

Topic 1

Human beings are the only species that act under laws and that subject themselves to the rule of a sovereign. Spinoza claimed that while under such a rule, men should and cannot act against his authority, but only think and judge and consequently speak, yet by way of reason alone. And even then his intention cannot be the one of introducing alternations in the state that would be of his own initiative. I will examine his thesis, concentrating at first on the relation of speaking to acting. Then I will move to the question of a sovereign's power over people and their rights and responsibilities. I shall also address the manner and motivation on which their actions are based arguing again "reason alone" and invoking the notion of morality. In my work I shall not agree with Spinoza's idea showing how citizens themselves should act, regardless of the power yield by the sovereign.

Is speaking an act?

Spinoza put a line between acting and speaking distinguishing them from each other. I will try to show that speaking is the basic act of people, what is more it is a fundament for every other action.

It has been widely argued that it is the language that distinguishes us from every other species. Although bees, ants, gorillas, dolphins, elephants, dogs and many others show different kinds of human behaviour – kindness, thoughtfulness, organization skills, ability to scarify, love - humans are the only ones that developed complex system of communication that allow us to express most abstract ideas. Only through speaking can we become a part of something larger – a society. Through speaking also, we constitute our identity. As Wittgenstein had famously said: the border of our world is the borders of our language. Therefore, we perceive speaking as a basic, distinctively human act.

Moreover, following Hannah Arendt I will argue that our full potential can only be realised through political activity, and at its core lies an act of public speaking. In her work, the philosopher claimed that activity is the highest form that people can achieve. By that she meant that to fulfil our potential as rational, independent creatures we must engage in public discussion. Speaking is always intentional – we always address someone, even speaking to ourselves is not speaking to the void. And majority of acts – reformations, marches, revolutions start with someone addressing the masses. Speaking to a large public may generate an act on the side of the audience. Individual can hardly change a state by his efforts unless he inspires people. That is why populism is danger, but also that is why public discussion is so important if we want to develop as a society. Only acts embedded in our animal nature are motivated by instinct only. Human actions are based on discussion and dialogue. That is why the Jewish American philosopher said that "wherever you go you will be polis". To create such polis we have to first create a place of appearance, a place of discussion, where ideas are born to be realised.

Speaking is not only a mean to realise human potential, but also a source of human actions. Therefore, the distinction drawn by Spinoza is non-existent. He cannot object acting without objecting speaking. I shall argue for allowing both. To do that I will examine the power of a sovereign over us.

The rights and restrictions of a sovereign.

It is easy to notice that Spinoza assumes that the sovereign is rightful in his power over people. Yet in the hypothetical state of nature proposed by Rousseau there is no ruler and freedom belongs to all. (The existence of the state of nature is not the topic of this essay so I shall take it as a hypothetical assumption, and do not discuss it further). Consequently, the position of power is constituted. The answer to the question by whom will entail the limits of power of such a sovereign.

Sovereign given by God

Many have argued, most famously Thomas of Aquinas, that power is given by God, therefore it is the authority that we have to answer to and have infinite respect for. Yet, it brings many objection. First there is the existence of God that cannot be proven or disproven as our reason cannot access the divine creature. We can take God as a postulate, and leave it to faith. But even if the God exists, for him to give us a sovereign, He has to illuminate some people to present them the idea. And from that point it is the people - not God - who constitute the government and give the power over themselves to the God-blessed sovereign. Consequently, even in this case it is an act of will of people (although divinely motivated) that create the sovereign and his power.

The use of force to establish power

Looking at the history one might argue that it is not the God, but the position of natural or gained power that forces people to bend their heads. Either through losing war or to avoid the state of war of everyone with everyone, people accept some the sovereign. Yet, such a sovereign, yielding his power due to fear and harm he inflicts on people is in an unstable condition. If there appears a person of greater influence and bigger means, the position of the sovereign is automatically endangered. If he wants to protect himself from that, his laws must be strict and cruel. And people stripped fully from rights and freedom rebel, preferring to die free than live in chains. Again the people are the greatest fear of the sovereign, who dreads the day in which they shall realise how much power it is in the number.

The sovereign constituted by people

It seems that the most natural option is for people to create the government themselves and by means of consent and agreement give up some of the rights they possess for the benefits that comes with organised society and laws that allow for cooperation and further development. Therefore, it is the people themselves that are the guarantee but also constitutive subject of the sovereign power.

Consequently, as the people though their actions legitimated the sovereign to have power over them, to maintain the balance it is necessary to allow them to be part of political life, not only through speech but also through an act. If that is not so, the rule of a sovereign will change to autocracy or tyranny and the aim of better society will not be attainable.

Introducing changes

Spinoza speaks about "introducing some alternation in the state on their own initiative" as an objectionable behaviour. I shall argue that it is the initiatives of the society and people's actions that should constitute laws even if the proposed laws are not entirely in line with the current policy of a sovereign.

