

# A Spinozist Defense on Freedom of Conscience

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**Abstract.** Spinoza tried to defend freedom of conscience in his political writings. To this end, he offers two arguments, one negative and the other positive. Negative arguments emphasize that a person's right to judgment cannot be completely eradicated, and positive arguments emphasize the utility of protecting freedom of conscience. I argue that if Spinoza wants to criticize tyranny, he must emphasize positive arguments, even though he emphasizes negative ones more. I respond to Curley's criticism of Spinoza by emphasizing positive argument.

**Keywords:** Spinoza; Freedom of Conscience; Right of Judgement; Totalitarianism; Human Flourishing.

## 1. Introduction

The central purpose of *Theological-Political Treatise* is to argue that the freedom of speech and conscience (Spinoza use the term "*freedom of philosophizing*" to signify it) will not threaten the religion piety and state's stability. In Chapter 20, Spinoza provide some reasons for this thesis. In these reasons, some are negative, others are positive. Spinoza seems to more emphasis the negative side: the protection of freedom of expression and conscience is based on the principle of "natural rights cannot be transferred". According to this principle, sovereign does not have enough capacity to control subjects' freedom of conscience.

But this is a superfluous idea: if sovereign itself doesn't have the capacity to control subjects' freedom, why should we constrain the sovereign to do so? He doesn't have this capacity at all!

For overcome this superfluous theory, we have two strategies: (1). Admit that sovereign in some sense *can* control subjects' freedom of conscience (contrary to principle of "natural right can't be transfer"), (2). Provide some cases that the freedom of conscience of subjects' is be violated, but in these cases, subject *still* have their right of judgement in *ontologically* sense. Comply with principle of charity, my paper will defend (2). I think it can help Spinoza to overcome this superfluous theory. Moreover, by emphasizing the positive argument for protecting freedom of conscience, we can respond to Curley's question: Spinoza has the theoretical resources to critique tyranny[1].

## 2. Negative Argument for Defend Freedom of Conscience in TTP 20.1-3

Freedom of conscience is the freedom to *judge* things according to one's own *beliefs*. In the *TTP* chapter 20 paragraph 1-3, Spinoza provide a negative argument for defend freedom of conscience, we can reconstruct this argument following (I follow Curley's paraphrasing, see Spinoza (2016: 344). I use the following abbreviations for references to Spinoza (2016): *Theological Political Treatise*=*TTP*; *Political Treatise*=*TP*.):

- (1). Control one's mind is useful to reinforce controller's authority.
- (2). If the authority of the ruler is strengthened, the state will be very stable.
- (3). According to (1) and (2), if the ruler can control people's thoughts, the state can be ruled stably.
- (4). No one can control another people's thought.
- (5). The ruler is a human being.

- (6). The ruler has no ability to control subjects' freedom, so he should control by permitting it. (It is a paradox)
- (7). Proposition (3) is impossible; a ruler cannot rule steadily by controlling the minds of his subjects.
- (8). If a person's mind is not oppressed by other people or organizations, then he has freedom of conscience.
- (9). According to (6) and (8), people *must* have freedom of conscience in any state.

I think this thesis to defend the freedom of conscience is a negative argument, because it doesn't provide any positive reason to support the freedom of conscience. A positive reason might be: If the freedom of conscience be protected, the state would be more *flourishing*. Spinoza also suggest such thesis in *TTP* chapter 20 (LeBuffe argues that according to Spinoza's metaphysical view, the flourishing of the state does not necessarily lead to the flourishing of its citizens. Because an increase in the strength of the whole may be a decrease in the strength of the parts. We can conceive a strong state in which its citizens are very weak. See LeBuffe (2021). But we can also conceive a situation in which the country is rich and strong, and the people are happiness. When I talk about the flourishing of the country, I mean this situation.), I will deal with it later. An important question for interpret *TTP* chapter 20 is: For Spinoza, is the negative thesis is more *strength* than positive thesis? According to Steinberg, for Spinoza, the democracy is the most advisable political institution only in *consequential* sense, not because it's best in *principle*. I think if we emphasis negative thesis, we're going to come to this consequentialist conclusion: democracy is the best institution simply because it is impossible for government to control free speech, not because free speech is a value worth defending. But if it is true, how should we evaluate some despotic state where seems totally control people's thought through brainwash (like Union of Soviet Socialist Republics)? If control people's thought in some sense is *possible*, then the consequentialist reason to defend democracy would not enough to criticize autocracy[2-3].

