997), 216.

⁴¹Spinoza, *Theological-Political Treatise*, Chapter 17, 538.

sovereign as obtaining the effective power of the contracting individuals. Human individuals cannot, Spinoza argues, transfer their power and will to the sovereign with a mere promise. Individuals retain some of their power, and the problem of government becomes how to manage this power of the multitude, how to create institutions which will wrangle the power of the individuals in the multitude to be used for the ends of the state.⁴²

Entering the civil state, for Spinoza, means that individuals coordinate their behavior and their ends in some sense. They can do this by aligning their affects through coordinating their 'imaginative' views of the world and themselves, and through the social or the community.⁴³ On a Spinozan view, how one imagines oneself and those things that increase the power of the body shapes one's picture of the world. Our 'picture' of the world is just a revisable set of images which one uses to get around in the world.

We develop this imaginative view through interaction with other things, especially other individuals like us. We are not isolated, and there is no real state of nature. Positing such a state, where individuals' desires seem to come from nowhere leads us in fact to fundamentally misunderstand how our desires and imaginative views of the world and ourselves are caused. We increase our power in the social world, through increasing those interactions with others that increase our esteem. We can increase our power by bringing about what we imagine others desire and what we ourselves desire, by strengthening our self-conception and joining with others. Spinoza explains that one's *conatus* is shaped socially. One's image of oneself is a product of interaction with others. The desires of the *self* move outward toward others. If they are like us (in some respect), we take up their desires as desirable. Spinoza's social theory builds from this reciprocal interaction between the images, emotions and desires of those in a community. These individuals in the state of nature are understood as having idiosyncratic pictures of the world. However, in joining together for common purpose, their pictures begin to merge – they begin to see the world and themselves differently because of reciprocal interactions with others.

⁴²Michel Bertrand, *Spinoza et l'imaginaire*. Paris: PUF, 1983; Moira Gatens, "The Politics of the Imagination," in M. Gatens (Ed.) *Feminist Interpretations of Spinoza*. (University Park, Penn State UP, 2008); Susan James, "Narrative as the means to Freedom: Spinoza on the uses of the imagination," in Y. Melamed and M. Rosenthal (Eds.) *Spinoza's 'Theological-Political Treatise*.

⁴³Myriam d'Allones, "Affect of the Body and Socialization," in *Desire and Affect: Spinoza as Psychologist*. (New York: Little Room Press, 1999); Moira Gatens and Genevieve Lloyd, *Collective Imaginings: Spinoza, past and present*. (New York: Routledge, 1999); Jon Wetlesen, "Basic Concepts in Spinoza's Social Psychology," *Inquiry*, (Vol. 12, 1969), 105-132; Douglas Den Uyl "Sociality and Social Contract: A Spinozistic Perspective." *Studia Spinozana Vol. 1: Spinoza's Philosophy of Society*. (Alling: Walther & Walther Verlag, 1985); Yirmahu Yovel (ed.) **DESIRE AND AFFECT: SPINOZA AS PSYCHOLOGIST**. (New York: Little Room Press, 1999); Lee Rice, "Individual and Community in Spinoza's Social Psychology", in *Spinoza. Issues and Directions. The Proceedings of the Chicago Spinoza Conference* (1986), Edwin Curley and Pierre-François Moreau (Eds.)(Leiden: E.J. Brill, 1990), 271-285.

IV. Social and Political Life

Organizing political society requires some way of unifying the effects of the individuals in the multitude. Spinoza argues that we can organize the multitude through shared religion, norms, common symbols and laws that motivate individuals' affects. In the *Theological-Political Treatise*, Spinoza gives the example of Moses, who introduced a religion as a way to organize the effects of the multitude. Having just emerged from slavery, the Hebrew people were weak, fearful, and unused to organizing their own lives.⁴⁴ Rather than institute the renewed slavery of despotism, Spinoza writes, Moses, "made laws and ordained them for the people, taking greatest care that they should be obeyed willingly and not through fear...Moses therefore introduced a religion, so that people might do their duty from devotion rather than fear. Further, he bound them over by benefits and prophesied many advantages in the future."⁴⁵

The problem of the state is transformed in Spinoza into a problem of how to unify the individuals in a state through the organizing of the affects and the agreement of the imagination. A 'collective' or shared imaginative view of the world can be created through unifying the effects of the multitude. This does not necessarily mean that the members of a society need believe in imaginative beings or have shared fantasies in the everyday sense of 'imaginative'. Rather, for Spinoza, imaginative views, as discussed above are the 'less than adequate' views one might have about the world. Thus, all non-adequate views of the world will be 'imaginative' views in Spinoza's terminology. By using the term 'imaginary' to describe these collective views of the world, Spinoza means to include the 'affective' dimension of non-adequate views of reality.