Development in progress

There is hardly any society that functions without any laws, either legislated or the one of custom. Additionally, every society develops through time and the way of reasoning and perception changes through history. Our understanding of the notion of freedom is different from the one in Greece and Rome and therefore we do not accept slavery. With the change introduced by women movement, now all humans regardless of their sex are in many countries allowed to vote. This reflects the change of understanding of human rights. The society is developing and especially in today's world, imposing its will on government. It seems that introducing changes on the initiative of citizens is hardly an objectionable action. Yet what if the acts of people lie in stark contrast with the policy of the sovereign and are truly acting against his decisions?

Stark contrast – acting against

Allowing people to act against sovereign decisions would diminish the notion of law itself as it would no longer hold, if people were not supposed to object it. So for the problem not to become nonsensical we have to speak about soft laws, or rather the cases in which acting against the policy of the state is acceptable. There must be a special conditions in place for us to objectively judge it as permissible.

If our acting is grounded on morals and it remain to be against the decisions of sovereign we are rightful in breaking the laws.

As we have seen humans' understanding of the morality changes through time. And it is often the case that laws are embedded in an old system that no longer functions among society. Let us take the gay marriages as an example. In Russia being a homosexual is far from being accepted and gay marriages as non-existent. In that way being a gay couple in that country is acting against sovereign policy. But do we find it objectionable? If we perceive it as a realisation of human freedom and an endeavour for being faithful to one's own personal identity we can hardly say yes. The same can be said about slavery or women liberation.

Lawrence Kohlberg created a scheme of development of personal morals. There are three stages, each consist of two levels. We start with following the scheme of punishment and award and therefore learn the norms existing in the society. Then we move to seeing that moral norms are necessary for the society to function and this becomes the source of motivation for our behaviours. Finally there is the last stage on which we create our own moral code. Kohlberg claimed that hardly anybody achieves this stage. What is more in case somebody does, their moral code is stated above the laws or society norms. But as it spurs from the society itself, it is largely based on our previous experience with morality and therefore the conflicts are very rare. To the subject how society could and should influence our morals I will come back later. What is important, is that my idea mirrors Kohlberg's studies. Moral principles therefore gives us right to act against the policy of the sovereign.

It could be presented at the case in which your spouse is dying at the medical company has a cure for her I could not possibly afford. The company says that it has spent millions on research and if it was giving it for free now they would be able to continue their work. Would you feel that this is right? Or rather act in accordance with your moral code placing the life of human being higher than the company revenue?

It can be objected that such attitude would allow for people as Raskolnikow from "Crime and punishment" to fulfil their ambitions. Yet, it is exactly the case that Raskolnikow lacked moral values and his acts were motivated by that. However, his perception of reality was largely influences by the tragic state in which the society in his country was at that time. He was not able to develop his moral in a proper way, and the society did not fulfil its function, to which I shall come back

Social perception of laws

Yet, the society influences the already existent laws. The excellent example can be the abortion law in Great Britain and Poland. Both speak about possibility of abortion in case of danger to the health of the mother, criminal act and drastic damage to the embryo. In Britain, the notion health of the mother is understood very widely and it can refer to the mental state of the woman, who claims that she is psychically unable to bear the responsibility without severe damage to her wellbeing. In Poland the attitude to the law is completely different and in many cases doctors refuse to carry out the operation by referring to the objection of consciousness. In such way, even an act that lies in line with law given by sovereign is an act that constitutes and expresses the meaning of the law that is characteristic in

the society and may be in conflict with the actual policy of the sovereign. And although I would hardly agree that society is always right, it presents perfectly the issue of division of power.

I would like to answer now some objections

Freedom of speech and act

If the sovereign allows for freedom of speech and act where should the limits be drawn? Which behaviours are tolerated and which should be punishable?

Freedom of speech in itself is a powerful tool that may be wrongly used for populism and spreading hatred. Therefore, some acts of speech should be banned, yet not the one criticising the policy of the state, but rather the ones spreading unjust hatred towards different groups. The authority of state should be built in such a way that criticism will not endanger it but help in pluralistic approach. On the other hand to avoid genocides and cultural discrimination, depriving people of their human value in acts of speech must be punishable. When it comes to populism the only way to protect from it is to teach society to think independently, and to base their opinion on facts. Banning populism must entail banning criticism of others opinion and it is a too high price to pay. What is more it is exactly the lack of freedom of speech that led to discrimination of Jews, as they were not allowed to protect their rights. The same with black people in America, only after the movement that had started with speeches of Martin Luther King, their rights were recognized.

This takes us to the next aspect.

“The way of reason alone”

As we have seen Spinoza allows for thinking and judging and consequently speaking and teaching “by the way of reason alone”. At first glance it seems as a good idea, banning hatred and prejudice from discourse (that we shall consider public).