For Spinoza, proposition (4) above (*no one can control another people's thought*) is true. According to his metaphysics, a person's *right* is equal to she's *power*, and one's power is a concrete and physical power, named *potentia*. Unlike *potesta*, such power cannot be transfer to another people. In *TTP* chapter 17, Spinoza claim that "*no one will ever be able to transfer to another his power, or consequently, his right, in such a way that he ceases to be a man*". Let's call it "the principle of un-transferred". According to this principle:

- (1).No one can transfer his right to another. (Principle of un-transferred)
- (2).The right of judgment is a right.
- (3).The right of judgement cannot be transfer to another (like sovereign).

Freedom of conscience is the freedom to *judge* what is right or wrong according to one's own *conscience*. Therefore, if man's right of judgment cannot be transferred, he *naturally* has freedom of conscience, and he cannot *lose* it. If so, why does Spinoza need to *defend* freedom of conscience? I think if freedom of judgment cannot be violated, defending it to others is "superfluous". Let's assume two cases: (1). My home is equipped with full anti-theft facilities. No thief can steal anything from my home, even if he is Shi qian (the most powerful thief in ancient Chinese novel *Water Margin*). (2). My home does not have any anti-theft system; thieves *can* steal my home money. Now, suppose we were defending our property rights against a thief, and we said to the thief, "you shouldn't have stolen from my house." I think, in case (1), we say this to the thief is "superfluous", because my home burglar-alarm system is so powerful, if he steals from my house, he will get himself into trouble, let him come. But in case (2), my defense of personal property rights is not superfluous because I lack sufficient force to protect my property. Considering these two cases, we can make a proposition:

If a man is strong enough to defend his rights, it is superfluous for him to defend his rights to others. However, if a person is a vulnerable man, it is necessary for him to defend his rights.

For example, the rich don't need to fight for their right to live, but the poor do. Just as LGBT people need to fight for their rights. I think Spinoza can only say in the latter sense that freedom of judgment is something to be defended, because it's not that strong, it's always open to manipulation. If people have strong enough freedom of judgment, we don't need to fight for it [4].

Let's consider another case: when I say to you, "you shouldn't attack me," the reason I give you is, "you don't have the ability to attack me at all, because I'm powerful like Bruce Lee." In what sense is your lack of force to attack me a reason why you should not attack me? Usually, we think other people shouldn't attack me because I have a (*moral*) right to my body. But Spinoza doesn't define rights in the moral sense, for him, rights are defined by power, and nature forbids only those things that no one can do, "*the right and established practice of nature, under which all men are born and for the most part live, prohibits nothing except what no one desires and no one can do*"(TP 2.8). So, if I have the power to attack or even kill you, I have the right to attack or kill you. What keeps me from attacking or killing you is not your (moral) right, but my *inability* to kill you. Likewise, the sovereign should not restrict the freedom of conscience simply because it is *incapable* of doing so. If he *can* do it, he has the right to do it.

As with the "anti-theft system" example I mentioned above, Bruce Lee did not need to appeal to moral rights to defend his individual rights against those who were weaker than him. But in the face of Superman's bullying, he must also appeal to the moral sense of the right. Therefore, if a person has enough freedom of judgment, he does not *need* to defend his right to judgment from the ruler. But if a man's freedom of judgment is not so tenacious, he must defend it *morally* from the ruler[5-6].

