

# **Is It Right to Revolt? Spinoza, the Multitude and Insurrection**

**Pierre-François  
Moreau**

**Abstract:** The criticism of tyrannicide in the Theological-Political Treatise could have led one to believe that Spinoza was socially conservative and opposed to any revolt. An analysis of the examples he cites shows that this is not the case: in each case his arguments take into account the structure of the state and his criticism of revolt concerns only one type of situation. In the Political Treatise, he develops his positions by giving the people an active role, through the concept of the multitude, and by conceiving the possibility of a positive social upheaval.

**Keywords:** Spinoza, revolt, State, affects, tyrant, usurpation, multitude

A paradox of Spinozist scholarship is that, on the one hand, one of its commonplaces is to recall that Spinoza is hostile to revolutions (a reminder based on well-known texts, but perhaps more quoted than read), and that, on the other hand, a number of Spinoza's readers have long claimed a desire to change society. One could compare this situation with that of Epicureanism, which is understood to be hostile to participation in public affairs but which nevertheless counted some Roman politicians among its followers.

If, beyond ready-made answers, we want to take stock of this paradox, we must necessarily differentiate two questions: 1) on the objects that Spinoza dealt with, have we really read closely what he says and, more exactly, have we verified what he is talking about and within what limits, when he is supposed to manifest the hostility in question? In other words, can we reduce his position to a simple rejection of all political change? and 2) on objects that Spinoza did not deal with, can we build a reasoning based on the instruments of thought that he conceived?

As for the first question, we should first notice that in the two political works we have, Spinoza each time takes on the task of showing what contributes to the peace of the City – the first time by showing that freedom to philosophize is necessary for this peace, the second by describing what kind of states can last as long as possible. It would therefore be difficult to expect in these pages a direct praise of the revolution. But these demonstrations perhaps do not exhaust the full power of his thinking on politics. In fact, we see him several times analyzing situations where one or more citizens oppose the state or the sovereign. These are various situations, ranging from tyrannicide to the sacrifice of one's own life, chosen from the history of the Hebrews, the Romans, England, and the Netherlands, and these analyses themselves deal with very different points which call for different conclusions.

Let us first look at the texts. It is worth considering first the *Theological-Political Treatise* and then the *Political Treatise*; but it should be remembered that some passages of the TTP were taken up as they were in the TP and that the latter explicitly refers to what was said in the

TTP: Spinoza thus assumes a minimal coherence between the two works, even if they have different objects and angles of approach. In the case of the TTP, the question is addressed several times from chapter XVI to chapter XIX. The passages quoted use several arguments: one is religious and obliges Spinoza to pronounce on the possible divine legitimacy of disobedience to the orders of the sovereign; another is strictly political and concerns the structure of the State; finally, we shall see that a third argument advances, in connection with the scribe Eleazar and the “*viri honesti*” of the last chapter, yet another type of reasoning. None of them is based on moral considerations or on a supposed natural law.

1. Many passages mention the possibility of a religious dimension in the revolts; in the preface it is said about superstition that it serves to set the crowds against the kings – but one will observe that it is just as much condemned when it serves to legitimize the kings as when it serves to make them hate.<sup>1</sup> In any case, Spinoza, in examining the Bible, cannot help but consider the problem, because in the 17th century, as in the one that preceded it, we saw various forms of challenges to the power of the State in the name of religious principles: civil wars, refusal to recognize the authority of magistrates judged to be impious, assassinations of sovereigns. It is therefore impossible, for anyone writing about politics, not to take a position on the question, and in particular on the scriptural texts which seem to justify the superiority of a religious law over civil law, and thus to authorize the infringement of the latter in the name of the former.

The Bible seems to cite a number of cases of disobedience to authorities that are given as legitimate by the sacred text because they respond to divine inspiration. The TTP cites at least two: the three young men who refuse to obey Nebuchadnezzar’s orders in the book of Daniel<sup>2</sup>; the apostles, to whom Christ orders to go and evangelize the world without worrying about the authorities.<sup>3</sup> It should be noted in passing that in both cases, this is not an active revolt, but a refusal to obey. In both cases, Spinoza, rather than refuting the argument, marginalizes it by emphasizing the exceptional, and therefore inimitable, character of the situation. He can hardly do otherwise, since he has taken the position of not questioning the divine character of Holy Scripture – even if it means neutralizing the passages claimed by the opponents he wants to refute, either by interpreting them differently than they do, or by playing one passage against another, or by reducing their application

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1 Spinoza 2007, p.4-5.

