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ROUSSEAU AND SPINOZA

THEIR POLITICAL THEORIES AND THEIR CONCEPTION
OF ETHICAL FREEDOM

BY WALTER ECKSTEIN

“There is no secular work in all the history of mankind which has stirred society to its depths so vehemently as did the *Contrat Social*.” These words of a famous jurist¹ would certainly be widely accepted by modern historians. It must also be admitted that there is hardly another book which has aroused so much controversy. It has been accused of inconsistency and considered incompatible with the other works of its author.² It has been held to justify political issues as antagonistic as fire and water. During the French revolution—as Charles E. Vaughan pointed out—the *Contrat Social* was claimed by the men of the “spontaneous anarchy” of the National Assembly of 1789 and also by the spokesmen for the ideas of 1793 who stood for a unified powerful state. Even in our times to some of his interpreters Rousseau seems the champion of individual liberty and to others the father of state absolutism or even of despotism.³ What could be better proof of

¹ Georg Jellinek, *Ausgewählte Schriften und Reden* (Berlin, 1911), II, 13.

² The inconsistencies have been particularly stressed by Albert Schinz, *La pensée de Jean-Jacques Rousseau* (Paris, 1929); he tries to reduce them to a certain “oscillation of Rousseau between the two incompatible tendencies of Romanticism, rooted in his personality, and of discipline, rooted in philosophic reflection” (247). Some authors such as Émile Faguet stress the incompatibility between the *Contrat Social* and Rousseau’s other works. (See Faguet, *La Politique comparée de Montesquieu, Rousseau et Voltaire* [Paris, 1902] and *Rousseau Penseur* [Paris, 1912].) Some of this polemic literature is listed by Louis Ducros, *Jean-Jacques Rousseau* (Paris, 1908–18), II, 142, and by George Beaulavon in his edition of the *Contrat Social*, 9 seq. and more recently by Schinz, *État présent des Travaux sur Jean-Jacques Rousseau* (New York, 1941).

³ Cf. the following statements: Léon Duguit, *Rousseau, Kant et Hegel* (Paris, 1918), 6: “Rousseau est le père du despotisme jacobin, de la dictature césarienne et à y regarder de près l’inspirateur des doctrines absolutistes de Kant et de Hegel”; and Alfred Cobban, *Rousseau and the Modern State* (London, 1934), 6: “Rousseau . . . is primarily a moralist, and being such . . . his end is always the individual and his liberty.” John Morley, *Rousseau* (1886), II, 132, calls the *Contrat Social* the gospel of the Jacobins and Émile Faguet, *Rousseau Penseur* (283): “le manuel de toutes les démocraties modernes.”

the vacillating and self-contradictory character of a book and its author?

Some authors find a certain development in Rousseau's political thought which reveals itself in the obvious differences between the two *Discourses* and some of his later political writings. As Vaughan says, "the earlier (sc. the *Discourses*) have commonly, and with some show of reason, been taken to plead for an extreme form of individualism. The *Contrat Social* and the *Économie Politique* on the other hand subordinate the individual ruthlessly to the community at large. The former find the ultimate base of Right in the will of the individual; the latter, in that of the community in which the individual is merged."⁴ Others think the change in Rousseau's political ideas shown even in the differences between the two versions of the *Contrat Social* itself. Whereas in the original draft the emphasis seems to lie upon safeguards against a tyranny from without, the later version seems to stress the idea that man needs to be made free, and that a certain constraint is unavoidable in order to achieve this aim.⁵

Though some of these inconsistencies are undeniable⁶ and may be attributed at least in part to this development in Rousseau's mind, it seems upon closer investigation that some of these alleged contradictions are inherent in the very problem which Rousseau attacks in his political writings. Its core is the relation between liberty and subjection to the law. In a certain sense this problem constitutes a real antinomy which does not admit of a definite and complete solution. On the other hand the problem is basic to the principles of democratic government, and Rousseau's approach to the question seems to indicate at least what the solution might be.

Rousseau's way of solving the dilemma which he occasionally characterizes⁷ as the task of assuring public liberty and govern-

⁴ C. E. Vaughan, *Rousseau's Political Writings*, I, 4.

⁵ Thus Charles William Hendel, *Jean Jacques Rousseau Moraliste*, II, 187 f.

⁶ In spite of the repeated attempts to prove the consistency of Rousseau's thought, like those by Gustave Lanson, *L'unité de la pensée de Rousseau* (Annales de la Société Jean-Jacques Rousseau, vol. VIII), René Hubert, *Rousseau et l'Encyclopédie* (Paris, 1928) and many others, there still remain many contradictions, especially so far as Rousseau's political theories are concerned, contradictions of which Rousseau himself was well aware.

⁷ *Économie politique*, *Oeuvres*, III, 283. References are to the Hachette edition of Rousseau's complete works and to Gebhardt's Spinoza edition except where otherwise indicated. The *Contrat Social* is quoted by books and chapters, Spinoza's

ment authority at the same time, was the doctrine of the social contract. His political theories seem so essentially connected with this conception that Rousseau has been considered the outstanding representative of the social contract theory. In fact, Rousseau himself states explicitly⁸ that the social contract offers the solution to what he calls the "fundamental problem," viz.: "to find a form of association which with all common power defends and protects the person and the property of every associate, and by which every one, in uniting himself with all the others, does not obey any one else but himself and remains as free as before." In propounding the theory of the social contract, however, Rousseau merely continued a doctrine which—as a modern interpreter puts it⁹—"he had inherited from the modern tradition in politics." What distinguished his version of the theory was that he had become more conscious of the fictitious character of this idea than any of his predecessors. To-day it is almost unanimously admitted that in introducing the doctrine of the social contract Rousseau did not intend to describe the temporal origin of the state. Fichte was among the first to realize¹⁰ that the *Contrat Social* was not dealing with historical facts, and he pointed to the famous beginning of the first chapter. Since then more and more students of Rousseau have recognized that his version of the doctrine has nothing to do with a genetic theory.¹¹ It is true that in his second *Discourse* Rousseau seems to picture the actual origin of civil society and even to accept the traditional theory of a real contract between the people and its chiefs.¹² But even here he emphasizes that in de-

Ethics by parts and propositions, the *Tractatus Politicus* by chapters and paragraphs.

⁸ *Contrat Social*, I, 6.

⁹ Hendel, *op. cit.*, II, 324.

¹⁰ J. G. Fichte, Beiträge zur Berichtigung der Urteile des Publikums über die französische Revolution, *Sämtliche Werke*, ed. I. H. Fichte, VI, 80, note.

¹¹ Cf. especially: Stammler, *Die Theorie des Anarchismus* (1894); Franz Haymann, *Jean Jacques Rousseau's Sozialphilosophie* (1898); M. Liepmann, *Die Rechtsphilosophie des Jean Jacques Rousseau* (Berlin, 1898); Giorgio Del Vecchio, *Su la Teoria del Contratto Sociale* (Bologna, 1906) and *Sui Caratteri Fondamentali della Filosofia Politica del Rousseau* (Genoa, 1912); A. Peretiatkowitz, "Die Rechtsphilosophie von Jean Jacques Rousseau," *Zeitschrift für das Privat- und öffentliche Recht der Gegenwart*, vol. 42 (1916); Siegfried Marek, "Grundbegriffe der Rousseauschen Staatsphilosophie," *Kant-Studien*, XXVII (1922); Ernest Hunter Wright, *The Meaning of Rousseau* (1922); Schinz, *État présent*, 248 f.

¹² *Oeuvres*, I, 120.

scribing the establishment of civil society he is only following common opinion¹³ and that "further investigations would have to be made about the real nature of the fundamental contract of every government." He also stresses the point that the manner in which he pictures the origin of civil society and of law in his second *Discourse* seems to him the most natural, and only for this reason preferable to other hypotheses.¹⁴ In the preface he states explicitly that his reflections are of a hypothetical nature and are meant to elucidate matters rather than to describe their real origin.¹⁵ This applies in the first place to the State of Nature, which in the second *Discourse* is offered as a hypothetical assumption and in the first draft of the *Contrat Social* divorced still further from the facts of history, so that in the words of a modern interpreter "it has become a mere blank, the purely logical negative of the civil state."¹⁶

In Rousseau's chief political work the social contract theory itself is introduced in almost the same way, as a hypothetical or rather a fictitious assumption. He admits that there is not one among existing states which has been created in the way he describes; but, he adds, "I am in search of the Right and of reason, and I do not argue about facts."¹⁷

¹³ Cf. Hendel, *op. cit.*, 71 and Hubert, *op. cit.*, 98 f., who shows that by "common opinion" Rousseau means the theories of the Encyclopedists.

¹⁴ *Oeuvres*, I, 115: "Telle fut ou dut être l'origine de la société et des lois . . ." and 116: "Je sais que plusieurs ont donné d'autres origines aux sociétés politiques, comme les conquêtes du plus puissant ou l'union des foibles; et le choix entre ces causes est indifférent à ce que je veux établir; cependant celle que je viens d'exposer me paroit la plus naturelle."

¹⁵ *Oeuvres*, I, 83: "Il ne faut pas prendre les recherches dans lesquelles on peut entrer sur ce sujet pour des vérités historiques, mais seulement pour des raisonnements hypothétiques et conditionnels, plus propres à éclaircir la nature des choses qu'à en montrer la véritable origine, et semblables à ceux que font tous les jours nos physiciens sur la formation du monde. . . ."

¹⁶ Thus Vaughan in his introduction to Rousseau's *Political Writings*, I, 24. For Rousseau's conception of the state of nature and the reason why he emphasizes the hypothetical character of the theory see below, note 60.

¹⁷ Geneva draft of the *Contrat Social*, in Vaughan's edition of Rousseau's *Political Writings*, I, 462: "Il y a mille manières de rassembler les hommes il n'y en a qu'une de les unir. C'est pour cela que je ne donne dans cet ouvrage qu'une méthode pour la formation des sociétés politiques quoique, dans la multitude d'aggrégations qui existent actuellement sous ce nom, il n'y en ait peut-être pas deux qui aient été formées de la même manière, et pas une qui l'ait été selon celle que j'établis. Mais je cherche le droit et la raison et ne dispute pas des faits."

From this and other passages it seems that Rousseau makes a definite distinction between what is and what ought to be, and that in propounding the theory of the social contract he is more interested in establishing a criterion for the ideal state than in the historical origin of actual states. He occasionally blames Grotius for founding the Right upon facts.¹⁸ Thus when Grotius denies that every power has been established for the advantage of the governed, he may be right in the realm of facts, but it is as irrelevant from a normative point of view as it is impossible to justify the right of the rulers by the power of the master over his slaves. It is impossible to justify one fact by another fact.¹⁹ In his resumé of the *Contrat Social* in *Émile* Rousseau makes a distinction between the “*principes du droit politique*” and the “*droit positif*” of existing governments, and he thinks that for any just evaluation of existing governments it is necessary to combine the knowledge of both: it is necessary to know what ought to be in order to judge correctly what really is.²⁰ In a similar vein he says in one of his earlier writings that the fortuitous and arbitrary manner in which different states were actually founded could never be a competent criterion by which to judge the law of a state.²¹

It was in accordance with this distinction between reality and what ought to be²² that Rousseau used the idea of the social contract, not as something that actually happened at a certain time and on a certain place, but rather as a “regulative idea”—to use Kant’s expression. The social contract was the symbol and the

¹⁸ *Contrat Social*, I, 2 (*Oeuvres*, III, 307): “Sa plus constante manière de raisonner est d’établir toujours le droit par le fait. . . .”