Creating a shared imaginary is a political tool to coordinate the effects of the multitude so that the state can use the power of the multitude for common ends.

Just as Spinoza's human individual has an index of power related to that individual's ability to organize his or her affects and through the individual's self-conception and understanding of what increases their power (*conatus*), so too the state has a similar index of power. The state, for Spinoza, is a complex individual of a higher order than the human individual, but with similar problems of organization.⁴⁶ Just as the human body is complex and pulled in different directions by the forces acting upon it, so too the state is made up of parts -- human individuals -- who are themselves pulled in different directions by external and internal forces. To unify the state, to make it into an individual, the motions or *emotions* of its parts must be organized or coordinated. Now, just as for the individual, one cannot make a leap directly to reason. Power must be increased through the affects. So most states begin

⁴⁴Spinoza, *Theological-Political Treatise*, TTP, Chapter 17, 539.

⁴⁵Spinoza, *Theological-Political Treatise*, TTP, Chapter 5, 439-440.

⁴⁶Spinoza, *Ethics*, E2P13L7S, 254.

as communities that are organized affectively. Through common love or fear, individuals join together for common purpose and to increase their power.⁴⁷

Just as an individual can increase their power through active affects, so too states can become more powerful. States can *develop*.⁴⁸ While they may begin as social collectives bound by shared religion, passion, or customs, they can come to critique and reform these practices and develop laws based on reason. Thus, the state can follow the path of empowerment just as individuals can, by: 1) organizing its affects and coordinating the individuals within it, and 2) by making those affects active, through understanding them and through focusing on the active affects, which increase its power, 3) the state can come to organize itself maximally well, that is, according to reason. Since Aristotle, political philosophers have understood ‘the state’ or ‘the political’ as a space where social practices and customs can be questioned and reformed. Spinoza continues this tradition. The most powerful, or best state is the one that has laws and institutions based on reason and thus, that yield the ‘best’ for those within the state.

V. Power and Inclusion

How can one mobilize the power of the individuals for the power of the state? We cannot, Spinoza argues, merely sum the power of the individuals for the power of the state, or assume their power through a verbal transfer or agreement. Such agreements are only as strong as the individuals’ continuing motivation to uphold them. Humans are moved by their individual appetites, which are internally complex.⁴⁹ This complexity leads humans to be inconsistent and therefore unreliable.⁵⁰ Agreement is not so simply achieved, as Spinoza believed the contract theorists, even Hobbes, were guilty of presuming. Hobbes’ view suggests that by transferring their right, individuals are then obliged to use their power in the service of the state. Spinoza insists that right and power are coextensive, and that the judgment of an individual cannot be guaranteed in advance.⁵¹ If one transfers their right in advance, their power had better be used at the same time. There is little guarantee that this same individual will use his or her power when you really need it.

Contracts, for Spinoza, are made to be broken, and broken they will be. Unless of course, you set up a series of institutions which have affective incentives that can guarantee that the individual would be more likely to come through in the end. If you want to compel people’s power to be used for the end of the state, you need to understand how individual power can be compelled, and for this, we return to Spinoza’s affective-imaginative understanding of individuals, which I outlined above.

⁴⁷ Spinoza, *Ethics*, E4P37S, 339-340; Love is preferable, E4App.11, 359; TTP 17, 548; Spinoza, *Theological-Political Treatise*, TTP, Chapter 17, 548; Spinoza, *Ethics*, E4Appendix16, 360.

⁴⁸ L. Feuer, *Spinoza and the Rise of Liberalism*. (Boston: Beacon Press, 1998.)

⁴⁹ Spinoza, *Ethics*, E3P17S, 287-288; E3P51, 303-304; E4App27, 361.

⁵⁰ Spinoza, *Theological-Political Treatise*, TTP, Chapter 17, 537-8.

⁵¹ Spinoza, *Theological-Political Treatise*, TTP, Chapter 16, 527.

For Spinoza, the problem of the political state is one of managing the effects of those within its boundaries, and those outside its boundaries who are potential enemies. The interpretation of Spinoza's ethical and political theory that I have presented provides us with what we can think of as a principle of inclusion.