However, I will argue that “reason alone” is insufficient for fully humane public discourse. It is doubtlessly true that all statements should be presented with proper argumentation. But it is of utmost importance to notice that most of the laws that rise public discussion, are the ones based on core principles we believe in. Gay marriages, the mandatory military service, the right to abortion or euthanasia, the limits of markets, or more generally the notion of justice. In those discussions people are arguing to advocate their values, the values that are based on moral principles. I would like to now examine the nature and our access to moral principles that are crucial for public discussion.

Moral principles

From the ontological point of view the question is hard. Obviously, the moral norms are of ideal characters and we do not have a direct access to them through experience. As Hume said “from that what is we cannot derive what should be”. If we cannot find the values through direct examination, how can we? Many thinkers argued for indirect, namely it is the reason that helps us name and use the principles. I shall argue it is not enough.

Instinct

According to neuroscientists there are two ways people make decisions of moral value. The first is quick and based on instinct and emotions. We do not take into account the consequences of our action, we act as we feel. The second is the one involving reasoning about possible consequences. This one is long and tries to deduce the right action from the principles we hold. Yet, it is the first that is

more natural for human brain and in case of a conflicting values or when the reasoning is circular we automatically switch to the first one.

Consciousness

In majority of cultures and religions function the notion of consciousness that give us access to moral code constituted by God and written in our hearts (Christianity) or to the principles we believe in (either constructed by society or our own moral code). At the same time it motivates us to act and punish with remorse if we do something wrong. It is based mostly on emotions and feelings, not reason.

As we can see it while making decisions many factors influence the outcome. Reason seems insufficient but there is one, more political argument for that.

Slipping democracy

We are living in the era of stagnancy of democracy. Following Michael Sandel, Charles Taylor and many others communitarians I attribute it to the lack of public discourse but also the lack of values in public discourse. We have tried to make democracy very formal, devoid of emotions (as Spinoza wanted) and leaving the idea of "good life" to individuals. Through that we have made democracy very cold and taken from it the things with which people can identify. When J.F. Kennedy (as a Christian candidate for president in a protestant country) was asked whether his values based on faith and faith itself would interfere with the interest of Americans that he should represent in the white house, he answered that his faith was his private matter and the role of president did not involve any aspect of it. It was one of many steps that USA has taken to devoid the public sphere from discussion of values that left the political discourse impoverished. Sometimes reason alone is not enough to decide upon rights. Forcing the idea of what good life, and with that the values, on citizens is not a good idea, but we should engage in discourse over what it really is rather than leave it to everyone's discretion. Only, while appealing and advocating our views on justice, human rights, freedom, vice and virtue can we truly become a responsible society. And appealing to such things necessarily, because of their nature, involve references to emotions, feelings, consciousness and beliefs. It is true that arguments should support these ideas. We cannot argue from the state point of f.e. consciousness only (as it is normatively empty idea as Paul Strohm argued presenting us with problem of consciousness as an empty box, an appeal to which is insufficient). Yet, our line of arguing should be constituted not only in rationality but also embedded in morality and tradition of the society, that benefits from horizon of values that Charles Taylor advocated.

To continue we have to gather now what we have so far concluded

We have shown that speaking is a basic human act and that it is a source of other acts that constitute us as free, independent agents in the world. Only by engaging in public discourse do we realise our full potential and become truly humans. The power of sovereign is given to him by people themselves, who act in the prospect of benefits and fuller development. Therefore, the right to act and engage with sovereign in dialogue is crucial for the working of the contract that was created. Sometimes the acts are hardly in line with the sovereign policy. It is sometimes necessary as society changes and with that the new regulations are needed that would reflect the development of the community. What is more not only the influence of the public while creating new laws must be taken into account, but also the prevailing opinion of the society and attitude to laws changes their shape. In some cases moral code of a person forces him to act against the policy of sovereign. In such cases moral principles can be valued higher than law. That is why reason in political discourse is not enough, morality is also a crucial aspect. Laws are based on principles, however we do not access them only through reason but

also consciousness, emotions and instinct play the role. For the society to work it should be based on values and for that to be possible we must engage in public discussion over the values and moral norms are. Democracy devoid of them loses its appeal, leading to the crisis of democracy itself but also to the crisis of patriotism, pluralism and family.

Maybe someday we will create AI that would have an enhanced reasoning and even that would be more just than we are. But to consider Spinoza's thesis, will we be happy to make this AI a sovereign that had created perfect laws, that we could only comment and never act against or initiate any changes in them? Would we agree to subject to this laws and express our opinions on them referring to reason only (remembering that our ability to reason is inferior to the one of AI and therefore the arguments always weaker), not invoking in discussion the notions as love, friendship, consciousness, faith, freedom or humanity that in all their essence are hardly based on "reason only"? I doubt it, with all my reason and heart.