Let us conceive a situation in which the government, through propaganda, brainwashing and information blocking, succeeds in controlling the minds of the people. USSR seems to be one such place. So, according to Spinoza, if the USSR government can do it, it has the right to do it. Although Spinoza thought this impossible, we can say that as a man of the seventeenth century, he had no idea how powerful the modern system of propaganda and surveillance was. Here we face an intractable problem proposed by Curley: "does Spinoza's philosophy possess the theoretical resources to condemn tyrannical governments as strongly as we could wish to?" Curley suggest that we don't have such theoretical resource. But Spinoza's critique of the Turkish state in TP 6.4 does not seem to be based on negative arguments:

*"No state has stood so long without notable change as that of the Turks. On the other hand, none have been less lasting than popular, or Democratic states. Nowhere else have there been so many rebellions. Still, if slavery, barbarism, and being without protection are to be called peace, nothing is more wretched for men than peace ..... As we've said, peace does not consist in the privation of war, but in a union or harmony of minds."*

Spinoza *admit* the Turkish state can rule in a *de facto* sense for a long time. But in such a country, the people don't have *virtue*. According to TP, the purpose of the state is *peace* or *security*, "*freedom of mind, or strength of character, is a private virtue. But the virtue of the state is security*"(TP 1.6), "*the best condition of each state is from the end of the civil condition, which is nothing other than peace and security of life*"(TP 5.2).But security is not define by "privation of war" but by "virtue" and "strength of mind"(TP 5.4). According to this standard, we can claim that although a country like USSR can maintain its stability through repression, it is not really stable because its people do not possess freedom and virtue[7].

In TP 5.1, Spinoza distinguishes "do something by right" and "do something in the best way". We can say if USSR government *can* control their people's mind, they have the *right* to do it. But they are not do the *best* things. Spinoza can only criticize USSR in the latter sense. In this sense, Spinoza provide some normative standard to evaluate a regimes *legitimacy*. So, we can conclude that even if a ruler *can* control people's minds to some extent, he still *shouldn't* do it. In this case, the negative argument for freedom of conscience is not *sufficient*, we need a positive argument.

### 3. Positive Argument for Defend Freedom of Conscience in TTP 20.40

*TTP* is a self-justifying work in which Spinoza takes more negative arguments instead of positive arguments. Spinoza's strongest defend for a negative argument is that it is impossible to suppress the right to judge, because to do so violated the laws of human nature itself:

*"The supreme power would act in vain if he commanded a subject to hate someone who had joined the subject to himself by a benefit, or to love someone who had harmed him, or not to be offended by insults, or not to desire to be freed from fear, and many other things of this kind, which necessarily follow from **the laws of human nature.**"* (*TTP* 17.2)

*"No one can surrender his ability to **judge.** For what rewards or threats can induce a man to believe that the whole is not greater than its part? or that God does not exist? or that a body which he sees to be finite is an infinite Being? or to believe absolutely anything else contrary to what he thinks or is aware of? Similarly, by what rewards or threats can a man be induced to love what he hates or to hate what he loves? In this category we may put those things which **human nature** so abhors that it considers them worse than any other evil, as that a man should act as a witness against himself, that he should torture himself, that he should kill his parents, that he should not strive to avoid death, and the like, which no one can be induced to do by rewards or threats."* (*TP* 3.8) (My highlight)

There are two kinds of judgments that *absolutely* cannot manipulate: (1). Logical and fact truth, (2). Private value judgments about good and evil (moral truth). For example, no amount of powerful and evil regime can convince a person that "A=¬A", or what you see as red is green, or that your mother, wife and daughter is not the love of your life. There are two possible counterexamples to both cases: (1). A classical Chinese story about "calling a deer a horse" (Zhi Lu Wei Ma) (LeBuffe reminds me, according to the theory of emotion in *Ethics*, when man is bound by his passions, he can believe many absurd things. But why does Spinoza say elsewhere that such manipulation is impossible? Let's conceive: can a powerful monarch really make his subjects believe something that contradicts logical truth? Maybe he can. He can turn his people into lunatics. But it does him no good: mad subjects are not worth exploiting. The soldiers of Nazi Germany were absurd, but they were not powerless like patients in a mental hospital.). (2). There was a time in China when sons and daughters reported on their parents. In the first case, other government officials, fearful of the power of an influential official, Zhao Gao, referred to a deer as a horse. In the second case, people were persuaded by the government to be "selfless" and report their parents' mistakes to prosecutors.