In its negative aspect, the principle suggests that when we have social or political problems (unrest, excessive crime, and lack of respect for the law) it is most likely because of those we have excluded. Something in the policy of the state has created a class of what Spinoza terms 'enemies of the state,' that is, those who have nothing to hope or fear from the state.⁵² These enemies include those who have turned against the state due to indignation.⁵³

According to Spinoza, we need to worry about the excluded, the enemies of the state, and we need to do so in two ways. First, we have to worry about their negative passions and whether or not they could cause harm to the state. Second, from the standpoint of the best state, we need to worry about the opportunity costs of not including them in the state; that is, we need to account for the power we waste by not including individuals whose increased power could benefit the state.

In its positive aspect, Spinoza's inclusion principle provides us with the normative model of the 'best' state, which in Spinoza's terms is also the most absolute state, the strongest and most effective state. An absolute state is one that is participatory and inclusive and one in which the power of those within it is maximized. This model provides us with a conception of what the state would be if all citizens were included and active participants in the state, with their affects maximally active. Because the power of the state is a function of the power of the multitude that makes it up, the state must somehow care for or care about the power of individuals. Many states have not understood this properly, and have believed that they needed to limit the power of the people, not recognizing that the power of individuals, if maximized, if increased, could yield a more powerful state.

Strong states require that the multitude of subjects and rulers identify their 'best' with the 'best' for the state, so that they will use their power to support it. Spinoza writes that democracy is the most absolute form of state.⁵⁴ In the democratic state, maximally inclusive participation in governing bodies makes possible communication among the entire multitude, creating the conditions for maximal individual and state empowerment.

VI. The Power of Fear

Hobbes and Spinoza disagree on the power of fear. For Hobbes, as long as the sovereign is powerful enough to overawe the multitude, to make them fear the power

⁵²Spinoza, *Political Treatise*, TP 2.14, 686; TP 3.8, 692-693.

⁵³Alexandre Matheron, "L'indignation et le conatus de l'Etat spinoziste," in Myriam d'Allonnes and Hadi Rizk (Eds.) *Spinoza : Puissance et ontologie*, (Kimé, Paris, 1994)153-165.

⁵⁴Spinoza, *Political Treatise*, TP 11.1, 752.

and punishment for breaking the law, the state would be stable. The stability of such a state was built on the assurance that inside each individual subject was an internal scale. If the sovereign's power were fearsome enough, the scale would be tipped in favor of following the sovereign's command over any other appetite the individual may have to do otherwise.

Spinoza doubted the power of fear. Fear, he thought, was an unreliable affect. For Hobbes, fear and joy may lead to different outcomes, but they are just varieties of perturbations, leading to different possible outcomes. The outcomes may differ in their usefulness, but the affects were just means to those ends, and neither good nor bad, neither empowering nor enervating in themselves. If anything, Hobbes believed fear was the more reliable affect for obtaining the loyalty of the subjects, since humans were fickle, and their love was less easy to retain. However, for Spinoza, fearful affects seemed to decrease the individual's power, to make them less able to make good decisions and more likely to believe and to follow any path, however misguided or contrary to their own interests. In the *Theological-Political Treatise*, Spinoza writes, "Fear engenders, preserves, and fosters superstition." Those possessed by fear, he argues, "are swayed this way or that by the slightest impulse...Even the most trivial of causes are enough to raise their hopes or dash them to the ground."⁵⁵

In the *Ethics*, Spinoza incorporates this insight into his mature theory of the affects. He proposes in Book 3 of the *Ethics* that there are two types of affects: the passive affects, like fear and sadness, and the active affects like joy. The former decrease our power, while the latter increase it.⁵⁶ Whatever produces joyful affects increases the power of the body, and therefore the power of the mind. Whatever produces sad or fearful affects decreases the power of the body to act and to think. Thus, in the *Ethics*, Spinoza develops his earlier insights about the tendency of some affects to increase the power of an individual, and others to decrease one's power into a fully embodied conception of the affects, derived from his study of Hobbes. Spinoza argues, following Hobbes, that even ideas and imaginations are embodied. All knowledge comes through the body, through its affections.⁵⁷ These affections are felt as emotions, and mark some things as 'good' and others as 'bad' depending on how they affect us.