¹⁹ Geneva Draft, I, chap. 5, Vaughan, I, 470: “Quand Grotius nie que tout pouvoir soit établi en faveur de ceux qui sont gouvernés, il n’y a que trop raison dans le fait; mais c’est du droit qu’il est question. Sa preuve unique est singulière; il la tire du pouvoir d’un maître sur son esclave, comme si l’on autorisait un fait par un fait. . . . Il n’est pas question de ce qui est, mais de ce qui est convenable et juste; ni du pouvoir auquel on est forcé d’obéir, mais de celui qu’on est obligé de reconnaître.”

²⁰ *Émile*, V, *Oeuvres*, II, 430: “Celui pourtant qui veut juger sainement des gouvernements tels qu’ils existent est obligé de les réunir toutes deux (scil. études): il faut savoir ce qui doit être pour bien juger de ce qui est.”

²¹ *Économie politique*, *Oeuvres*, III, 278. Cf. *Projet de Constitution pour la Corse*, *Political Writings*, ed. Vaughan, II, 311: “Quoique la forme de Gouvernement que se donne un peuple soit plus souvent l’ouvrage du hasard et de la fortune que celui de son choix. . . .”

²² Rousseau distinguishes between “droit” and “fait,” especially in *Émile*, V.

criterion of a state in which every citizen is free. To Rousseau liberty is the supreme and ultimate goal of the state. The state was founded to secure liberty, and it can not exist without it.²³ In fact to Rousseau liberty is the *summum bonum*.²⁴ The words he wrote to Voltaire in 1750:²⁵ "J'adore la liberté; je déteste également la domination et la servitude," are really the clue to his entire political work.

When the *Contrat Social* was published it was greeted by the citizens of Geneva as the "arsenal of liberty."²⁶ And it is true that as most modern interpreters would admit it was the conception of freedom, not that of the social contract, which was the core of Rousseau's work. But his idea of liberty had undoubtedly undergone certain changes. More and more he had come to realize that true liberty is different not only from license but also from the precarious "natural liberty" of the state of nature.²⁷ True liberty is moral freedom—it is basically equivalent to ethical autonomy. Rousseau never doubted that the government and the laws of a state had a molding influence on the citizens.²⁸ But at the same time he knew that laws and even constitutions are valueless if they are not in the hearts of men.²⁹ He was deeply convinced that in the last analysis any moral obligation has to emerge from a man's own will—has to be self-obligation. It was this principle of autonomy which Rousseau transferred from the moral realm to the sphere of the state.³⁰ It has been called Rousseau's revolu-

²³ *Discours sur l'origine de l'inégalité*, I, 118: "Il est donc incontestable, et c'est la maxime fondamentale de tout le droit politique, que les peuples se sont donné des chefs pour défendre leur liberté et non pour les asservir." Cf. also *Économie politique*, III, 290: "La patrie ne peut subsister sans la liberté. . . ."

²⁴ *Émile*, II, *Oeuvres*, II, 51: ". . . que le premier de tous les biens n'est pas l'autorité, mais la liberté. . . ." See also Annie Marion Osborn, *Rousseau and Burke, A Study of the Idea of Liberty in Eighteenth Century Political Thought* (New York, 1940), 217.

²⁵ *Correspondance Générale*, ed. Théophile Dufour, I, 301, no. 108.

²⁶ Letter by Paul-Claude Moutou to Rousseau, June 16, 1762, *Correspondance Générale*, VII, 301, No. 1414.

²⁷ Cf. especially chap. II of the Geneva Draft of the *Contrat Social*. See also Hendel, *op. cit.*, I, 167.

²⁸ Cf. *Préface de Narcisse*, *Oeuvres*, V, 106, and *Confessions*, *Oeuvres*, VIII, 288 f., also *Écon. Pol.*, III, 285.

²⁹ *Considérations sur le gouvernement de Pologne*, chap. I: "Il n'y aura jamais de bonne et solide constitution que celle où la loi regnera sur les coeurs des citoyens."

³⁰ Thus Osborn, *op. cit.*, 153.

tionary accomplishment that he thus assigned an ethical goal to politics, and that he realized how political liberty is linked to moral freedom.³¹

It has been more and more acknowledged by modern interpreters of Rousseau, such as Cobban, Lanson, Beaulavon, and Hendel, that Rousseau is basically a moralist. But it has never been pointed out that in his conception of ethical freedom and even in his attempt to transfer the idea of ethical autonomy to the political realm, Rousseau had a great predecessor. It was exactly this idea of ethical freedom which, as will be shown in the following pages, was the fundamental concept of the ethics of Spinoza. It is true that certain similarities between the political theories of both thinkers have been repeatedly noticed by modern philosophers and historians. Vaughan in several publications hinted at some of them and came to the conclusion that Rousseau must have read Spinoza's *Tractatus Theologico-Politicus* or, more probably, both of his political treatises.³² Gioele Solari³³ and Adolf Menzel³⁴ found that Spinoza had anticipated Rousseau's political theories in certain points. Some authors have taken it for granted that Rousseau must have been familiar with Spinoza's works, basing their opinion upon the several points of agreement in their political ideas.³⁵ Paul Bizilli, in a paper "Jean-Jacques Rousseau et la Démocratie," summarized these points and concluded that Spinoza was one of the main sources of Rousseau's political philosophy.³⁶

³¹ Cf. Ernst Cassirer, "Das Problem Jean Jacques Rousseau," *Archiv für Geschichte der Philosophie*, XLI, 201; Vaughan, introduction to *Political Writings*, I, 113. See also Paul Janet, *Histoire de la Science Politique* (1887) II, 427.

³² C. E. Vaughan, *Studies in the History of Political Philosophy before and after Rousseau* (Manchester, 1925), I, 124 f; cf. also Vaughan, *Political Writings of J. J. Rousseau*, II, 9, and his edition of *Contrat Social* (Manchester, 1918), 136 f. Vaughan particularly compares the heading of chapter III of the second book of the *Contrat Social* ("Si la volonté générale peut errer") to Spinoza's phrase "quod civitas peccare nequit," and stresses the resemblances between their respective conceptions of the social contract and of a civil religion.

³³ "La dottrina del contratto sociale in Spinoza," reprinted from *Rivista di Filosofia*, XVIII, 3 (1927), 27.

³⁴ *Beiträge zur Geschichte der Staatslehre* (Wien, 1929), 431 f.

³⁵ Thus M. Liepmann, *op. cit.*, 46; further Louis Adelphe, "La Formation et la Diffusion de la Politique de Spinoza," *Revue de Synthèse Historique*, Vol. XXVIII, and Adolfo Ravà, "Spinoza e Machiavelli," in *Studi Filosofico-Giuridici dedicati a G. del Vecchio* (1931), II, 303.

³⁶ In *Annuaire de l'Université de Sofia* (1928), Bizilli especially stresses Rous-

None of these authors, however, seems to have noticed the philosophical basis of most of these similarities, the idea of moral freedom common to both thinkers. This is by no means to say that Rousseau's and Spinoza's religious and metaphysical world-views are closely related.³⁷ Rousseau's deism, despite certain pantheistic features, is far removed from Spinoza's metaphysics, as Rousseau himself repeatedly states. In this connection it must be mentioned that most of the remarks about Spinoza which occur in Rousseau's writings or letters are of a more or less disparaging kind, like the passage in the *Discours sur les Sciences et les Arts*³⁸ in which, in speaking of the art of printing, he says that because of this art the "dangerous reveries" of the Hobbes' and the Spinozas will last forever, whereas the impious writings of the Leucagoras' and the Diagoras' have perished with them. In his *Lettre à Christophe de Beaumont*³⁹ Rousseau contrasts his own miserable fate with that of the atheist Spinoza, who taught his doctrine in peace and had his books printed without any opposition, came to France and was well received; all countries were open to him, and everywhere he found protection, or at least security; rulers honored him and offered him teaching positions; he lived quietly and was even esteemed.⁴⁰ Much along the same lines is a passage in one of Rousseau's letters in which he complains about the attitude of the French ministers, who, he says, look at him with horror and would not tolerate him in their temples. And he adds that Spinoza, Diderot, Voltaire, Helvétius are saints compared to him.⁴¹ The

seau's arguments in favor of democracy and his distinction between *citoyens* and *sujets*, both in his opinion being derived from Spinoza. On both points see below.

³⁷ René Worms, *La Morale de Spinoza; examen de ses principes et de l'influence qu'elle a exercée dans les temps modernes* (Paris, 1892), stresses the divergence of their respective metaphysical and ethical doctrines. However, he does acknowledge certain affinities in their psychological and political theories.

³⁸ *Oeuvres*, I, 80.

³⁹ *Oeuvres*, III, 61. It is to this passage that Vaughan refers as the only place in Rousseau's writings where Spinoza's name is mentioned.

⁴⁰ These remarks about the unhindered publication of Spinoza's books and about his journey to France are of course entirely incorrect. The latter story seems to go back to Gil Menage's posthumous book *Menagiana* (1693), a collection of anecdotes and aphorisms which contains a fantastic report about a trip of Spinoza to Paris and his adventures there; the story was soon refuted both by Bayle, who called it "une fausseté pitoiable," and by Colerus, who characterized these reports as inventions ("verdigtzels").

⁴¹ Letter to the Comtesse de Boufflers, July 27, 1762, *Correspondance Générale*, no. 1478, VIII, 43.

disparaging tone of these remarks, however, is by no means surprising and must not be taken too seriously. Spinoza was considered an atheist, and his opinions were held extremely dangerous both to religion and to government. Most of the seventeenth- and eighteenth-century French writers who mentioned his name at all did so only with some more or less sincere words of disagreement, if not contempt. Even those who were in favour of Spinozism, like Boulainvilliers,⁴² would not admit it openly or would disguise their agreement with his ideas behind an apparent attack.