We can respond to these two ostensible counterexamples in this way: (1). Although other officials in the government, out of fear, referred to deer as horses, he did not really *believe* that way in his *mind*. (2). If a woman really loves her parents, then, no matter how much the government motivates her to report her parents, she will not do so. But consider case (2) further: suppose a tyrannical regime *indoctrinated* its people from an *early age* that their leader was more deserving of love than their parents, in this way the government *shaped* their *basic judgments* about the value of life, could its people still have freedom of conscience in any sense? In this case, every judgment of the populace is *derived from* its rulers.

So, if this kind of USSR style brainwashing is possible, then simply resorting to negative arguments for the protection of freedom of conscience is very *weak*. I think that *TTP* 17.2 and 20.1-3, *TP* 3.8 provide a negative argument for protecting freedom of conscience, and *TTP* 20.40 provides a positive argument for protecting freedom of conscience. If we want to answer Curley's question, "Does Spinoza provide a strong argument for condemning tyranny?" then we must appeal to the positive argument of *TTP* 20.40. In *TTP* 20.40, Spinoza provided another argument for freedom of conscience, one based no longer on the *impossibility* of controlling thought, but on the *utility* of freedom of conscience:

*"Consider the city of Amsterdam, which, from its great growth and the admiration of all nations, knows by experience the fruits of this liberty. In this most **flourishing** Republic, this most outstanding city, all men, no matter what their nation or sect, live in the greatest **harmony.** When they entrust*

*their goods to someone, the only thing they care to know is whether the person is rich or poor, and whether he usually acts in good **faith** or not. They don't care at all what his Religion or sect is, for that would do nothing to justify or discredit their case before a **judge**. Provided they harm no one, give each person his due, and live honestly, there is absolutely no sect so hated that its followers are not protected by the public authority of the magistrates and their forces.”* (My highlight)

In this paragraph, Spinoza offers a positive argument for defend freedom of conscience. This is a positive argument because it no longer simply emphasizes the impossibility of controlling one's mind. Rather, it emphasized that the protection of human freedom of conscience contributed to the *flourishing* of the Republic. The greatest utility of protecting freedom of conscience is that it avoids schism between religious sects. In Spinoza's view, factional strife occurred because religious authorities suppressed freedom of conscience, provoking the rebellion of oppressed sects. If freedom of conscience is protected, there will be no more conflict between people who hold different *beliefs*. For Spinoza, Amsterdam flourished because it protected freedom of conscience and thus kept the city *security*. We can reconstruct this argument following:

- (1). The security and stability of a nation requires that there be no factional conflict in the nation.
- (2). In any nation, everyone has different beliefs.
- (3). It is a man's freedom of conscience to judgement according to his beliefs.
- (4). Suppressing freedom of conscience leads to rebellion of the oppressed, which leads to factional divisions.
- (5). In a nation that protects freedom of conscience, people live in harmony with each other.
- (6). According to (1) and (4), no nation that represses freedom of conscience can be security.
- (7). According to (1) and (5), a nation that protects freedom of conscience is a security nation.
- (8). Everyone wants to live in a security nation.
- (9). The nation should protect freedom of conscience.

Proposition (5) makes the argument for defend freedom of conscience a positive argument. Proposition (4) is still a negative reason. *TTP* 20.28-36 stress the proposition (4): the suppression of freedom of conscience leads to the righteous indignation of oppressed “free men”. Only paragraph 40 emphasizes the positive consequence of protecting freedom of conscience. Therefore, we can say that in *TTP* chapter 20, Spinoza puts more emphasis on negative argument.

In my “USSR case”, propositions (4) and (5) are problematic:

Counter proposition (4): In the USSR style country, suppressing freedom of conscience does not lead to factional differences, but to complete *unity of thought*.

Counter proposition (5): In the USSR style country, people live in harmony with each other, because they have same thoughts.