Spinoza's insight about the disempowering nature of fear led him to critique Hobbes's conception of the foundation of the political state. Fear alone is not enough to guarantee that the subjects would follow the sovereign's command, since fear of the sovereign could lead them to just about any action. Fear, for Spinoza, decreases human power of action and judgment, leading individuals to unpredictable courses of action. Fear could never be the foundation of a stable political state. In an autocratic state such as Hobbes proposes in the *Leviathan*, those subjects overawed by fear of the sovereign may obey the law for some time; however, their fear could also lead

⁵⁵ Spinoza, *Theological-Political Treatise*, TTP, Preface, 389.

⁵⁶ Spinoza, *Ethics*, E3P11, 284; E3P11S, 284-5.

⁵⁷ Spinoza, *Ethics*, E3P11, 284.

them to rash actions against the sovereign, the object of their fear. Fear overcomes reason.⁵⁸ Even the slightest hope of overthrowing the sovereign, however unlikely its success, might be enough to entice these weakened subjects to revolt. The sovereign in such a state would be like a cowboy wrangling a herd of scared steer. In such a fearful state, the animals are as likely to stampede or scatter as anything else.

For Spinoza, founding a state on fear was unreliable for another reason. Fear not only leads individuals to make poor decisions, but individuals who are constantly fearful are weak, since fear decreases individual power. Since fear undermines power, even if a sovereign were able to keep the multitude in perpetual fear, these subjects could never be particularly useful to the sovereign, since they would be weak, their natural power undermined by fear. A powerful state needs powerful citizens, individuals who can work together to attain their collective ends. Those possessed by fear are fickle, superstitious and weak. A commonwealth made up of such beings would be similarly weak. Fear, thus, for Spinoza is a bad motivator of people and a force that disempowers the multitude. A powerful state can never emerge from a herd of scared animals.

Creating a strong state requires developing institutions that increase the power of individuals in the multitude while leading them to develop collective ends. Democracy is the only variety of commonwealth that could increase the power of the citizens while increasing its own power, and so, Spinoza writes that democracy is the most powerful and best kind of dominion.

VII. The Best State

For Spinoza, the best state is not one in which people are forced to do their duty out of fear, or one in which peace is achieved at the cost of freedom. Of the state, Spinoza writes:

Its ultimate purpose is not to exercise dominion nor to restrain men by fear and deprive them of independence...Thus, the purpose of the state is in reality, freedom.⁵⁹

For Spinoza, without freedom, individuals cannot begin to understand themselves and maximize their power. If they live in fear, a passive affect, their power will further be weakened. In a bad state, the individuals that make up the multitude are weak, and thus this kind of state is weak. Even if, for example, a despotic state was able to get people to follow the law and in addition joined the imaginative views of this disempowered multitude with a shared religion, Spinoza argues, that it could not be counted as the best sort of state.⁶⁰ If, as in a despotic regime, the people are organized through fear, or through a religion that encourages this fear and discourages the

⁵⁸Spinoza, *Short Treatise* in Shirley (2002), ST Pt. 2, Chapter 21, 92-93; Spinoza, *Ethics*, E4P6, 325; Spinoza, *Theological-Political Treatise*, TTP, Preface, 388.

⁵⁹Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 567.

⁶⁰Spinoza, *Political Treatise*, TP 5.4, 700.

means to dispel fear, the power of the state will be less than what it could be if this same multitude had been empowered instead of oppressed. Despots relying on fear to motivate obedience will be drawing on the power of fearful and weak multitudes, making them less than optimally powerful. Peace, Spinoza writes, is not just the absence of war, and the strong commonwealth is characterized by more than just obedience to the law.⁶¹

For Spinoza, the best state is one that allows people the maximum freedom to increase their power, through understanding themselves and the world. Spinoza's theory of individual empowerment and how individual power accrues to the state suggests that maximal inclusion and political participation contribute to making the state more stable, and stronger than states with less participation, which exclude more of their citizens from active participation. Strong free democratic states were, for Spinoza, the 'best' kind of states, not just because they empowered their inhabitants, but also because empowered citizens make them stronger.