2 Ibid., p.22. The reference is to Daniel 3.

3 Ibid., p.248. The reference is to Matthew 10:1 and 28 – but refers explicitly to the example of the three young men in Daniel 3.

to particular or outdated situations.<sup>4</sup> For him it is a question of denying to the ecclesiastics the right to raise the crowd against the Magistrate, or simply refusing the right to the citizens to excuse themselves from obedience to the laws. It is thus necessary for him to establish that the fact cited in the Bible is a singular case which cannot legitimize a norm: it does not have the value of an example.

In the first case, the Hebrew state has disappeared, its citizens have been deported to Babylon and they are now subject to a new authority. But three of them refuse to obey the victorious monarch by worshipping an idol – and God protects them from the punishment that the king inflicts on them: the flames that were to burn them do not reach them. The biblical text seems to encourage refusing the orders of temporal authorities in the name of religious belief. Spinoza does not deny this fact, but he emphasizes its exceptional character, which is due to the singular revelation that must be assumed for the three young men in the furnace; normality is represented, on the contrary, by all the other Hebrews who submitted to the king's order: if they obeyed him, it was because they had no doubt about the fact that, their state having disappeared, the Babylonian king held the *summum imperium*. There is thus a power of the *fait accompli*, which automatically replaces one law by another: the new law can only be disobeyed on the injunction of an indisputable divine order, of which the miracle is the proof (and it must be understood that this is not the case of those who, in modern states, try to stir up the crowds in the name of religious norms). In the same manner, the Apostles received a particular order from Christ, which concerns only them, does not invalidate the general order of obedience to the authorities which emanates from the Bible (as witnessed by a quotation from Solomon, i.e., another biblical reference, which compensates for the scriptural legitimacy of the first<sup>5</sup>).

In short, what appears behind the repression of religious reasons for the disobedience of subjects is the power of the historical *fait accompli*<sup>6</sup> at the end of a state. In both cases, Spinoza recognizes the unquestionable exception of the biblical text, but denies it any value as an example. By singling it out, he neutralizes it. The geographical equivalent is the recognition of the rules of foreign states: as a result, the order given by the Dutch to those who want to trade with Japan to submit to the demands of the Japanese concerning the Christian religion has the same

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4 This neutralization of the letter of the text, notably through the choice of passages intended to enlighten the others, is not peculiar to Spinoza: any interpreter is often obliged to do so, because of the difficulties contained in it. But Spinoza proceeds in a specific way.

5 "That if this word had been spoken for all, the State would have been instituted in vain, and this word of Solomon (Prov., chap. XXIV, v. 21): my son, fear God and the king, would have been an impious word, which is far from the truth", Ibid., p.49.

6 Spinoza relies several times on Jeremiah for this (V 5 and XIX 7).

value as a norm.<sup>7</sup> Religion, as a general rule, does not entail the right to disobey, and even less to revolt.

2. The second kind of argument could be stated as follows: if the rulers are tyrants, is it useful or harmful to eliminate them by overthrowing or killing them? We are now on the political terrain, and it is not a question of a simple refusal to obey, but of a violent action directed against the ruler. There are two instances in the *Theological-Political Treatise* that answer the question, respectively in chapter XVII (§ 30) and chapter XVIII (§ 7-9). We shall begin with the second, which is both the most detailed and – apparently – the most classical one. We will notice that it is not the central point of the chapter, on the contrary: the question only arises as a sort of appendix to the symmetrical problem. In this chapter, Spinoza has learned from the history of the Hebrew Republic. He has just established, on the basis of the biblical accounts, that it is disastrous for a people not used to obeying kings to give themselves a monarch (which is precisely what happened to the Hebrews at the end of the period of the Judges). One might have thought that the lesson would end there, and indeed, that is where the reference to the Bible ends; but the reasoning continues for several more pages, this time on examples taken from other nations (the English, the Romans, and the inhabitants of the United Provinces) and, in these last pages, it is another question that is treated, that of regicide. Spinoza thus suddenly leaves the problematic indicated by the title of the chapter (what can we learn from the history of the Hebrews?) and states a thesis that deals with a symmetrical problematic, first by abstract reasoning, which he then confirms with historical examples. He begins this last section as follows: “But I cannot fail to say here that it is equally dangerous to depose a monarch, even if it is clear by every criterion that he is a tyrant.”<sup>8</sup> This is a classic field, where a long tradition has questioned the conditions, the limits, and the dangers of tyrannicide. We know that in the face of the Catholics, notably the Jesuit treaties, which legitimized the assassination of the tyrant in a certain number of cases, the theorists of the State<sup>9</sup>, especially in the Protestant milieu, tended to condemn it, by underlining its uselessness (one suppresses a tyrant, one does not suppress the tyranny<sup>10</sup>). Spinoza is no exception to the rule. The demonstration is carried out in two stages: a people “accustomed to royal authority and held back by it alone” will not be able to obey a weaker authority – the deposed or murdered king must therefore be replaced by