For Spinoza, Counter proposition (4) is true:

*“Though hearts cannot be commanded in the same way tongues can, still hearts are to some extent under the control of the supreme' power, which can bring it about in many ways that most men believe, love, and hate whatever it wants them to. Even if these things don't happen by the direct command of the supreme' power, still experience abundantly testifies that they often happen by the authority of its power and by its guidance, i.e., by its right. So without any intellectual incoherence, **we can conceive** men who believe, love, hate, disdain, or are overcome by any kind of **affect** whatever, solely in accordance with the right of the state.”* (*TTP* 17.9-10, My highlight)

But Spinoza will not accept Counter proposition (5):

*“From the foundations of the Republic explained above it follows most clearly that its ultimate end is not to dominate, restraining men by fear, and making them subject to another’s **control**, but on the contrary to **free** each person from fear, so that he can live **securely**, as far as possible, i.e., so that he retains to the utmost his natural right to exist and operate without harm to himself or anyone else. The end of the Republic, I say, is not to change men from rational beings into **beasts** or automata, but to enable their minds and bodies to **perform their functions safely**, to enable them to use their reason **freely**, and not to clash with one another in hatred, anger or deception, or deal inequitably with one another. So the end of the Republic is really **freedom**.”* (My highlight)

For Spinoza, proposition (4) is rebuttable, but proposition (5) is not. We can admit to some *extent* that human judgment can be controlled, but a country that controls human judgment is not a truly *harmonious* country. A state that, through coercion, makes all its people seem “*united*” is simply “slavery, barbarism, and being without protection” (TP 6.4). Therefore, we can make a strong defense of freedom of conscience only on proposition (5), which provides positive reasons for it. I believe that the distinction between these two arguments helps us to solve Curley’s problem: based on the positive argument for protecting freedom of conscience, we can provide a theoretical resource for criticizing tyranny in Spinoza’s philosophy. According to the positive argument, even if a USSR style state can *maintain the stability* of its rule, it would still be *barbaric* because it creates no *conditions* for promoting the *freedom* and *virtue* of its people.

#### 4. The Power of Judgement as an Intrinsic Ability

If proposition (4) above were rebuttable, then the negative argument for freedom of conscience would be invalid. So, in order to defend the negative argument in its weakest sense, we must answer the question of *in what sense* freedom of conscience cannot be *eradicated* at all. If we can prove this, we can say that freedom of conscience can be guaranteed even by resorting to negative arguments.

Does Spinoza think proposition (4) is rebuttable? Sometimes Spinoza thought it impossible to refute. The TTP 17.11 rejects the possibility of an *all-powerful* authoritarian government:

*“we conceive the right and ’power of the state to be ample enough. Still, it will never be so great that those who hold it have an **absolute** power to do **whatever** they wish”* (My highlight).

And TTP 20.8 *fundamentally* negates the possibility that the right of judgment is deprived,

*“no one can surrender his freedom of judging and thinking what he wishes, but everyone, **by the greatest natural right**, is master of his own thoughts”*(My highlight).

If my “USSR case” shows the possibility of an all-powerful authoritarian government and the total deprivation of judgment, then can we continue to defend proposition (4)? If an all-powerful authoritarian government is possible, then proposition (2) is even threatened: there are no different beliefs among people in this state. Can we say that even in such a state, people *still* have the power for free judgment?

As we have seen above, Spinoza admits that our minds can be controlled to some extent by another, but he firmly denies that one’s right to judgment can be *eradicated*. Why is that? The passage we quoted above says, “*everyone, by the greatest natural right, is master of his own thoughts*”. According to TTP 17.3-4:

*“the right of nature extends as far as its power does. For the power of nature is the power of God itself, and he has the supreme right over all things. But the universal power of the whole of nature is nothing but the power of all individuals together.”*

And TP 2.4:

*“By the Right of nature, then, I understand the laws of nature themselves, or the rules according to which all things happen, i.e., the very power of nature. So the natural Right of the whole of nature, and as a result, of each individual, extends as far as its power does. Hence, whatever each man does*