In a Spinozan democracy, agreement is achieved is not through shared religious dogma or symbols, but through maximal inclusion and participation in a deliberative assembly. Because of this kind of institution, all individuals in the multitude have something to hope for from the state. Because of the nature of deliberation, in Spinoza's view, such assemblies have the possibility of coming up with better and more reasonable laws than any of the individuals on their own. Through deliberation in large councils, human individuals come to understand that their own particular views may not be the only ones possible. This yields some modicum of reflection, if only to convince others of one's view. Thus, for Spinoza, agreement is not guaranteed, but rather is the goal of the best state. The strongest agreements are based on reason. For agreement to be based on reason, the state must ensure the empowerment of its population, particularly if that state is a democracy. Spinoza's conception of agreement and reason aims at human empowerment rather than exclusion and oppression.

The aims of democracy, in Spinoza's view, are both epistemic and affective⁶² through including as many individuals as possible, the decisions of a democracy are based on the collective knowledge of its people. Through requiring the assembly to come to collective decisions, democracies encourage discussion, which in Spinoza's view leads to both better decisions and a collective conception of oneself as part of the state, with stakes in the outcome of democratic decisions. Extended arguments for this conception of democracy are necessary, but beyond the scope of this article. For Spinoza, maximal inclusion yields the 'best state'; we are concerned here with minimizing exclusion in order to avoid the worst state -- those with numerous internal enemies.

⁶¹ Spinoza, *Political Treatise*, TP 5.4, 699. Spinoza continues: "When, then, we call a commonwealth best where men pass their lives in unity, I understand a human life, defined not merely by the circulation of blood, and other qualities common to all animals, but above all by reason, the true excellence and life of the mind." *Political Treatise*, TP 5.5, 699.

⁶² [Citation removed for blind review]

VIII. Exclusionary Outcomes: Enemies of the State

A recent report published by the Pew Center on Public Safety Performance⁶³ reported that one in every 99.1 American adults is imprisoned, making the United States the ‘world’s incarceration leader’⁶⁴ with 2,319,258 adults in prisons and jails. For some groups, this percentage of adults imprisoned is even more distressing. Among African American adult males, one in 9 is imprisoned. Among Hispanics, one in 15 adults are imprisoned. Despite heavy spending on criminal prosecution and imprisonment, Pew researchers write, “recidivism rates remain stubbornly high.”⁶⁵ Despite having a large percentage of the population in prison, it would appear that crime is not prevented, and the collective goal of public safety is not reached. In analyzing these results the researchers at Pew stress the importance of reconsidering mandatory minimums sentences and considering sentencing alternatives other than prisons. However, the causes of crime, what leads people to break the law, are not addressed directly.

For Spinoza, having this percentage of its population behind bars makes the U.S. a ‘bad’ state. A bad state, for Spinoza, is one in which the law is not respected, which for Spinoza, suggests that the laws are badly implemented. A bad commonwealth, where all live in fear, Spinoza writes, is no better than the state of nature.⁶⁶ Fear is a tool of those governments or forms of dominion that are weak and thus have reason to fear the power of the multitude. A bad commonwealth, in this sense, is a weak commonwealth. Governments that fear their own people are constantly plotting against them, wasting their energies and resources fighting and repressing their own people.⁶⁷ They also waste the energies of their own people, who could be working for the goals of the state if properly channeled. The state, by designing its laws and customs in a certain way has caused a great percentage of its population to become internal enemies. Spinoza understands ‘enemies of the state’ as those who have nothing to hope or fear from the state. People who break the law fit this description. Having a large percentage of such people is worrying.

Spinoza does not end here, just noting that enemies of the state are dangerous, but argues that a good state must minimize its enemies by leading through hope as well as fear.⁶⁸ A good state minimizes its enemies not by locking them all up or killing them, but rather by offering them incentives to align themselves with the state rather than against it, and by understanding what affective-imaginative events have caused their becoming oriented against the state. Spinoza encourages us to see

⁶³*The Pew Center on the States*, “One in 100: Behind Bars in America 2008,” February 2008.

⁶⁴*Globe and Mail Update*, “1 in 100 Americans in prison: study,” February 28, 2008.

⁶⁵*The Pew Center on the States*, “One in 100: Behind Bars in America 2008: Summary Report,” February 2008.

⁶⁶Spinoza, *Political Treatise*, TP, 5.2, 699.

⁶⁷Spinoza, *Theological-Political Treatise*, TTP, Chapter 17, 538; Spinoza, *Political Treatise*, TP 5.7, 700; TP 4.4, 696-697.

⁶⁸Spinoza, *Theological-Political Treatise*, (Hackett, 2001), TTP 17, 185-6.

problems of crime, violence and chaos as problems of affect and exclusion that it is the job of political institutions to solve and to understand.