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7TTP V 13 and XVI 22.

8 Ibid., p.235.

9 Most often when the monarch moves away from the Catholic religion or disregards the authority of the Pope – which is obviously far from Spinoza’s problem.

10 One finds this with De la Court, for example.

another king.<sup>11</sup> And the newly appointed king, the one who replaces the tyrant, has only two possible courses of action: either to let the murder of his predecessor go unpunished, in which case he undermines his own power by implicitly recognizing the people's right to judge kings; or to avenge the murder by punishing the murderers, thus starting a new cycle of violence that the subjects will once again perceive as illegitimate. "Hence it has happened that the people have often changed tyrants, but have never been able to find themselves without a tyrant."

One should note that this reasoning does not concern any state in general: as for the tyrant who seizes power in a democracy or an aristocracy, Spinoza does not tell us whether his murder is useful or damaging: he simply does not mention it here. And even the condemnation of tyrannicide does not concern just any monarchy. It is one in which the people are "accustomed" to obeying a king. It is thus a limited and very precise framework - effectively symmetrical to the case of the Hebrew people, as indicated by the participle "accustomed" (*assuetus*, which answers the non *consuevit* of the preceding paragraph). This notion of "*assuetus*" is very important. It systematically indicates the link between a people (or the individuals of this people) and its institutions. A link that is no longer simply external, because habit has made it somehow indispensable. The term is used several times in this sense in connection with the Hebrews in the analyses of the TTP: it marks either the traits that characterize the people and which the constitution will have to take into account in order to be valid, or, once the constitution has been created, the traits that this constitution in turn gives to the people and which are anchored in them and characterize them. For example, when Moses had to give laws to the Hebrews whom he had brought out of Egypt, he had to take into account the habits that had formed them: "And surely it is not to be believed that men accustomed [*assueti*] to the superstitions of the Egyptians, coarse and weakened by the most miserable servitude, have formed sound notions of God, or that Moses taught them anything other than a way of life,"<sup>12</sup> (in other words, he provides them with laws as a legislator, and does not teach them as a philosopher<sup>13</sup>). That implies a certain type of legislation: "finally, so that the people, unable to raise of its own right, was suspended with the word of its Master, it did not allow these men accustomed to the servitude

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11 Spinoza and his contemporaries barely distinguish between the two hypotheses - probably because a deposed king is always in danger of starting a civil war to regain power, or of being used as a symbol by his supporters, and experience seems to show that his overthrow almost always has his death as its logical consequence.

12 "Nec sane credendum est, quod homines superstitionibus Aegyptiorum assueti, rudes, et miserima servitute affecti, aliquid sani de Deo intellexerint, aut quod Moses eos aliquid docuerit, quam modum vivendi, non quidem tanquam Philosophus, ut tandem ex animi libertate, sed tanquam Legislator, ut ex imperio Legis coacti essent bene vivere", TTP, II 15.