*according to the laws of his nature, he does with the supreme right of nature. He has as much right over nature as he has power.”*

In these two passages, Spinoza equates right with power, and the extension of right is the same as the extension of power. We can call it “the principle of coextensive”. The Latin word for *power* in these quotations is *potentia*. According to Curley’s note, “classical Latin *potentia* typically refers to an ability to do something”. In the sense of “ability”, we can explain why a person’s ability itself is not to be deprived. Let’s consider two cases:

- (1). You can completely *disable* my vision through blind my eyeballs. (Sorry, sounds gory)
- (2). You can convince me, through brainwashing and information blocking, of *all the judgments* you make.

In case (1), my visual function was destroyed by you. In case (2), my power of judgment seems to have *completely* been deprived. Is the deprived of visual function like the deprived of judgment? In case (1), you’ve completely deprived me of my visual function. However, in case (2), you did not completely *eradicate* my judgment, but simply made it *temporarily* inoperative by setting certain *conditions* (brainwashing and information blocking). Under normal circumstances, my power of judgment is still there. Thus, a person’s visual function is deprived in a different way than a person’s power of judgment is deprived. A person’s visual function can be permanently deprived, but a person’s power of judgment cannot be *permanently* deprived. Suppose a person is born in USSR and has been temporarily deprived of his power of judgment in a process of brainwashing, and if by chance he escapes USSR and moves to another democracy country, his *inherent* power of judgment will come into play, and he is also *capable* of knowing the truth about the world. According to the principle of coextensive, since a person’s *power* to judgement cannot be *fundamentally* eradicated, then a person will always have the *right* to judgement (though it may be temporarily deluded) (An online friend of mine reminded me that this argument was wrong: if I want to make an argument as strong as that for blindness caused by an eyeball injury, I must consider the situation in which human judgment has been completely eradicated. For example, by taking certain drugs, a person becomes completely delirious. In this sense, one’s power of judgment can be as completely lost as one’s sight. But I want to emphasize this: generally, it is not as easy to completely eradicate a person’s judgment as it is to destroy a person’s eyesight.). Now, we have given reasons why a person’s right to judgment cannot be fundamentally deprived. So even if we only resort to negative arguments, we can guarantee freedom of conscience (LeBuffe reminds me, according to Spinoza, a person’s power is a power to exist. So, to eradicate a person’s power completely just is to kill him. Under such an understanding of power, anybody alive will still have some power. Because power and right are the same thing, anybody alive will have some right. I admit as long as a man lives, he has his power (right), or conatus. But I’m thinking about the right to judgement. Unlike the right to exist, the right to judgment can be temporarily deprived.).

Next, I will argue that even if freedom of conscience itself is impossible to deprive in *ontologically* sense, we still need to guard against government control of people’s minds. In this way, we can provide a defense of freedom of conscience based on positive arguments. In the positive arguments for freedom of conscience, we have seen that the protection of it is based not only on the *impossibility* of controlling one’s thoughts, but also on another, more positive reason: that it contributes to the *flourishing* of the nation. In *TTP* 20.25-27, Spinoza shows the importance of freedom of judgment to the arts and sciences, and the moral consequences if freedom of judgment is suppressed:

*“How much the more must we grant **freedom of judgment**, which not only can’t be suppressed, but is undoubtedly a virtue. ....this freedom is especially necessary for advancing the **arts and sciences**. Only those who have a free and unprejudiced judgment can cultivate these **disciplines** successfully. But **suppose this freedom could be suppressed**, and men so kept in check that they didn’t dare to mutter anything except what the supreme powers prescribe. This would surely never happen in such a way that they didn’t even think anything except what the supreme powers wanted them to. So the necessary consequence would be that every day men would think one thing and say something else.*

*The result? The **good faith** especially necessary in a Republic would be corrupted. Abominable flattery and treachery would be encouraged, as would deceptions and the corruption of all liberal studies.*”(My highlight)

Here, Spinoza proposed two kinds of freedom: (1). Academic Freedom. (2). Freedom of Conscience (As Lærke said recently, Spinoza “bring these two conceptions of academic freedom and freedom of religious conscience together under a single, systematic conception of *libertas philosophandi*”, see Lærke (2021: 13).). In Spinoza’s view, if freedom of judgment is not protected, the development of the arts and sciences will stall, and people will become tainted with evil character. Therefore, the protection of freedom of judgment has two advantages: (1). Promote the development of science and art. (2). Improve people’s moral quality.