Factions, rulers behaving badly, and bad laws -- all of these things can undermine the power of the state.⁶⁹ Factions, which form for all sorts of reasons that we can also understand in terms of affect and imagination, draw individuals into groups oriented toward their own goals and projects. They generally form because individuals have been excluded or at least not properly included in the state; they join together because of this common exclusion and the affective and imaginative (or historical) basis of this exclusion. Factions are groups that see themselves as in some ways opposed to the state. The job of the state, according to Spinoza, is first of all to try and minimize factions by avoiding such exclusions and by trying to create affective incentives to encourage individuals to follow the law willingly and to identify with the state.⁷⁰ To do so, the state must understand people as imaginative and affective, and must understand how their affects are organized and how they see themselves and the state. Then, the state must understand how to include them, through imaginative and affectively effective institutions. By understanding the role of imagination, of identity and of affect in creating a multitude whose power can work for the state, we can perhaps begin to solve these problems with the proper affective and imaginative solutions.

Rulers behave badly in two ways: when they act in a manner that disrupts the commonwealth and causes indignation in their personal life;⁷¹ more importantly, they undermine the power of the state through bad laws. Although a reckless tyrant with a notorious personal life may diminish respect for the ruler, bad laws do much more damage to the power and stability of a government. Bad laws, in Spinoza's view, are laws that cannot be enforced through threats or enticements.⁷² One cannot, Spinoza argues, "make a table eat grass", by which he means that there are some things which both cannot be done and thus ought not be required, just as there are some things which cannot be omitted, and thus ought not be prohibited. One can prohibit and require all one likes, that is, rulers may propose laws regulating and requiring whatever they wish. However, a ruler can only effectively legislate what is possible to enforce, and what is possible for those subject to the law to do or not to do. Spinoza writes, "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."⁷³

⁶⁹Spinoza, *Theological-Political Treatise*, TTP, Chapter 17, 538; TTP, Preface, 389; TTP, Chapter 20, 567-568; Spinoza, *Political Treatise*, TP 4.4, 696-697.

⁷⁰Spinoza, *Theological-Political Treatise*, TTP, Chapter 17, 538; Spinoza, *Ethics*, E3P27, 292; E3P27S, 292.

⁷¹Spinoza, *Political Treatise*, TP, 4.4, 697.

⁷²Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 566-7; Spinoza, *Political Treatise*, TP, 4.4, 697.

⁷³Spinoza, *Political Treatise*, TP, 4.4, 697.

Bad laws, for Spinoza, are those that attempt to prohibit actions that cannot be prohibited, because they prohibit actions that are not in the power of (most) individuals to control. Since such laws punish what cannot be controlled, they ensure both that the laws will be flouted and unenforceable. Both of these outcomes undermine the power of the state, and thereby the ability of the state to encourage human flourishing.

In the *Political Treatise*, Spinoza provides a prescient example of what he considers a ‘bad law’. In that work, Spinoza proposes that the vice of drunkenness cannot be prohibited or stopped by laws, so it is a mistake to regulate it by law. Prohibition in the United States and the continually failing war on drugs might provide examples of how such laws are ‘bad’ in a variety of ways. In Spinoza’s view, these laws seem to misunderstand human desires and express an ignorance of the physical control of lack thereof of involved in these vices. For Spinoza, laws that try to control human emotions and desires, particularly those that attempt to control what we might think of as addictions over which addicts have little control, are nearly as ridiculous as laws requiring that humans fly by flapping their arms. The better we understand the affective causes of human behavior, the better we can formulate our laws. When we fail to understand human desires and emotions, the more likely we are to propose and waste our resources enforcing bad laws. If humans cannot control their desires for drink or drugs, then they become criminals, and flout the laws of the state; as the laws of the state are flouted, and the number of criminals or enemies of the state increases, the state has to expend enormous and ultimately wasted resources on prosecuting and enforcing unenforceable laws. Ignorance of human nature is expensive and is bought at the price of stability and freedom.