13 On the different roles of Moses, cf. Moreau 2019 and Moreau forthcoming.

[*servituti assuetis*] to act in anything with their liking.”<sup>14</sup> Once the system is set up, the habit henceforth plays in favor of its conservation: “This is why, with these men completely accustomed [*omnino assuefactis*] to it, this obedience did not have to appear any more servitude but freedom; what had again as a consequence that nobody desired what was prohibited, but what was ordered.”<sup>15</sup> This is how we explain the ceremonies of the first Patriarchs: they reproduced what they had been used to.<sup>16</sup> In other words, the participants in the pact are not abstract individuals, as contractualist theory seems to require: they are a people marked by certain characteristics, and the state constituted by this people organizes these characteristics into a strong structure that ensures peace and prosperity, by imprinting on its *ingenium* characteristics that are compatible with it and that counterbalance its destructive tendencies (with varying degrees of effectiveness - the latter seems to be particularly great in the case of the Hebrews, at least in the beginning); there is thus a kind of symbiosis between the people and the form of their state. In such a monarchy, the place of the king and the system of relations in which it is integrated (notably the criteria of legitimacy that justify it in the eyes of the people) are more important than his personal action. We find here one of the strong constants of TTP analyses: the structure of the state is more important than the exercise of power.

When Spinoza expresses his opinion on the killing of the tyrant, it is not just any tyrant, but one who occupies a certain place in a certain state, namely a monarchy that has found a point of balance. One might ask: what if the people decide not to stay within the monarchical framework? Spinoza answers elliptically: the people could never “change the monarchical state into another form of state”. He merely notes this, without demonstrating it: it has never happened - whereas for the replacement of one king by another, he first had to resort to a demonstration.

Spinoza thus takes up a classical problem and transforms it: he replaces the question of the exercise of power by that of the nature of the regime. Or rather, he thinks of the exercise of power only under the jurisdiction of the nature of the regime. From this perspective, the three

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14 “Denique, ut populus, qui sui juris esse non poterat, ab ore imperantis penderet, nihil hominibus scilicet servituti assuetis ad libitum agere concessit; nihil enim populus agere poterat, quin simul teneretur legis recordari, et mandata exequi, quae a solo imperantis arbitrio pendebant”, TTP, V 11 p. 224.

15 “Quare eidem omnino assuefactis ipsa non amplius servitus, sed libertas videri debuit: unde sequi etiam debuit, ut nemo negata, sed mandata cuperet”, TTP, XVII 25.

16 “As for the fact that the patriarchs sacrificed to God, I think that they on ceremonies and narratives did so in order to rouse their hearts to greater devotion, for they had been accustomed to sacrifices from childhood. Everyone had been thoroughly familiar with sacrifice from the time of Enoch, which hence stimulated their devotion”, *Ibid.*, pp.71-72.

examples that follow do not repeat themselves – whereas if they only concerned the exercise of power they would be repetitive: people get rid, with violence (death, in the first two cases, war in the third), of a ruler they consider a tyrant. But England, Rome, and the Netherlands present three different structures. The first example, which concerns England during the Great Revolution,<sup>17</sup> comes just after the statement of the thesis and illustrates it in an almost pure manner. Strictly speaking, it is not an assassination of the king by an individual (Charles I was judged by a high court appointed by Parliament) – but Spinoza, placing himself for a moment from the point of view of the loyalist subjects (i.e., those most imbued with the structure of the state), equates the judgment with an assassination. The English people are “accustomed” to monarchical rule: it would be a mistake to see this as a psychological remark: it is indeed the “*forma imperii*” – the structure of the state. That is to say, a strong link between a type of organization of the city, its concretization in the law, its representation in the heads of the citizens, and the distribution of places within this construction; the whole is linked enough to perpetuate itself independently of the will of the individuals: on the contrary, it is the one that shapes this will – chapter XVII and the first paragraphs of chapter XVIII have, as we have seen, shown it on the example of the Hebrew republic. What happens then in the case of the English people? At a certain point in their history, they try to change this structure: not only do they kill the king, but they try to do it under a juridical form - and precisely “*specie juris*”, only an appearance of right; they don’t succeed; once the king is removed, the State remaining with an empty place, one is obliged to change the “*forma imperii*” and it is a failure. Spinoza doesn’t bother to detail the reasons, he just indicates the consequence: a lot of bloodshed - so the new “form” is not one, since it is unable to ensure the minimum that one expects from a State: the security of the citizens. One arrives at a *pejorem statum* and one must return to the *pristinum statum*. In other words, there is an elasticity of the established order, which endures a crisis but reconstitutes as soon as possible the structure which seemed to have been suppressed. There is thus a difference between *forma* and *status*. The *forma* remains in some way underlying the changes in *status*. The *forma* is the lasting structure given to the people by the institutions (those to which it is “assuetus”) and to the institutions by the characters of the people. The *status* is the figure that it affects and that a revolution suppresses temporarily. One can indeed change the form, but it remains in reality in depth, provoking the installation of a new illegitimate and costly monarchy (under another name). Why is the old one said to be “legitimate”? Because dynastic descent is one of the components of the

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17 Ibid., pp.235-6.