About the first type of freedom (academic freedom), we may comment: today, academic freedom seems to have been largely guaranteed: even in USSR, science is studied, and no religion restricts its exploration. Academic exchanges between USSR academics and other countries may be restricted, but the country is also developing science. But there is another sense in which academic freedom may remain unprotected: the advancement of academic enterprise requires open minds, critical thinking and dialogue among scholars. But in some countries where bureaucracy prevails, scholarship has become more of an authoritative enterprise than a liberal one. So, Spinoza’s defense of academic freedom is relevant even in an age when scientific research is no longer bound by religious dogma.

But let’s ask another question: is it possible to develop science in a totalitarian state? As we know, the USSR was very advanced in science, for example, they launched their satellites earlier than the United States. So, given the possibility of rapid scientific progress in a totalitarian state, how do we defend Spinoza’s academic freedom? I think this is a challenge to Spinoza’s idea of academic freedom, and we must help Spinoza overcome it. I think my positive argument can help us solve it: even if a totalitarian state could develop science, its citizens did not have the freedom to philosophizing.

Regarding the second freedom (freedom of conscience), we can say that there are still many people today who lack the right to judgement according to their beliefs. In extreme cases (USSR), their beliefs are themselves determined by the government. In this case, we may say, the *original intellectual potential* of the people has been suppressed (although it has not been eradicated).

The ancient Chinese philosophers like Mencius believed that a person’s conscience is *essential, eternal* and *innate*. Mencius said:

*“There are footpaths through the hills. If they are used, in short order they become roads. If they are not used, soon wild grasses will stop them up. Now wild grasses are stopping up your mind.”*

Mencius believed that human always has the “moral faculties” of conscience (Liang Zhi) which can be effective if a person *uses* it. But if a person does not *use* it, this ability can be *obscured*. For Mencius, the “wild grasses” in a man’s mind were his selfish desires. But we can still assume that if external political pressure causes “wild grasses” to grow in one’s mind, then one’s conscience will no longer *perform* its function. Although human judgment cannot be eradicated, it can be temporarily blinded by manipulators so that it cannot perform its function. In order to prevent that from happening, we still need to defend freedom of conscience, even if human judgment cannot be fundamentally eradicated.

Although every human being already has the power of judgment *in nature*, the state still needs to create the conditions of freedom for this power to *develop*. I agree with Steinberg that a good state should create “epistemic conditions” for the development of reason. The power of judgment is an *intrinsic* human ability, unlike visual function, it cannot be completely eradicated, only temporarily obscured. The purpose of the state is to develop this capacity and to create epistemic conditions for its development, and not to blind it by means of repression.

## 5. Conclusion

In this paper, I distinguish between two kinds of Spinozian arguments for freedom of conscience: negative and positive. I argue that Spinoza relies more on negative arguments in *TTP* chapter 20, but if Spinoza wants to criticize tyranny, he must emphasize positive arguments. For Spinoza, it was impossible to completely eradicate a person's power of judgment. This fact alone can fully support a negative argument. But since the right of judgment is itself a power that cannot be eradicated, what need do we have to defend it? In order to overcome this superfluous theory, I argue that even though the right of one's judgment cannot be *fundamentally* eradicated, we should still defend freedom of conscience, because the right of one's judgment can be *temporarily* blinded. To avoid such a situation, we must resort to the positive rather than the negative arguments for the protection of freedom of conscience: if it is *possible* to violate freedom of conscience, the ruler *should* still *not* do this. For nations that protect freedom of conscience are more harmonious and virtuous than those that violate it. In this sense, we seem to be able to respond to Curley's thesis that Spinoza had the theoretical resources to criticize tyranny.

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