There are two other references to Spinoza in Rousseau's writings hitherto unnoticed by those interested in his relation to the earlier thinker, which seem to indicate a certain familiarity with Spinoza's philosophical doctrines. One is in a note in a manuscript of *La nouvelle Héloïse* omitted in the printed version of the novel. Rousseau here deals with the problem of immortality. He thinks it necessary that in order to preserve the identity of our personality in a future life we should be able to remember what we were in this life. Without the consciousness of identity, and this means without memory, no identity would be possible. If a being does not remember that he is the same, he would no longer be the same. "Hence one sees," Rousseau continues, "that those who in following Spinoza hold that at the death of a person his soul is resolved in the great soul of the world, are saying nothing that makes sense. What they say is mere balderdash."⁴³ Though this

⁴² Henri de Boulainvilliers, through his *Analyse du Traité Theologico-Politique* and his French translation of the *Ethics*—the latter distributed only in manuscript copies—as well as through his *Réfutation des erreurs de Benoît de Spinoza*, helped to spread the knowledge of Spinoza's philosophy in France, as did the writings of authors like La Fare, Plelo, Mademoiselle Du Noyer. Cf. Louis Adelphe, *op. cit.*, 257. With reference to Boulainvilliers' *Analyse*, F. Colonna d'Istria says in his edition of Boulainvilliers' translation of the *Ethics* (Paris, 1907) XXIV: "Quant à l'appréciation de la doctrine, elle est toujours enveloppée de prudentes réserves. Mais on sent l'approbation percer sous le blâme." Cf. the strange excuse of Boulainvilliers for not really refuting Spinoza in the preface to *Réfutation de Spinoza* (ed. Brussels, 1731, 158 f.).

⁴³ Cf. *La Profession de foi du Vicaire Savoyard*, édition critique par P. Maurice Masson, Fribourg (1914), 209. Masson quotes here the following note from a draft of *Julie*: "Pour être les mêmes dans l'autre vie il faut nécessairement que nous nous souvenions de ce que nous avons été dans celle-ci. Car on ne conçoit point à quoi ce mot de 'même' peut s'appliquer dans un être essentiellement pensant, si ce n'est à la conscience de l'identité, et par conséquent à la mémoire. S'il ne se souvient plus d'être le même, il ne l'est plus. On voit par là que ceux qui soutiennent, à l'exemple

statement by no means gives an accurate idea of Spinoza's conception of immortality, it really touches on one of the most peculiar features of Spinoza's doctrine. In his *Ethics*,⁴⁴ when he is dealing with the problem of immortality, Spinoza expressly states that "the mind can imagine nothing nor recollect past things save while in the body." He thus excludes not only the possibility of any continuation of memory after death, but also as Rousseau correctly remarks any individual immortality. And though Spinoza does not use the concept of the world-soul he considers the human mind a *modus* of the infinite intellect of God, and seems to assume that part of this mind is eternal, insofar as there is an idea of it in God's intellect. It may be said therefore that Rousseau's remarks show a certain familiarity with Spinoza's metaphysics.

This familiarity seems even more obvious in a passage in one of Rousseau's letters to the philosopher Dom Deschamps. In this letter Rousseau answers Deschamps' request for an opinion about the preface to his still unpublished work. Rousseau says that Deschamps' philosophic system seems incomprehensible to him; but if he were to make clearer the confused idea which he has received of that system by comparing it to something well known, he would relate it to that of Spinoza.⁴⁵ The ground of comparison

de Spinoza, qu'à la mort d'un homme, son âme se résout dans la grande âme du monde, ne disent rien qui ait du sens. Ils font un pur galimatias."

⁴⁴ *Ethica*, V, prop. 21; prop. 23, schol. Richard McKeon, *The Philosophy of Spinoza* (New York, 1928), 307, states that Spinoza's idea of immortality comes very close to the Averroistic doctrine which knows no personal immortality. Cf. also George S. Fullerton, *On Spinozistic Immortality* (Philadelphia, 1899), 144 f.

⁴⁵ *Correspondance Générale*, VI, 125, no. 1069. The letter, dated Montmorency, May 8, 1761, is addressed to M. du Parc, pseudonym for Dom Deschamps. It was published (in part only) by Émile Beaussire in his book, *Antécédents de l'Hégélianisme dans la philosophie Française: Dom Deschamps, son système et son école; D'après un manuscrit et des correspondances inédites du XVIII^e siècle* (Paris, 1865). The passage runs as follows: "Vous voulez, cependant, que je vous parle de votre préface. Que vous dirai-je? Le système que vous y annoncez est si inconcevable et promet tant de choses que je ne sais qu'en penser. Si j'avois à rendre l'idée confuse que j'en conçois, par quelque chose de connu, je le rapporterais à celui de Spinoza. Mais s'il découloit quelque morale de celui-ci, elle étoit purement speculative, au lieu qu'il paroît que la vôtre a des lois de pratique, ce qui suppose à ces lois quelque sanction. Il paroît que vous établissez votre principe sur la plus grande des abstractions. Or la méthode de généraliser et d'abstraire m'est très suspecte, comme trop peu proportionnée à nos facultés. Nos sens ne nous montrent que des individus, l'attention achève de les séparer, le jugement peut les comparer un à un, mais voilà tout.

seems to be that both systems start from "the highest of abstractions" and attempt to deduce the knowledge of the parts from that of the whole. And Rousseau adds that in his opinion the analytic method, though good in geometry, has no value in philosophy. Not only does Rousseau in this passage call the system of Spinoza something well known, but his characterization of Spinoza's methods may well be taken as sufficient evidence of his knowledge of Spinoza's philosophy.⁴⁶

Besides these allusions and references to Spinoza in Rousseau's writings and letters we have a report of an oral remark which has to be taken into consideration. Antoine Sabatier de Castres in his book *Apologie de Spinoza et du Spinosisme* speaks of a conversation he had with Rousseau about Spinoza's *Tractatus Theologico-Politicus*, and he quotes Rousseau as having said to him: "This is the one book among all modern works which has been most denounced by the priests, though it is just the one from which they might have drawn the greatest number of arguments in favour of Christianity."⁴⁷ It is also interesting to note another statement which Sabatier makes in this connection. He says in parenthesis that Rousseau took almost everything he wrote about miracles in his *Lettres de la Montagne* from Spinoza's *Theologico-Political Treatise*.

Vouloir tout réunir passe la force de nôtre entendement, c'est vouloir pousser le bateau dans lequel on est sans rien toucher au dehors. Nous jugeons par induction jusqu'à un certain point du tout par les parties; il semble au contraire que de la connoissance du tout vous voulez déduire celle des parties: je ne conçois rien à cela. La voye analytique est bonne en Géometrie, mais en philosophie il me semble qu'elle ne vaut rien, l'absurde où elle mène par des faux principes ne s'y faisant point assez sentir." The last passage suggests that Rousseau was referring to the "geometrical method" which Spinoza proposed to apply in his philosophic system.

⁴⁶ Émile Beaussire, *op. cit.*, 150, points out that Rousseau who had read only the preface to Deschamps' unpublished work, was quite right in his judgment, especially in his remarks about the Spinozistic element in Deschamps' philosophy. See also Pierre Maurice Masson, *La religion de Jean-Jacques Rousseau*, III, 178 f.

⁴⁷ *Apologie de Spinoza et du Spinosisme* (Altona, 1805), 87: "Causant, un jour de ce *Traité avec Jean-Jacques Rousseau* qui, par paranthèse, y a puisé presque tout ce qu'il a dit des miracles dans ses *Lettres de la Montagne*, 'c'est,' me dit-il, 'celui de tous les ouvrages modernes qui a été le plus décrié par les prêtres, bien que ce soit celui dont il auroient pû tirer le plus de preuves en faveur du christianisme.'" It is true that Rousseau's remarks about miracles may remind the reader of Spinoza's treatise. John S. Spink, *Jean-Jacques Rousseau et Genève* (Paris, 1934), 98 f. therefore gives an outline of Spinoza's views, apparently assuming the possibility that these theories had influenced Rousseau.

On the basis of these facts it may well be considered probable that Rousseau knew at least some of Spinoza's works. Spinoza was widely known in eighteenth-century France,⁴⁸ and Rousseau's attention must have been drawn to his works by many circumstances. Diderot, for some time Rousseau's closest friend, was deeply influenced by Spinoza.⁴⁹ Moreover, Rousseau was familiar with Pufendorf's *De Jure Naturae et Gentium*, which he had studied while at Annecy, and quotes repeatedly from the chapter on the State of Nature. In this chapter Pufendorf deals explicitly with Spinoza's political doctrines, which he takes pains to refute. Vaughan thinks it more probable than not that Pufendorf's discussion of Spinoza induced Rousseau to procure and read Spinoza's *Theologico-Political Treatise* to which Pufendorf refers.⁵⁰

However this may be, there are affinities in the political ideas of both thinkers and even almost literal coincidences in the expression of those ideas which can hardly be considered accidental. This similarity is most striking in their ideas of the origin of civil society and of the relation between the individual and the state. Both accepted the theory of the social contract, as did most of the thinkers of the seventeenth and eighteenth century. Their conception of this contract, however, as well as of its function and meaning shows a certain affinity which makes one think that Rousseau must have been—directly or indirectly—influenced by Spinoza.

The motive which induced men to enter upon the contract was—in the opinion of both thinkers—the strong desire to put an end to the lawless conditions of the State of Nature. According to Spinoza

⁴⁸ As to Spinoza's influence in France, see above, note 42; further: G. Pariset, "Sieyès et Spinoza," *Revue de Synthèse Historique*, Vol. XII, 309 f; Paul Janet, "Le Spinozisme en France," *Revue Philosophique de la France et de l'étranger*, Vol. XIII; Dunin-Borkowski, *Spinoza nach dreihundert Jahren* (Berlin, 1932), 126 f., and Freudenthal-Gebhardt, *Spinoza, Leben und Lehre*, II, 232 f. Boulainvilliers mentions in his *Analyse du Traité Theologico-Politique*, 59: "Voilà tout le plan et la gradation de ce fameux Pyrrhonisme qui a tant de sectateurs aujourd'hui"—meaning of course the philosophy of Spinoza.

⁴⁹ Cf. Harald Hoeffding, *Rousseau und seine Philosophie* (1910), 54.

⁵⁰ Vaughan in his edition of Rousseau's *Political Writings*, II, 9. It was Vaughan who first pointed out the circumstances above mentioned. The chapter in Pufendorf is chapter II of the second book. The reference to Spinoza is 175-179 in the folio edition of 1750 of Barbeyrae's translation. Rousseau quotes from this chapter in his second *Discourse*, particularly I, 187. About Rousseau's reading of Pufendorf, cf. *Confessions*, III; *Oeuvres*, VIII, 77.

there is no law apart from the state.⁵¹ The natural right of the individual is null and void so long as he lives in the state of nature and has no possibility of protecting himself against others. "A real natural right belonging to the human race can hardly be conceived except where men have common rights, and combine to defend the possession of the lands they inhabit and cultivate, to protect themselves, to repel all violence, and to live according to the general will of all."⁵²

It is clear from some of his remarks that for Spinoza the state of nature, i.e., a life without any sort of government or civil organization, never existed.⁵³ "Never could men have supported life and cultivated their minds without mutual help."⁵⁴ It therefore seems that to Spinoza the state of nature is a mere abstraction assumed only to show the necessity of the civil state.⁵⁵ We have to conceive it as without religion and law, and therefore without sin and wrong. However, any people who lived in that state of nature, i.e., barbarously and without political association, would lead a wretched and almost animal life.⁵⁶

There is a striking parallel between this conception of the state

⁵¹ *Tract. Pol.*, II, 23; II, 18; *Tract. Theol. Pol.*, cap. XIX, *Opera*, III, 229 f.; *Eth.*, IV, 37, schol. II. Further annot. XXXII ad *Tract. Theol. Pol.*, *Opera*, III, 263: ". . . in statu civili, ubi communi jure decernitur quid bonum et quid malum sit," and *Tract. Theol. Pol.*, XVI, *Opera*, III, 196: ". . . injuria . . . non nisi in statu civili potest concipi. . . ."