*forma imperii*.<sup>18</sup> Who establishes another monarchy on the (supposed) ruins of this structure does not have the means to be respected, or rather can only be respected at too high a cost (here the example goes a bit further than the reasoning it illustrates). It then appears simpler to return to the old system. The English example thus analyzed illustrates perfectly the thesis of the danger and uselessness of tyrannicide.

What about the second example, borrowed from early Roman history?<sup>19</sup> It seems at first sight to be rather a counter-example: the Romans, unlike the English, were able to drive out the tyrant Tarquin, abolish the kingship and establish the Republic – and neither Tarquin nor his sons were ever able to regain power. This would be a true *mutatio formae imperii*. Spinoza's answer is twofold: The Romans, unlike the English, were not used to monarchy (“nondum regibus obedire consueverat”) or at least to a stabilized form of monarchy.<sup>20</sup> They had kept the right to appoint the king and his successor (there was therefore no legitimacy assured by dynastic continuity). If they were used to anything, it was violence; this was characteristic of their *ingenium* from the beginning (one can think that Spinoza thinks of the original act, the murder of Remus, or of the way Romulus populated his city by recruiting “factious” – seditiosi and flagitiosi – and then by kidnapping the Sabine; like his readers, he knows all this from Titus Livius); in a sense, their “*forma imperii*” is a regime chanted by alternating elections of kings and murders; a violence that the institutions contain provisionally and painfully more than they suppress it. The only novelty of the Republic is that it establishes (with great difficulty) the civil peace only by expressing this violence in external wars. And in the end, the monarchy was re-established - without violence being suppressed (Spinoza doesn't bother to mention it here, but he says it elsewhere<sup>21</sup>: the imperial successions were chaotic and in the hands of the army. The lesson of Tacitus confirms here that of Livy). Let us summarize: in short they still lived in a kind of original democracy – but a democracy marked by violence; in such a system, the kings are more juxtaposed to the structure of the State than really integrated as they are in the English system (such a juxtaposition makes one think of the case of the Doge of Venice and Genoa, where the Doge is juxtaposed to a system for the most part aristocratic, but there with less dramatic consequences<sup>22</sup>). But in any case the result is the same: the murder or overthrow of the tyrant turns out, this time in the long run, to be useless and dangerous.

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18 The TP will take this into account in its reconstruction of what a sustainable monarchy can be.

19 Spinoza 2007, p.236.

20 Of the six kings they previously had, they had already killed three.

21 In the *Adnotatio XXXV* and TP, VII, 14 :two soldiers undertake the transfer from the Empire and succeed. This is a reference to Tractatus 2008, I, 25.

22 Spinoza 2002, VIII, p.729.

The third example, that of the Dutch,<sup>23</sup> is probably the most interesting. For this is a people who rose up against the Spanish king and his representatives, who then briefly had an English governor-general, and who finally became or reverted to a federative republic, where the states of each province and the states-general had sovereignty. Does this successful insurrection invalidate the previous reasoning? No, because everything is in the “reverted”. If they succeeded, it is because in fact they never had kings, and that their States, provincial and general, always kept the sovereignty (*jus imperii, jus supremæ majestatis*). Those who were in power (whatever their title, one must suppose) were only “counts”, that is to say rulers to whom the States entrusted an office and whom they could call back to their duty if they deviated from it. Thus, when they revolted against Philip II, they only restored their imperium, which was threatened by the Spanish usurpation. In other words, this time the solidity of the structure is that of collective sovereignty, and it is the monarchical attempt that is contrary to the structure and condemned in advance. Spinoza adds that states could also “take revenge” (*vindicare*) on counts. Here, then, is a case where tyrannicide appears to be legitimate - for what does “taking revenge” mean? However, the Dutch did not kill Philip II, the Duke of Alba, or Leicester. But, at least for the first two, they made war on them (as for Leicester, he had the good taste to leave the country after his failure); and if the circumstances allowed to kill them, nothing in Spinoza’s reasoning tells us that they would have been wrong. Note that in this case he uses the word “usurp” about the counts, which indicates where he sees legitimacy. It should be noted that in this case, he uses the term “usurper” in relation to the counts, which indicates well where legitimacy lies in his eyes. As if, in this case, he preferred this term to “tyrant”: the tyrant exercises badly a power which is conferred to him by the structure of the State, the usurper questions this structure itself. And there, it seems, the danger would consist in letting him do it, and not in overthrowing him. Similarly, at the beginning of chapter XX, the violent government “usurps the rights of the subjects”<sup>24</sup> Or, the violent government is the one that Spinoza, quoting Seneca, reminds that it lasts little.<sup>25</sup> There is thus a recognition of the necessity and legitimacy of insurrection – that, in this case, which led to the Eighty Years’ War.