Spinoza's most extended discussion of bad laws focuses on the question of freedom of expression and judgment, which the governments of his time desired to curb.⁷⁴ In the *Theological-Political Treatise*, Spinoza argues that laws prohibiting the freedom to express one’s views and to philosophize are ultimately detrimental to the power of the state. Laws prohibiting freedom of judgment and expression are detrimental to the state because, Spinoza argues, they cannot be enforced. No individual can give up their ability to judge for themselves or to speak their opinion. No matter how powerful a sovereign ruler, Spinoza writes, “They will never succeed in preventing men from exercising their own particular judgment on any matter whatsoever and from being influenced accordingly by a variety of emotions.”⁷⁵ Spinoza further argues that just as humans cannot control their judgments, so they cannot control their expressions of these judgments.⁷⁶ By attempting to prevent individuals from judging and speaking their views, a state creates enemies and undermines the ‘good faith’ of its citizens. Those who disagree with the state are forced to pretend otherwise, and thus, a state’s best citizens are reduced to

⁷⁴Jonathan Israel, *The Dutch Republic*. (Oxford: Oxford UP, 1995.) 786-790; Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 571.

⁷⁵Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 566.

⁷⁶Spinoza, *Theological-Political Treatise*, (Hackett, 2001), TTP 20, 222.

‘sycophancy and treachery.’⁷⁷ If good and thoughtful citizens speak out and are punished for their ideas, this will lead, in Spinoza’s view, to the ruin of the state.⁷⁸ Spinoza writes:

The greater the effort to deprive them of freedom of speech, the more obstinately they do resist ...Men in general are so constituted that their resentment is most aroused when beliefs which they think are true are treated as criminal...In consequence, they are emboldened to denounce the laws and go to all lengths to oppose the magistrate, considering it not a disgrace but honorable to stir up sedition and to resort to any outrageous action in this cause.⁷⁹

Laws requiring belief or prohibiting it turn *all* of the states’ citizens into potential enemies. By prohibiting that which cannot be effectively prohibited, bad laws undermine the power of the state and the loyalty of its citizens. Prohibiting freedom of expression and judgment leads directly to dissent, faction and rebellion. Thus, in Spinoza’s view, such laws are ‘bad’; they are ruinous to the commonwealth and its citizens. Instead of prohibiting what humans cannot change, Spinoza suggests that the best laws are those that are determined by the people themselves. Therefore, he thinks democracy is the best form of government.⁸⁰ Including the multitude in the decision making process in the form of a democratic states is the best way to achieve peace and power. Democracy, the most inclusive form of state, is Spinoza’s solution to the problem of ‘bad laws’, ‘factions’ and ‘rulers behaving badly’.

IX. Conclusion: Affective Disorders of the State

Spinoza’s understanding of power and affects both in individuals and in political communities allows us to reorient our thinking about some of our most pressing political problems. When rulers wreak havoc or parts of the citizenry disobey the law, the problem, for Spinoza, is not the individuals. Individual humans, rulers and citizens, are everywhere the same. They will always seek what appears to be good for them, whether they are right or wrong. The problem is the state and its laws and customs. The task of the state is to organize the passions of the multitude of individuals within the state and its rulers to obey the law. Bad laws and customs yield disorder.⁸¹ Bad laws are ineffective at creating order and contributing to human flourishing; however, they are remarkably good at alienating citizens by arousing their indignation. Bad laws create, in other words, enemies of the state.⁸²

⁷⁷Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 569.

⁷⁸Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 569.

⁷⁹Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 569.

⁸⁰Spinoza, *Theological-Political Treatise*, TTP, Chapter 20, 570-1.

⁸¹Spinoza, *Theological-Political Treatise*, TTP, Chapter 17. 548-9.

⁸²Spinoza, *Political Treatise*, TP 3.8, 692-693; TP 3.9, 693; TP 4.4, 696-697.

The internal enemies of the United States, our millions of citizens jailed, return to our communities. And what do they find there? They are, for the most part, excluded from political participation, they cannot vote. They are excluded from participation in public life in other ways depending on the state and local ordinance. They have difficulty finding jobs, they cannot get student loans, and in general they continue to be punished long after their sentence is served.

For those seeking harsher punishments than even these, the purpose of this article may be suspect. Does a Spinozan view suggest that there should be no punishment? Should we throw open the jails and expect a peaceful and just outcome? If so, it would appear this view suffers from delusional optimism and is unworkable in our times because of just those affective disorders it diagnoses. However, Spinoza's approach should be understood not as a theory of criminology, but rather a political theory that shines a light on the role of prisons, crime and affective disorders within the state. If we wish to prevent crime and other affective disorders, Spinoza suggests, mass exclusion, in the contemporary form of prisons, may not achieve the end we seek. Imprisonment, along with other forms of political, social and economic exclusion creates enemies of the state.