⁵² *Tract. Pol.*, II, 15.

⁵³ *Tract. Pol.*, I, VII: ". . . quia omnes homines sive barbari sive culti sint, consuetudines ubique iungunt, et statum aliquem civilem formant. . . ." Cf. *Tract. Theol. Pol.*, V, *Opera*, III, 73, where Spinoza describes the misery of uncivilized life, though here he seems to assume that there were peoples who lived "sine politia," i.e., without political organization, though not without mutual help. In a subsequent passage he says that no society can exist without government and laws to restrain and repress man's desires and immoderate impulses.

⁵⁴ *Tract. Pol.*, II, 15.

⁵⁵ Thus also Solari, "La dottrina del contratto sociale in Spinoza," *Rivista di Filosofia*, reprint from vol. XVIII (1927), 27. Cf. also Menzel, "Homo sui juris, Eine Studie zur Staatslehre Spinozas," *Zeitschrift für das Privat- und öffentliche Recht der Gegenwart*, XXXII, 83: "Dieser vorstaatliche Zustand des Menschen ist bei Spinoza nur ein konstruktives Element, keinesfalls eine geschichtlich nachweisbare Epoche."

⁵⁶ *Tract. Theol. Pol.*, V, *Opera* III, 73; *Eth.*, IV, 35 schol. The passage in which Spinoza in speaking of the state of nature says that it is to be conceived as without religion and law and therefore without sin and wrong (*Tract. Theol. Pol.*, XVI, *Opera*, III, 198) seems to indicate its fictitious character.

of nature—which, incidentally, is entirely different from that of Spinoza's contemporary, John Locke—and Rousseau's ideas. In Rousseau's opinion, before entering into civil association man must have been a dull and stupid animal who became an intelligent being and a man only through life in a civil state.⁵⁷ Rousseau likewise attributes the passage to the civil state to the intolerable pressure of the miseries of the state of nature in its later phases.⁵⁸ He draws a striking picture of these miseries in the second chapter of the first draft of his *Contrat Social*, entitled: "*De la société générale du genre humain.*" Here he refutes the false ideas of the happy life of a golden age of which the stupid men of primeval times would not have been capable; he holds that under those circumstances human intelligence would never have developed. There is no natural law in the sense of a pre-civic law of humanity. In his second *Discourse* Rousseau even questions the existence of the state of nature itself. He calls it a "state which does not exist, which perhaps never did exist and probably never will exist." And Rousseau adds—indicating that the whole hypothesis has a practical aim—"and yet it is necessary to have the right idea of this state in order to judge correctly our present state."⁵⁹ It may be that one reason for Rousseau's apparent doubt of the historical truth of the state of nature—at least it would seem so from the *Discours sur l'inégalité*—is that this would contradict the report of the Bible, which he considers as giving the true history of mankind.⁶⁰ Nevertheless Rous-

⁵⁷ *Contrat Social*, I, 8. As to the obvious contrast between Rousseau's and Locke's ideas of the state of nature cf. Henry V. S. Ogden, "The Antithesis of Nature and Art and Rousseau's Rejection of the Theory of Natural Rights," *American Political Science Review*, Vol. XXXII (1938), particularly 644.

⁵⁸ Cf. Vaughan in his edition of the *Contrat Social*, 128. As to the distinction of four different stages of the state of nature in the juristic sense, cf. Arthur O. Lovejoy, "The supposed Primitivism of Rousseau's Discourse on Inequality," *Modern Philology*, Vol. 21 (1923), 165 f. Gilbert Chinard, *L'Amérique et le rêve exotique dans la littérature Française au XVII^e et au XVIII^e siècle* (Paris, 1913), 351 f., stresses the rôle of experience in Rousseau's description of natural man.

⁵⁹ *Discours sur l'inégalité*, *Oeuvres*, I, 79. As to Rousseau's negative attitude towards the law of nature, see Ogden, *op. cit.*

⁶⁰ Thus among others Gustave Lanson, "L'unité de la pensée de Rousseau," *Annales de la Société Jean-Jacques Rousseau*, VIII, 4 f. See also Arthur O. Lovejoy, *op. cit.*, 169, who, in referring particularly to Rousseau's famous words in the preface: "Commençons donc par écarter tous les faits . . .," calls Rousseau's disclaimer "merely the usual lightning-rod against ecclesiastical thunderbolts." In fact such attacks had been made against Pufendorf's theory of the state of nature by the

seau seems to take the hypothetical character of the state of nature and of the social contract seriously. He considers the "hypothetical history of governments" a lesson instructive in every respect.⁶¹

This brings us to the essence of the social contract itself. Vaughan has noted that to both thinkers the social contract represents an absolute surrender of the individual.⁶² To Spinoza this surrender means that "henceforth all are controlled as it were by one mind."⁶³ On the other hand it follows from Rousseau's conception of the social contract that by it each puts his person and his power under the supreme control of the "common will" (*volonté générale*).⁶⁴ There is undoubtedly a certain affinity between Spinoza's "one mind" (*mens una*) and Rousseau's "common will."⁶⁵ The motive which induced men to conclude the contract—in the opinion of both thinkers—was the endeavour to put an end to the unbearable conditions of the state of nature. Entering into the contract was, as Adolf Menzel put it, psychologically necessary.⁶⁶ As the motive was the same according to both theories, so was its purpose: all individuals wanted to unite their powers so that the entire power of all would be put at the disposal of the commonwealth. Individuals gave up their power unconditionally that the power of the commonwealth should have no restrictions.⁶⁷ At the

theologians Schwarz and Beckmann and by Valentin Alberti, who blamed Pufendorf for his deviation from the Biblical reports. See Pufendorf's "Apologia," repr. in his *Eris Scandica*, and Alberti's *Compendium Juris Naturae orthodoxae Theologiae conformatum*, 1677.

⁶¹ *Discours sur l'inégalité*, Préface, i. f. Cf. Vaughan, *Rousseau's Political Writings*, I, 13, note 3.

⁶² Vaughan, *Studies in the History of Political Philosophy*, I, 124 f.

⁶³ *Tract. Pol.*, II, 16 and 21; VI, I.

⁶⁴ *Contrat Social*, I, 6: "Ces clauses [viz. du contrat social], se réduisent toutes à une seule: savoir, l'aliénation totale de chaque associé avec ses droits à toute la communauté."

⁶⁵ Cf. Vaughan, *Studies*, I, 124 f. The similarity has been noticed also by G. Solari, *op. cit.* 29. Spinoza's "mens una" may also be compared with Rousseau's "moi commun," the corporate self which is created by the act of association; see *Contrat Social*, I, 6, and III, 1, also *Économie Politique*, *Oeuvres* III, 281.

⁶⁶ Adolf Menzel, "Der Sozialvertrag bei Spinoza," in *Beiträge zur Geschichte der Staatslehre*, especially 352. Hendel, *op. cit.*, 70, stresses the rôle of moral sentiments in the formation of human society in Rousseau's earlier writings.

⁶⁷ Cf. *Contrat Social*, I, 6: ". . . chacun se donnant tout entier . . . l'aliénation se faisant sans réserve . . ." and Spinoza, *Tract. Theol. Pol.*, XVI, *Opera* III, 193: ". . . summam potestatem nulla lege teneri, sed omnes ad omnia ei parere debere; . . . omne suum ius in eam transtulerunt . . . se arbitrio summae potestatis absolute submiserunt. . . ."

same time, however, Spinoza like Rousseau seeks to retain certain civil liberties for individuals, especially those of freedom of speech and freedom of conscience. In Spinoza's opinion no one could transfer his rights and powers to others so completely that he himself would cease to be a man.⁶⁸ This statement we find almost literally repeated by Rousseau in his polemics against Grotius.⁶⁹ In a chapter on "The Limits of the Supreme Power," he states that by the social contract each man ceded only that part of his power, his property and his liberty to the commonwealth the use of which would be important to the community.⁷⁰

To both of them the democratic régime seems the one that departs least from the natural freedom of man. In a democracy the equality and the freedom of the state of nature are retained, as Spinoza points out in his *Tractatus Theologico-Politicus*. He says there:⁷¹ "I believe it (viz., democracy) to be of all forms of government the most natural, and the most consonant with individual liberty. In it no one transfers his natural right so absolutely that he has no further voice in affairs; he only hands it over to the majority of a society whereof he is a unit. Thus all men remain, as they were in the state of nature, equals." This comes very close

⁶⁸ *Tract. Theol. Pol.*, XVII and XX, *pass.*, *Tract. Pol.*, VII, 5.

⁶⁹ *Contrat Social*, I, 4; cf. especially the passage: "Renoncer à sa liberté, c'est renoncer à sa qualité d'homme, aux droits de l'humanité, même à ses devoirs."

⁷⁰ *Contrat Social*, II, 4: "On convient que tout ce que chacun aliène, par le pacte social, de sa puissance, de ses biens, de sa liberté, c'est seulement la partie de tout cela dont l'usage importe à la communauté; mais il faut convenir aussi que le souverain seul est juge de cette importance." Most commentators find that the last part of this sentence is inconsistent with the first; Faguet, *La politique comparée de Montesquieu, Rousseau et Voltaire*, 21, thinks that it gives up the rights of man which the first part seemed to preserve; William A. Dunning, "The Political Theories of Jean-Jacques Rousseau," *Political Science Quarterly*, XXIV (1909), 396, says that it turns the tables decisively against the individual. It should be noticed, however, that the last part of the sentence was an addition made in the final version of the *Contrat Social* and is not to be found in the Geneva Draft. Rousseau may have added the words as a matter of precaution. Moreover the following passage in *Émile*, V, *Oeuvres*, II, 432, must be taken into consideration: "Que si donc un esclave ne peut s'aliéner sans réserve à son maître, comment un peuple peut-il s'aliéner sans réserve à son chef? et si l'esclave reste juge de l'observation du contrat par son maître, comment le peuple ne restera-t-il pas juge de l'observation du contrat par son chef?" It may be worth mentioning that Spinoza makes a similar remark in *Tract. Pol.*, IV, 6.

⁷¹ *Tract. Theol. Pol.*, XVI, *Opera*, III, 195. The translation is by Elwes, Bohn edition.

to the main problem of Rousseau's political theory. The question he proposes to answer or at least to clarify in his *Contrat Social*, is to find a form of government in which every individual in uniting with all the others remains as free as before and has to obey no one except himself.⁷² This is the very essence of the social contract: it is the principle by which both thinkers judge a state and its acts.

These are some of the main points of agreement between the political theories of Rousseau and Spinoza. The parallel between the political ideas of the two philosophers, however, cannot be thoroughly understood without entering into a discussion of the concept of ethical freedom as Spinoza and Rousseau apprehend it. Herein lies their basic similarity, and it seems especially important to take up this problem since it has so far not been recognized as the core of Rousseau's agreement with Spinoza.

The real meaning of freedom as Spinoza understands it can best be explained in its application to God. According to Spinoza God may be called free because he exists and acts in accordance with the laws of his own nature.⁷³ There is no alteration in God's decisions; it would be lack of freedom and imperfection could he alter his decisions.⁷⁴ There is no *liberum arbitrium indifferentiae* in God. He acts with necessity, but at the same time he acts with freedom; he is not compelled by anything to act in a certain way, but his acts follow from the law of his own nature.⁷⁵ Thus it is in God that liberty and necessity coincide. Spinoza calls only that being "free" which exists and acts solely from the necessity of its own nature, and that being "compelled" which is determined by something else to exist and act in a determinate, limited way. Freedom, for Spinoza, is free necessity,⁷⁶ which is realized only in God.

To man freedom means an ethical goal or ideal. In fact, this ethical freedom is one of the central conceptions in Spinoza's

⁷² *Contrat Social*, I, 6. As Hubert pointed out in *Rousseau et l'Encyclopédie*, 121, Rousseau identifies the reign of the social contract with democracy. As to his terminology, Vaughan in his edition of the *Contrat Social*, 144, has shown that Rousseau's "aristocracy," "coupled as it is with the sovereignty of the people," corresponds much more closely to the modern conception of democracy. See also Osborn, *op. cit.*, 180.

⁷³ *Ethica*, II, 3, schol.; I, 32, cor.; I, 16 f.

⁷⁴ *Eth.*, I, 32, schol. 2.

⁷⁵ *Eth.*, I, 17.

⁷⁶ Epistola LVIII (*olim* LXII): ". . . Vides igitur, me libertatem non in libero decreto, sed in libera necessitate ponere."

ethics.⁷⁷ Spinoza calls it a virtue or perfection, and he infers from this definition that nothing can be attributed to this liberty that would be rather a sign of imperfection, as, e.g., not to exist, or not to make use of one's reason, and to prefer the bad to the good.⁷⁸ Liberty in this sense has nothing to do with freedom of choice. Spinoza is anxious to distinguish between liberty and lawlessness: he who follows his instincts or passive affections is by no means free, he is a prey to his emotions, he is not his own master but lies at the mercy of fortune.⁷⁹ In his *Ethics* Spinoza calls that man a slave who is led solely by emotion or opinion. Such a man, whether he will or no, performs actions whereof he is utterly ignorant. "A free man, however, (i.e., he who is led by reason) is his own master and performs only such actions as he knows are of primary importance in life, and therefore chiefly desires. . . ."⁸⁰

This contrast between slavery and freedom is best expressed by the titles of Parts IV and V of the *Ethics*: "*De servitute humana seu de affectuum viribus*" and "*De potentia intellectus seu de libertate humana.*" Freedom, in the ethical sense, means to act according to the laws of one's own nature. This holds true with regard to man as well as with regard to God. Man, however, acts according to the law of his own nature only in so far as he lives under the guidance of reason.⁸¹ One may even say, according to Spinoza, that men really act, i.e., are absolutely active, only in so far as they allow themselves to be led by reason only.⁸² To Spinoza therefore only that man is free who lives according to the dictates of reason.⁸³

⁷⁷ Very adequately therefore Frederick J. E. Woodbridge in his paper "*Spinoza, A Tercentenary Lecture*" (New York, 1933), states that to Spinoza ethics means "the study of the life of freedom."

⁷⁸ *Tract. Pol.*, II, 7. Cf. also P. Martinetti, "La dottrina della libertà in B. Spinoza," *Chronicon Spinozanum*, IV, 58 ff.

⁷⁹ *Eth.*, IV, Praef.; cf. also *Tract. Theol. Pol.*, XVI, *Opera*, III, 194.

⁸⁰ *Eth.*, IV, 66, schol.

⁸¹ *Eth.*, IV, 35, cor. 1: ". . . Homo ex legibus suae naturae absolute agit quando ex ductu rationis vivit." Cf. cor. 2: ". . . ad agendum ex suae naturae legibus hoc est—per prop. 3, part III—ad vivendum ex ductu rationis."

⁸² *Eth.*, IV, 35, dem.: ". . . Sed eatenus homines tantum agere dicuntur, quatenus ex ductu rationis vivit." Cf. III, 3: "Mentis actiones ex solis ideis adaequatis oriuntur."

⁸³ *Eth.*, IV, 67, dem.: "homo liber, hoc est qui ex solo rationis dictamine vivit," and 68, dem.: "Illum liberum esse dixi, qui sola ducitur ratione." See the good characterization of the "free man" in David Bidney, *The Psychology and Ethics of Spinoza: A Study in the History and Logic of Ideas* (New Haven, 1940), 296 f.

This free man is far from being licentious, without bonds, or without law. The free man more than anyone else is grateful to others, always faithful and true. He would not deceive or act fraudulently, even in case he might save his life by deceiving.⁸⁴ Thus the free man is necessarily the most social man.⁸⁵

It follows from this that free men, i.e., men in so far as they live in obedience to reason, necessarily live always in harmony one with another. "But in order that men may live together in harmony, and may aid one another, it is necessary that they should forego their natural right, and, for the sake of security, refrain from all actions which can injure their fellow-men."⁸⁶ This by no means interferes with freedom in the ethical sense. Just the contrary is true. Though in the state man gives up his unlimited power to act at random, he acquires political liberty which is closely related to moral freedom. Thus Spinoza comes to this conclusion: the man who is guided by reason is more free in a State, where he lives under a general system of law, than in a solitude where he is independent.⁸⁷ The man who is led by reason, in order to live in greater freedom desires to keep the common laws of the state.⁸⁸

Rousseau's treatment of the problem of liberty agrees in certain important points with Spinoza's ideas as outlined in this rather cursory survey. First, he also displays the Stoic viewpoint with regard to the passions, or "appetites." One who allows himself to be led by his desires is in a state of servitude, not of liberty.⁸⁹ Rous-

⁸⁴ *Eth.*, IV, 71; 72 and schol. The way Spinoza argues in this Scholion against one who might pretend that reasons of self-preservation suggest acting fraudulently, seems to anticipate Kant's proofs for the categorical imperative: "Si iam quaeratur: 'Quid si homo se perfidia a praesenti mortis periculo posset liberare, an non ratio suum esse conservandi omnino suadet, ut perfidus sit?' respondebitur eodem modo: 'Quodsi ratio id suadeat, suadet ergo id omnibus hominibus, atque adeo ratio omnino suadet hominibus, ne nisi dolo malo paciscantur, vires coniungere et iura habere communia, hoc est, ne revera iura habeant communia; quod est absurdum.'" This argument shows that uniting together and having common laws to Spinoza seem an absolute or even logical necessity.

⁸⁵ *Eth.*, IV, 35 and Corollarium.

⁸⁶ *Eth.*, IV, 35, dem. and IV, 37, sch. 2.

⁸⁷ *Eth.*, IV, 73. That this applies in the first place to a democratic state is stressed by Spinoza in his *Tract. Theol. Pol.*, XVI, *Opera*, III, 191 f.

⁸⁸ *Ib.*, demonstratio. Cf. McKeon, *op. cit.*, 281, and Bidney, *op. cit.*, 324.

⁸⁹ *Contrat Social*, I, 8, especially: "L'impulsion du seul appétit est esclavage." Cf. *Émile*, IV, *Oeuvres*, II, 249 f.: ". . . Je suis esclave par mes vices . . ." and 414: ". . . tu t'es rendu esclave par tes désirs. . ."

seau comes very near to Spinoza's doctrine of liberty when he further states the essence of liberty: To obey a law one has prescribed to oneself would alone be real freedom. It is "moral freedom" that alone makes man really master of himself.⁹⁰ Furthermore, even in a political sense liberty must not be identified with independence. Independence and liberty rather exclude each other. There is no liberty without justice and justice means bonds.⁹¹ In fact the laws of liberty are more strict and severe than the hard yoke of tyranny. Liberty is something which weak souls who are the slaves of their passions should rather fear than desire.⁹²

For Rousseau, as well as for Spinoza, whoever follows the common will obeys only reason, and thus obeys himself.⁹³ Therefore real freedom exists only in the State. In the State, from the narrow-minded and stupid animal that he was before man becomes an intelligent being and a man. What he loses by entering the social contract is his natural liberty and the unlimited right to everything that tempts him and that he might achieve, but what he gains is civil liberty⁹⁴ and the property right to everything he possesses. Man is more free under the social pact than he is in the state of nature.⁹⁵ The laws make him free by teaching him to control himself.⁹⁶

Like Spinoza Rousseau establishes a definite connection between

⁹⁰ *Contrat Social*, I, 8: ". . . l'obéissance à la loi qu'on s'est prescrite est liberté . . ." and ". . . la liberté morale, qui seule rend l'homme vraiment maître de lui. . . ."

⁹¹ *Lettres écrites de la montagne*, II, lettre 8, *Oeuvres* III, 227: "On a beau vouloir confondre l'indépendance et la liberté, ces deux choses sont si différentes que même elles s'excluent mutuellement. . . . Ainsi la liberté sans la justice est une véritable contradiction. . . ."

⁹² *Gouvernement de Pologne*, ch. VI, *Oeuvres* V, 254: "Fière et sainte liberté! si ces pauvres gens pouvoient te connoître, s'ils savoient à quel prix on t'acquiert et te conserve; s'ils sentoient combien tes lois sont plus austères que n'est dur le joug des tyrans, leurs foibles âmes, esclaves de passions qu'il faudroit étouffer, te craindroient plus cent fois que la servitude; ils te fueroient avec effroi comme un fardeau prêt à les écraser."

⁹³ Cf. *Émile*, V, *Oeuvres* II, 433; *Contrat Social*, II, 4, *Oeuvres* III, 323.

⁹⁴ *Contrat Social*, I, 8, *Oeuvres* III, 316.

⁹⁵ Cf. *Émile*, V, *Oeuvres* II, 434: "Comment on est plus libre dans le pacte social que dans l'état de nature. . . ."