Enemies of the state, those who have nothing to hope or to fear from the state – these are forces which the state must fear and secure itself against. Those who have been in prison no longer have much to fear from the state and if we send ex-convicts out into the world, without opportunity for living a normal life, then except under the rarest of situations, they will continue to worry us either through recidivism or through our fear. Branded as convicts they may have nothing to hope from the state; having already experienced prisons, they have less to fear. These 'enemies' with nothing to hope or fear from the state should worry us; finding ways to productively include them, thus offering them hope, provides a real solution to this genuine problem. Providing hope, on Spinoza's view, is also better than finding additional ways to frighten ex-convicts. As discussed above, those who are overwhelmed by fear are unlikely to act rationally. As an active affect, hope increases individual power. Hope, although it is not to be counted upon in all scenarios,⁸³ is better than fear, which is always debilitating, in Spinoza's view.

Our enemies do not disappear. Excluding them only increases their danger. Spinoza's focus on the affective foundation of social life and his view that the primary problem of political philosophy is to create institutions and practices that organize the effects of the multitude recognizes this need not to make enemies of citizens, and to find ways to include those who could become our enemies.

Criminals, of course, are just one of the many 'enemies' that a state creates. Living in an increasingly globally interconnected world with a substantial democratic deficit at the state and international levels, those countries with the power to create policies that reverberate beyond their borders regularly create external friends and enemies. Those excluded from political, social and economic power in other ways can also be considered enemies of the state. Enemies weaken the state, since all enemies,

⁸³Spinoza, *Ethics*, E3P18S[2], 288.

however weak, still retain enough power to destabilize the state. Spinoza's critique of Hobbes' social contract suggests that whatever power the state cannot accrue to its ends remains as a constant source of potential fear. Consider our contemporary fear of the suicide bomber, perhaps part of a collective moment, perhaps not. A single individual, the suicide bomber, has inspired the building of massive borders between states, enormous spending on security, rolling back of centuries-cherished civil liberties and an extra-legal international apparatus of punishment and surveillance about which we all have much to fear.

A state, and a people, in a constant condition of fear is weak, and wastes its power, Spinoza warns. Thus, Spinoza encourages inclusion -- not just because human empowerment relies on participation in communal life and the help of others, but also because excluding these people further makes them our enemies. Enemies weaken the state causing states and citizens to worry about them; wasting time and energy building more prisons, creating surveillance techniques, employing armies of police, and pursuing policies that undermine the state's legal structure and civil liberties.

By making citizens into criminals we lose their potential as good citizens. These are the opportunity costs of creating enemies. Instead of using their power for the good of the state, we encourage indignation and dissent. We have seen ample examples of criminalizing and excluding some of our best and brightest citizens in the recent panic over the Occupy movement. Instead of taking the mass protests across the globe as evidence of a powerful message from their citizens, countries like Canada, the United States and others have sought to criminalize protesting.⁸⁴ By seeing all citizens as 'potential enemies' states discourage loyalty and identification with the state, thereby diminishing the potential power of the state. In this way, Spinoza alerts us to the opportunity costs of a non-participatory state and policies that create such enemies of the state.

Those we exclude diminish our power by making us weak and suspicious. Excluding them robs us of the power they could supply as productive fellow citizens. Spinoza teaches us that we cannot transfer the power of the multitude to the state in one fell swoop or through a contract. Rather, the power of the multitude must be cultivated and organized. This power must be oriented so that the power of the multitude can be used for the strengthening of the state, which in turn empowers individuals. In this way, Spinoza shows us how political stability and human empowerment are inextricably linked, and how the disempowerment of some affects the power of all.

⁸⁴ Ronald J. Krotosynski, Jr., *Reclaiming the Petition Clause: Seditious Libel, "Offensive" Protest, and the Right to Petition the Government for Redress of Grievances*. (New Haven: YaleUP, 2012); Andy Blatchford, "Bill 78: Quebec Student Protest Legislation 'Worst Law' Since War Measures Act, Law Professor Says." *The Huffington Post, Canada Edition*. June 25, 2012; Masha Gessen, "Law and Disorder," *International Herald Tribune, Latitude*, June 11, 2012; Jeanine Molloff, HR 347 "Trespass Bill" Criminalizes Protest," *The Huffington Post Blog*, March 12, 2012; BBC News Europe, "Spain: Protesters defy ban with anti-government rallies," *BBC News Europe, Online Edition*, May 21, 2011.