⁹⁶ *Op. cit.*, 446: "Il n'est pas vrai qu'il ne tire aucun profit des lois; elles lui donnent le courage d'être juste, meme parmi les méchans. Il n'est pas vrai qu'elles ne l'ont pas rendu libre, elles lui ont appris à régner sur lui."

moral freedom and political freedom. Both thinkers emphasize that obedience to the state does not interfere with real freedom,⁹⁷ and that real freedom is possible only in the state. Rousseau goes even so far as to say that it is to the laws that man owes liberty and justice.⁹⁸ There is no liberty without law; liberty always shares the fate of the laws; it prevails with them and perishes with them.⁹⁹ It is the law that dictates to man the prerequisites of public reason and teaches him to act according to the principles of his own judgment and not to be at variance with himself.¹⁰⁰ Similarly, in Spinoza's opinion man lives in a state according to the common decrees of the commonwealth, and therefore a man who is guided by reason, in order to live with more freedom, desires to observe the common laws of the state. According to Rousseau men enjoy more freedom in the state because the individual in spite of his subjection does not lose any part of his freedom except that which may be painful to others.¹⁰¹ On the other hand, Spinoza also considers the man who is unfree, i.e., subject to his passions, to be at variance with himself.¹⁰² Finally just as Spinoza repeatedly declares the goal of the

⁹⁷ Cf. Spinoza, *Tract. Theol. Pol.*, XVI, *Opera*, III, 194: "His ergo providere summae tantum potestati incumbit, subditis autem, uti diximus, ejus mandata exsequi, nec aliud jus agnoscere, quam quod summa potestas jus esse declarat. At forsitan aliquis putabit, nos hac ratione subditos servos facere, quia putant servum esse eum, qui ex mandato agit, et liberum, qui animo suo morem gerit, quod quidem non absolute verum est; nam revera is, qui a sua voluptate ita trahitur, et nihil, quod sibi utile est, videre neque agere potest, maxime servus est, et solus ille liber, qui integro animo ex solo ductu rationis vivit." Cf. on the other hand Rousseau's remarks about the freedom of the slave (*Émile, Oeuvres*, III, 26).

⁹⁸ *Contrat Social*, Geneva draft, *Rousseau's Pol. Writings*, I, 475: ". . . c'est à la Loi seule que les hommes doivent la justice et la liberté. . ." The same passage in *Économie politique, Oeuvres* III, 283.

⁹⁹ *Lettres écrites de la montagne*, II, 8, *Oeuvres* III, 228: "Il n'y a donc point de liberté sans loi. . ." "En un mot, la liberté suit toujours le sort des lois, elle règne ou périt avec elles; je ne sache rien de plus certain. . ." See also Rousseau's letter of February, 1765, to the brothers De Lue, *Corr. Gén.*, XIII, 42, no. 2473: ". . . un peuple cesse d'être libre quand les lois ont perdu leur force. . ."

¹⁰⁰ *Économie politique, l. c.*: "C'est cette voix céleste qui dicte à chaque citoyen les préceptes de la raison publique, et lui apprend à agir selon les maximes de son propre jugement, et à n'être pas en contradiction avec lui-même."

¹⁰¹ Geneva draft of the *Contrat Social, Rousseau's Pol. Writ.*, I, 475, and *Économie Politique, loc. cit.*

¹⁰² Spinoza calls that man who is not free but subjected to the passive emotions "varius et inconstans": *Eth.*, IV, 33.

state to be liberty,¹⁰³ so Rousseau says that liberty and equality must be the real goal of every system of legislation.¹⁰⁴

Even the details of the arguments of both philosophers show many points of agreement. As real, i.e., ethical freedom is by no means identical with lawlessness and has nothing to do with the *liberum arbitrium indifferentiae*, but is itself based upon a certain kind of law, viz., the law of man's own rational nature, so political freedom in the state is based upon laws. It is this principle which is the backbone of the legal state. Both thinkers agree upon the theory that law in the real sense exists only in the state. In this they differ from John Locke, who assumed that there is a natural law that binds all men, even in the state of nature. To Spinoza and Rousseau not only is law brought into being by the formation of the state, but with the abolition of the fundamental laws of the state the obligation of the individual as well as his freedom ceases to be.¹⁰⁵ Furthermore both thinkers seem to imply that the laws of the state or of a "civil association" (*association civile*) enable the individual to achieve that ethical freedom which is not only in its very essence related to political liberty but also actually connected with it. For though both authors occasionally, in the spirit of the Stoics, assure us that even a slave in his chains may be free, both of them state at other times that the constitution and legislation of the state can contribute to some extent to the fuller development of human personality, and thus to the achievement of ethical freedom.¹⁰⁶ There is another point of agreement in the general conception of the state. To Rousseau the real aim of what he calls the general will is the common good, which however can only be achieved where a state is controlled by laws. Rousseau goes so far as to consider only that state which places the law above individual wills (*volontés particulières*) in accordance with the funda-

¹⁰³ Cf. *Tract. Theol. Pol.*, XX, *Opera*, III, 241, and the subtitle of *Tract. Pol.* See also W. Eckstein, "Die rechtsphilosophischen Lehren Spinozas im Zusammenhang mit seiner allgemeinen Philosophie," *Archiv für Rechts- und Wirtschaftsphilosophie*, Bd. XXVI (1933), especially 165 f.

¹⁰⁴ *Contrat Social*, II, 11, *Oeuvres*, III, 334.

¹⁰⁵ On Spinoza's conception of the state of nature cf. Eckstein, *op. cit.*, 165; for Rousseau cf. Vaughan, *op. cit.*, I, 17 f. As to the abolition of the social contract cf. Rousseau, *Contrat Social*, III, 10, Spinoza, *Tract. Pol.*, V, 6; III, 2; also W. Eckstein, "Zur Lehre vom Staatsvertrag bei Spinoza," *Zeitschrift für öffentliches Recht*, XIII (1933), 365.

¹⁰⁶ Cf. Spinoza, *Eth.*, IV, 73; Rousseau, *Contrat Social*, I, 8.

mental pact. He would call a Republic every state in which the law is supreme, and every legitimate state to him is republican.¹⁰⁷ Spinoza on the other hand thinks it appropriate to call that man a slave in a political sense who lives in a state in which the aim of the government is not the well-being of the individual but the advantage of the ruler, and he would call that man a citizen or a subject who belongs to a state in which the supreme law is the well-being of the people (*salus populi*), and not that of the ruler.¹⁰⁸

The very conception of ethical freedom and its philosophical foundation seem to be common to both thinkers. In his *Émile* Rousseau says that freedom means to resign oneself to necessity; to let oneself be guided by necessity wherever it leads.¹⁰⁹ And Julie in her prayer declares that she wants everything that belongs to the order of nature. Rousseau warns us never to rebel against the hard law of necessity and to remain in the place nature has assigned to us in the chain of being.¹¹⁰ From such utterances and especially from the famous sermon of the Savoyard Vicar in *Émile* we get the impression of a deep confidence in the order of nature which man must accept and to which he must adapt his own will. This comes very near to one of the fundamental principles of Spinoza's

¹⁰⁷ *Contrat Social*, II, 3, 4, 6 *et passim*.

¹⁰⁸ Spinoza, *Tract. Pol.*, III, 1. Bizilli, *op. cit.*, 14, compares this passage to *Contrat Social*, I, 6, and advances the theory that Rousseau's definition of citizen and subject is derived from Spinoza's. He has especially the following sentences of Spinoza and Rousseau in mind: *Tract. Pol.*, III, 1: "Deinde homines, quatenus ex jure civili omnibus Civitatis commodis gaudent, cives appellamus, et subditos, quatenus civitatis institutis seu legibus parere tenentur;" and *Contrat Social*, I, 6: "À l'égard des associés, ils prennent collectivement le nom de *peuple*, et s'appellent en particulier *citoyens*, comme participant à l'autorité souveraine, et *sujets*, comme soumis aux lois de l'État."

¹⁰⁹ *Émile*, livre V, i. f.: "C'est vous, ô mon maître! qui m'avez fait libre en m'apprenant à céder à la nécessité. Qu'elle vienne quand il lui plaît, je m'y laisse entraîner sans contrainte. . ."

¹¹⁰ *Nouvelle Héloïse*, Part III, Lettre XVIII: "Je veux tout ce qui se rapporte à l'ordre de la nature que tu as établi, et aux règles de la raison que je tiens de toi."—*Émile*, II, *Oeuvres*, II, 49: "Reste à la place que la nature t'assigne dans la chaîne des êtres, rien ne t'en pourra faire sortir; ne regimbe point contre la dure loi de la nécessité. . . ." There are numerous places in the *Profession de Foi du Vicaire Savoyard* which exalt the order and harmony of nature (especially 137, 167, 197, 295, édition Masson). In fact the belief in the order and duty of nature is one of the main sustaining forces of Rousseau's religious philosophy. Cf. D. Parodi, "La Philosophie religieuse de Jean-Jacques Rousseau," in *Jean-Jacques Rousseau*, lectures by F. Baldensperger and others (Paris, 1912).

ethics. Peace of mind can be achieved only by resigning oneself to one's fate, an attitude which follows from the understanding of the necessity and of the general laws of nature as a whole. Spinoza himself considers it an advantage of his doctrine that it teaches us in what manner "we ought to conduct ourselves with respect to the gifts of fortune, or matters which are not in our own power, and do not follow from our nature. For it shows us that we should await and endure fortune's smiles or frowns with an equal mind, seeing that all things follow from the eternal decree of God by the same necessity as it follows from the essence of a triangle that the three angles are equal to two right angles." And he is convinced that "we shall bear with an equal mind all that happens to us in contravention to the claims of our own advantage" if we only remember "that we are a part of universal nature, and that we follow its order."¹¹¹

To Rousseau ethical liberty seems the highest form of freedom we know. The supreme end of all education for Rousseau—as a modern interpreter expresses it—is nothing but the complete realization of the idea of man and the fulfilment of human nature in its highest quality, moral freedom.¹¹² In this freedom we find our happiness. For Rousseau too believes in the final happiness of the virtuous man: "Be just and you will be happy," he wrote to Voltaire. And though it may sometimes seem that Rousseau expects this beatitude to be reached only in a life to come, it is clear from other passages that he considers happiness inherent in virtue or justice and that moral freedom alone can bring the happiness of which man is in search.¹¹³

This ethical freedom, once achieved, can never be entirely lost. It would survive even in chains and within prison walls. We read in *Émile*: "La liberté n'est dans aucune forme de gouvernement, elle est dans le coeur de l'homme libre, il la porte partout avec lui. L'homme vil porte partout la servitude. L'un serait esclave à

¹¹¹ *Ethica*, II, 49, schol.; IV, app., cap. 32.

¹¹² André Oltramare, "Les idées de Jean-Jacques Rousseau sur l'éducation," in *Jean-Jacques Rousseau jugé par les Genevois d'aujourd'hui* (Geneva, 1878): "La fin de l'éducation n'est rien moins que la réalisation complète de l'idée de l'homme et l'accomplissement de la nature humaine dans ce qu'elle a de plus élevé, la liberté morale" (81).

¹¹³ See Osborn, *op. cit.*, 132; further D. Parodi, "La philosophie religieuse de Jean-Jacques Rousseau," *Revue de Métaphysique et de Morale*, XX, 309, and Wright, *op. cit.*, 29.

Genève, et l'autre libre à Paris.' More and more, however, we feel in some of Rousseau's letters a certain rather pessimistic note of resignation when he speaks of that sort of liberty which the virtuous man preserves in his heart even when his political liberty is endangered or lost.¹¹⁴ And it sounds as if he despaired of the realization of political liberty when Rousseau in one of his later letters writes that there is no longer any liberty on earth except in the heart of a just man.¹¹⁵

Nowhere does Spinoza strike such a pessimistic note. However, in his *Theological-Political Treatise* he too—though only in one of the notes added after publication of the book—stresses the fact that man can be free under whatever form of government he may live. "For," he adds, "certainly man can be free in so far as he lets himself be guided by reason."¹¹⁶ And there can be no doubt that for Spinoza also ethical liberty was part of what he calls the *summum bonum*. When in his *De Intellectus Emendatione* he describes the supreme good as a state in which "we know the union of our mind with the totality of nature,"¹¹⁷ we must keep in mind that it is through right understanding of our place in the order of things that we may hope to achieve moral liberty. It was in this sense that Spinoza in his *Short Treatise* defined liberty as a fixed reality which our intellect receives through its immediate union with God. And in the final section of his *Ethics* Spinoza comes back to the same conception when he states that our salvation or beatitude or liberty

¹¹⁴ Cf. letter to Moultoy of June 7, 1762, *Corr. Gén.*, VII, 283, no. 1399: "Ils pourront m'ôter une vie que mon état me rend à charge, mais ils ne m'ôteront pas ma liberté: je la conserverai, quoi qu'ils fassent, dans leurs liens et dans leurs murs. . . ." and letter to Moultoy of February 18, 1765, *Corr. Gén.*, XIII, 25, no. 2462: "Quand il n'y a plus de liberté commune il reste une ressource: c'est de cultiver la liberté particulière, c'est à dire la vertu. L'homme vertueux est toujours libre. . . ." A few days later he writes to the brothers De Luc, *Corr. Gén.*, XIII, 42, No. 2473: "Un peuple cesse d'être libre quand les lois ont perdu leur force; mais la vertu ne perd jamais la sienne et l'homme vertueux demeure libre toujours. . . ."

¹¹⁵ Lettre à M. d'Ivernois, of January 29, 1768, *Corr. Gén.* XVIII, 82, no. 3584: "Tout persuadé que je sois que rien ici bas ne mérite d'être acheté au prix du sang humain, et qu'il n'y a plus de liberté sur la terre que dans le coeur de l'homme juste; je sens bien toutefois qu'il est naturel à des gens de courage qui ont vécu libres de préférer une mort honorable à la plus dure servitude. . . ."

¹¹⁶ *Tract. Theol. Pol.*, adnotatio XXXIII, *Opera*, III, 263.

¹¹⁷ *Tract. de Int. Em.* cap. I, *Opera* II, 8. Cf. Harold H. Joachim's *Commentary* (Oxford, 1939), 23.

consists in our constant and eternal love for God or, what means the same, in God's love for men.¹¹⁸

It must of course not be overlooked that the conception of ethical freedom in which Spinoza and Rousseau so obviously agree goes back in its essence to the ethical philosophy of the Stoics. It has been repeatedly stated that Spinoza's ethics was deeply influenced by Stoic ideas. His conception of the free man in particular seems to be a revival of the Stoic "sage."¹¹⁹ But Rousseau may also have received a certain inspiration from this philosophy either directly or indirectly. He undoubtedly had some knowledge of ancient literature;¹²⁰ but he may also have acquired these Stoic ideas by reading certain French philosophers such as Montaigne, Charron, Descartes, La Rochefoucauld and La Bruyère.¹²¹ This may also hold true with reference to certain psychological doctrines we find in Spinoza and Rousseau. Both philosophers state that a passion may be vanquished and surmounted only by another passion,¹²² and Rousseau seems to be applying this principle when he points out that egoism can be overcome only by egoism, and that

¹¹⁸ *Korte Verhandlung van God, De Mensch en des zelfs Welstand* II, cap. XXVI: Van de Waare Vryheid, etc., *Opera*, I, 112; and *Eth.*, V, 36, schol.; with this passage cf. McKeon, *op. cit.*, 307.

¹¹⁹ The Stoic influence on Spinoza has been investigated by Wilhelm Dilthey, *Ges. Schriften*, II, 283 ff.; more recently by De Jong (*Spinoza en de Stoa*, Leyden, 1939), who stresses the parallel between the free man and the sage; cf. also H. A. Wolfson, *The Philosophy of Spinoza* (1934), II, 255.

¹²⁰ As to Rousseau's knowledge of ancient philosophy cf. Fräsendorf, *Die psychologischen Anschauungen J. J. Rousseaus und ihr Zusammenhang mit der französischen und englischen Psychologie des XVI.-XVIII. Jahrhunderts* (Langensalza, 1928), 13 f.

¹²¹ The influence of the Stoics upon Descartes' ethics has been stressed by Alfred Espinas, *Descartes et la morale* (Paris, 1925); cf. especially II, 56 f. and 62 f.

¹²² Cf. Spinoza, *Eth.*, IV, 7: "Affectus nec coerceri nec tolli potest, nisi per affectum contrarium et fortiolem affectu coercendo." Similarly Rousseau, *Émile*, IV: "On n'a de prise sur les passions que par les passions; c'est par leur empire qu'il faut combattre leur tyrannie." The similarity of both doctrines has been noticed by Fräsendorf, *op. cit.*, 178, n. 1. However, the similarity goes deeper. Rousseau states occasionally that a passion may be purified and dissolved by reason. In his *Lettre à d'Alembert*, I, 190, he says: "Le seul instrument qui serve à les (*scil.* les passions) purger est la raison." On the other hand Spinoza also speaks of the liberating function of reason. Cf. *Eth.*, V, prop. 3: "Affectus, quae passio est, desinit esse passio, simulatque eius claram et distinctam formamur ideam;" and prop. IV, Coroll. and Schol. This theory has been compared to the principles of psychoanalysis.

therefore the state by appealing to his egoism must induce man to keep those articles of the social contract which are at variance with his egoism.¹²³

It is, however, in their idea of the predominant rôle which egoism plays in human life that the agreement between both thinkers becomes most obvious. Rousseau emphasizes the original importance of self-love. He calls it the source, the origin and the basic principle of all the passions, the only one which is with man from birth and does not leave him as long as he lives.¹²⁴ In another passage he calls the law of self-preservation one of the two main principles of the law of nature,¹²⁵ and occasionally he says it is the first ordinance of nature to care for one's own preservation.¹²⁶ It is obvious how close these ideas come, even in their verbal expression, to Spinoza's doctrine of the "*conatus sese conservandi*" or the "*conatus in suo esse perseverandi*." For Spinoza the tendency to self-preservation is one of the basic principles which constitute man's nature. It is at the same time the first and only foundation of all virtue. It is true that in man as a reasonable being the instinct of self-preservation takes on a new and deeper form: for man self-preservation means preservation and perfection of reason and knowledge, as man's real essence is reason.¹²⁷ It might be said that attempts to base human nature upon the instinct of self-preservation go back to certain thinkers of the Renaissance and were common with the French Encyclopedists. However, the way Rousseau and Spinoza apply this doctrine to their political theories is worth noting. According to Spinoza man is by nature subject to his passions and is therefore unsocial; it follows from this fact that a harmonious life between men is possible only if each one gives

¹²³ Cf. *Contrat Social*, Geneva Draft, chap. II., *Pol. Writ.*, I, 452 f.

¹²⁴ *Émile*, livre IV, i. i.: "La source de nos passions, l'origine et le principe de toutes les autres, la seule qui naît avec l'homme et le ne quitte jamais tant qu'il vit, est l'amour de soi: passion primitive, innée, antérieure à toute autre, et dont toutes les autres ne sont, en un sens, que des modifications." Cf. also letter to de Carondelet, March 4, 1764, *Corr. Gén.* X, 339 f., no. 2028, especially 340.

¹²⁵ *Discours sur l'inégalité*, préface, *Oeuvres*, I, 81. Cf. Erdmann, *op. cit.* 29.

¹²⁶ *Contrat Social*, Geneva Draft, *Pol. Writ.* I, 452: ". . . le soin de sa propre conservation est le premier précepte de la nature. . ."

¹²⁷ Cf. *Eth.*, IV, 22, cor.; III, prop. 8; IV, prop. 20 and def. 8. For the entire problem cf. Eekstein, "Die rechtsphilosophischen Lehren Spinozas," *loc. cit.*, 163, and Bierens de Haan, "Conatus in suo esse perseverandi," *Chronicon Spinozanum*, III, 45 f.

up his natural unlimited right to everything and enters into a compact with his fellow-men not to hurt one another.¹²⁸ The supreme motive for concluding this compact and at the same time the ultimate reason for its validity lies in the law of nature "that no one neglects anything which he judges to be good, except with the hope of gaining a greater good, or from a fear of a greater evil; nor does anyone endure an evil except for the sake of avoiding a greater evil, or gaining a greater good." This law Spinoza considers so deeply implanted in the human mind that he thinks it might be counted among the eternal truths.¹²⁹ Rousseau goes even further than Spinoza. Just because he considers man primarily egoistic he is searching for a motive which might induce the individual to subordinate himself to society and its laws out of self-interest. Rousseau thinks that without being compelled to do so, man would never keep those clauses of the social contract which are disadvantageous for him. The laws of the state are a yoke which everyone likes to impose upon others but which no one likes to accept himself. No one wants to further the common good unless it coincide with his own.¹³⁰

This is what we would call a rather "realistic" approach on the part of both thinkers. It is true that it is in accordance with the Egoism-theory, so widespread in the sixteenth and seventeenth centuries, which in political theory goes back to Machiavelli.¹³¹ It is

¹²⁸ *Eth.*, IV, 37, schol. 2. Cf. Eckstein, "Zur Lehre vom Staatsvertrag bei Spinoza," *Zeitschrift für öffentliches Recht*, XIII, 358 f.

¹²⁹ *Tract. Theol. Pol.*, cap. XVI, *Opera* III, 191.

¹³⁰ Cf. *Contrat Social*, Geneva Draft, chap. II, *Political Writings*, I, 452, especially this passage: "Il ne s'agit pas de m'apprendre ce que c'est que justice; il s'agit de me montrer quel intérêt j'ai d'être juste. . . ." Further, the fragment in *Political Writings*, ed. Vaughan, I, 324. Also, *Contrat Social*, *loc. cit.* 450: "Loin que l'intérêt particulier s'allie au bien général, ils s'excluent l'un l'autre dans l'ordre naturel des choses; et les lois sociales sont un joug que chacun veut bien imposer aux autres, mais non pas s'en charger lui-même." Further, *Lettre à Beaumont*, *Oeuvres*, XI, 19: "Nul ne veut le bien public que quand il s'accorde avec le sien. . . ." It must be mentioned, however, that Rousseau as well as Spinoza recognized the existence of natural sympathy in man. Their agreement in this regard was particularly emphasized by J. W. Gough, *The Social Contract* (Oxford, 1936), 156.

¹³¹ As to Machiavelli's influence upon Spinoza see Dunin-Borkowski, *Spinoza*, II, part I, 102 f., and A. Ravà, "Spinoza e Machiavelli," in *Studi filosofico-giuridici dedicati a G. Del Vecchio* (Modena, 1931), II, 299 f. Incidentally Ravà points out that Rousseau has taken over from Spinoza his interpretation of Machiavelli's *Principe*, *scil.* that this treatise was basically democratic and republican in spirit (303).

interesting to note, however, that this realistic attitude is explicitly emphasized by Spinoza and Rousseau. In his *Ethics* Spinoza proposes to regard human actions and desires exactly as if he were dealing with lines, planes and bodies; in his *Political Treatise* he makes it a point to derive the reasons for the causes and natural bases of dominion from the general nature or position of mankind;¹³² and he opposes those philosophers who bestow great praise on such human nature as is nowhere to be found, and who make verbal attacks on that which, in fact, exists. Similarly Rousseau in his political philosophy intends to take man as he really is, in order to investigate whether there might be a safe and just rule of administration in a state. Rousseau concludes his *Discours* by saying that he tried to picture the origin and progress of inequality and the institution and abuse of governments, so far as these things might be deduced from man's nature by the mere light of reason. Rousseau was firmly convinced, as a modern writer puts it, that he represented the strictest scientific realism.¹³³

Yet both thinkers are far too idealistic to confine themselves to the facts of psychology and political science. Their concept of freedom is proof of this idealism. To both, as we have seen, real liberty is identical with self-determination, and this means to be guided by reason. Spinoza repeatedly states that those are rare who live according to the ordinances of reason,¹³⁴ and yet he apparently considers ethical freedom the ultimate goal which mankind should strive to achieve. And the same holds true for Rousseau. Men are susceptible to passions, they are basically egoistic, and therefore unfree. The law of the state is therefore necessary to create liberty. Rousseau calls it the most sublime of all human institutions, an inspiration from heaven which teaches man to imitate here below the unchangeable ordinances of the Deity. Without laws the state is but a body without a soul. It exists, but it can not act.¹³⁵ In using this simile Rousseau seems to follow Spinoza almost

¹³² *Eth.*, III, praef., and *Tract. Pol.*, I, 7; *Opera*, III, 275 f.

¹³³ *Contrat Social*, I, introduction, *Oeuvres*, III, 306: "Je veux chercher si, dans l'ordre civil, il peut y avoir quelque règle d'administration légitime et sure, en prenant les hommes tels qu'ils sont, et les lois telles qu'elles peuvent être." Cf. R. Hubert, "Rousseau et l'école positiviste," *Archives de Philosophie du Droit et de Sociologie Juridique*, II, 413.

¹³⁴ *Eth.*, IV, app. cap. 13; *Tract. Theol. Pol.*, XVI, *Opera*, III, 193.

¹³⁵ *Économie polit.*, *Oeuvres* III, 283, and *Contrat Social*, Geneva Draft, ed. Vaughan, I, 475: "Sans les lois l'État formé n'est qu'un corps sans âme; il existe et ne peut agir."

literally. For Spinoza also calls the laws the soul of the state, the state being safe as long as the laws are kept.¹³⁶ Men, however, can not live without common laws. And in a state the subjects are bound to obey the laws without question, even if they seem irrational; but he adds that in a democracy such laws are less probable.

These ideas represent the core of the agreement between the two thinkers. For both of them law is the necessary condition for the achievement of the real purpose of the state: liberty. Thus in the last analysis the apparent inconsistency between Rousseau, the champion of liberty, and Rousseau, the advocate of state-authority, seems to disappear or to be at least explicable. It may be true that this inconsistency was, in part at least, a matter of inner development or of further experience. His earlier conviction that it would be enough to break the chains and to let the individual be his own judge, gave way to the new insight that the "*volonté de tous*" is not always identical with the "*volonté générale*," and that in order to make the common interest prevail, it would be necessary to make man free or even to force him to be free. The word "*libertas*" on the prison gates and on the chains of the galley slaves in Genoa seems to Rousseau symbolic of the real meaning of liberty in a civil state.¹³⁷ But, as stated at the beginning of this paper, this inconsistency is really the result of an antinomy intrinsic to the problem of liberty itself. Liberty in a deeper sense can only be autonomy, and autonomy means to be a law to one's self. This, however, is exactly the position which Spinoza had taken a hundred years before Rousseau.

Rousseau is convinced that in order to make man free it is necessary to make him a citizen; and this means to change his nature, to substitute a partial and moral existence for his physical and independent existence; a partial existence because from now on he is only part of a whole.¹³⁸ Rousseau has repeatedly emphasized how important the power of the state may be in shaping the indi-

¹³⁶ *Tract. Pol.*, 10, 9, *Opera*, III, 357: ". . . anima enim imperii jura sunt. His ergo servatis, servatur necessario imperium." For the following cf. *Tract. Pol.*, I, 3, and *Tract. Theol. Pol.*, XVI, *Opera*, III, 193 f.

¹³⁷ *Contrat Social*, I, 7; IV, 7.

¹³⁸ *Contrat Social*, II, 7, and *Émile*, I, *Oeuvres*, II, 6. As to the change in man's nature cf. also Spinoza's remarks in *Tract. Pol.*, V, 2, *Opera* III, 192; "Homines . . . civiles non nascuntur, sed fiunt." Bizilli *op. cit.*, 34, suggests the affinity between this idea and chapter 2 of the Geneva Draft of Rousseau's *Contrat Social*.

vidual. In fact the citizen is what the state makes him.¹³⁹ And yet even in the state the individual remains in a dilemma all his life: he is half man and half citizen. There is "a contradiction between our state and our desires, between our duties and our inclinations, between nature and social institutions, between man and citizen."

In the last analysis it is the conflict between the Spinozistic conception of ethical freedom, or freedom as autonomy, and the old idea of liberty as independence which lies at the bottom of this dilemma.¹⁴⁰ When Spinoza in his *Tractatus Theologico-Politicus*, cap. XVI, speaks of the freedom wherewith all men are born—he calls it "*libertas naturalis*"—or when Rousseau says at the beginning of chapter I of the *Contrat Social* that man is born free, they are both referring to the pre-civic state of natural independence. But Rousseau states explicitly that we must distinguish between natural liberty, which has for its limits only the forces of the individual, and civil liberty, which is limited by the general will.¹⁴¹

Liberty as independence can not be brought back, as man can not live without state organization. But it should be possible to reach a stage of development at which the individual would be a law to himself, and at which at the same time the general will or the law of the state would be nothing but the expression of these enlightened wills of individuals. Only then would the contrast between man and citizen disappear, and with it the sad necessity

¹³⁹ *Confessions, Oeuvres*, VIII, 288 f.: "J'avais vu que tout tenoit radicalement à la politique et que, de quelque façon qu'on s'y prit, aucun peuple ne seroit jamais que ce que la nature de son gouvernement le feroit être." Cf. also *Économie politique, Oeuvres*, III, 285 f., and *Préface à Narcisse, Oeuvres* V, 106. For the following cf. the fragment "Le Bonheur Public," in Rousseau, *Political Writings*, ed. Vaughan, I, 326; "Ce qui fait la misère humaine est la contradiction qui se trouve entre notre état et nos desirs, entre nos devoirs et nos penchants, entre la nature et les institutions sociales, entre l'homme et le citoyen. Rendez l'homme un et vous le rendrez aussi heureux qu'il peut l'être. Donnez le tout entier à l'État, ou laissez le tout entier à lui même. Mais si vous partagez son coeur, vous le déchirez; et n'allez vous imaginer que l'État puisse être heureux quand tous ses membres pâtissent."

¹⁴⁰ Ét. Gilson, *Bulletin de la Société Française de Philosophie* (1932), 76, states correctly that even after his *Contrat Social* the other concept of liberty—Gilson calls it "liberté independance" as against "liberté autonomie"—still holds its place in Rousseau's heart. See also the remarks by Bernard Bosanquet, *The Philosophical Theory of the State*, 3. ed. (1920), 82 f.

¹⁴¹ *Contrat Social*, I, 8.

of forcing man to be free. It is this ideal state in which the general will would rule and in which therefore the power of the sovereign should be unlimited.¹⁴² Rousseau has, quite erroneously, been considered a forerunner of totalitarianism. On the contrary, he was strongly opposed, as he himself said in his famous letter to Mirabeau, to any so-called legal despotism, and Beaulavon seems to be right when he considers Rousseau's system to be in its essence not despotic but quite simply republican and truly liberal. The idea of the rule of law as the ultimate guarantee of liberty, an idea common to Spinoza and to Rousseau, is in reality the very backbone of the "legal state."

"A free citizen in a free state"—in these words a modern interpreter has characterized Rousseau's political ideal; and he adds that the conception of moral freedom—a freedom which brings with it at least as much of self-sacrifice as of ease—amounts to nothing short of a revolution in political theory.¹⁴³ We might very well say that in this conception of moral freedom Rousseau had a forerunner in Spinoza. And it is legitimate to assume that, directly or indirectly, Rousseau received his inspiration from Spinoza.

To Spinoza the life of freedom was a goal that can be achieved only rarely, and certainly only after hard struggle. But even the striving after it carries with it the highest beatitude, because it means the fulfilment of man's truest nature.¹⁴⁴ Different as Rous-

¹⁴² This has been stressed by Cassirer, *op. cit.*, 509 f. The letter to Mirabeau of July 26, 1767, *Corr. Gén.*, XVII, 356, no. 3423; Hendel, *Citizen of Geneva*, Selections from the Letters of J.-J. Rousseau (New York, 1937), 89, points out that the theory of "legal despotism" was the political doctrine of the physiocrats. Cf. the remark by Beaulavon in "Le Système Politique de Rousseau," *Revue de Paris*, XIV (1907), 743.

¹⁴³ C. E. Vaughan, *Rousseau's Political Writings*, I, 113.

¹⁴⁴ Cf. *Eth.*, II, 49, Schol., i. f., where Spinoza identifies "virtus Deique servitus" with "felicitas et summa libertas," and the famous words in *Eth.*, V, 42, and schol. The passage in Rousseau which may be compared to this is in *Émile*, Profession de foi du vicaire Savoyard, ed. Masson, 211 f.: "Je ne dis point que les bons seront récompensés; car quel autre bien peut attendre un être excellent que d'exister selon sa nature? Mais je dis qu'ils seront heureux. . . ." There are of course certain affinities even with regard to their religious position, especially in so far as Rousseau's idea of a "religion civile" is concerned, which certainly might be compared with Spinoza's "dogmata fidei universalis" (*Tract. Theol. Pol.*, XIV, *Opera*, III, 177), even as to its detailed articles of faith; see Menzel, *Beiträge*, 435 f., and W. A. Dunning, *op. cit.*, 407; also Høffding, *op. cit.*, 119.

seau's metaphysical and religious position may have been in many ways, there is in his philosophy also something of that spirit of proud self-sufficiency and of that confidence in man's real nature which will eventually emerge in the life of freedom.

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