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23 Ibid, XVIII, p. 729.

24 “Hinc ergo fit, ut illud imperium violentum habeatur, quod in animos est, et ut summa majestas injuriam subditis facere, eorumque jus *usurpare* videatur, quando unicuique praescribere vult, quid tanquam verum amplecti, et tanquam falsum rejicere, et quibus porro opinionibus uniuscujusque animus erga Deum devotione moveri debeat; haec enim uniuscujusque juris sunt, quo nemo, etsi velit, cedere potest”, TTP, XX.

25 Ibid., p.200.

The condemnation expressed in §7 is thus very limited. It only applies to a monarchical system, and not just to any monarchical system: but, to the one where the king's place is assured by the very structure of the State in a durable way, so that wanting to kill the king means trying to abolish this system, and that this abolition can only lead to an outburst of violence; above all, the one where there is a real monarch, and not a ruler to whom the people or their representatives have given a limited mandate. It is in this very specific situation that Spinoza states the impossibility of tyrannicide. We are therefore very far from a general condemnation of all insurrection. On the contrary, it appears perfectly justified in the case where it is the *forma imperii* that risks being undermined.

Let us return to the other relevant passage of the TTP, in chapter XVII (§30). Here Spinoza considers what happens in the Hebrew Republic once the kings is settled: they move further and further away from the Law which ensured the satisfaction of all, and thus peace and prosperity.<sup>26</sup> Prophets appeared and criticized them, even stirring up a revolt, "but the Prophets themselves could not achieve anything by these means; even if they put an end to a Tyranny, by the effect of permanent causes they only bought a new Tyrant with a lot of Hebrew blood. There was no end to the discord and civil wars, and the causes, always the same, of violation of divine law, which could only disappear with the State itself." Since we are talking about prophets and divine right, we could believe that we are talking about religion. But it is not the case: the "divine right" of which it is about, it is the whole of the laws which maintained peace and are now scorned; and the invectives of the prophets are here more the marks of indignation against tyranny than the fruits of a revelation. One will notice that the effect produced is the same as what the following chapter will say about the English: bloodshed – that is, the opposite of what was sought by constituting the City. One will also notice what is implicit: Spinoza does not say why the prophets failed, he merely observes it; but the explanation is simple: it is the one we will read in chapter XVIII, except that it must be modified: the Hebrew monarchy is certainly a deviation from the primitive structure of the State, and therefore a source of disasters; but the Hebrews had to get used to it, after several generations, no matter how flawed it was. Leaving it became impossible. It thus constitutes within the general structure of the theocracy a source of crises, but at the same time an island until now resistant enough to change to reconstitute itself at each crisis. This again makes tyrannicide ineffective and dangerous. But we have learned in passing something which doesn't contradict what will be said in chapter XVIII, but puts the

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26 It should be remembered that for Spinoza, the positive effects of the Mosaic Law apply essentially to the period of the Judges.

emphasis on another aspect: the very structure of the badly constructed or altered State permanently generates (“*manebant tamen causae*”) the passions which will lead to tyrannicide. In other words, tyrannicide is not only a punctual fault and a punctual danger: it is also the product not of human folly, but of necessary causes. We thus pass from condemnation to explanation. It is no longer a question of asking whether insurrection or tyrannicide are useful or harmful. This time it is a question of evaluating the causes that make them necessary.

3. However, there are still two cases which do not fit, or do not quite fit, into the patterns mentioned so far. The case of Eleazar is interesting because, under religious appearances, it raises a completely different problem<sup>27</sup>: this Scribe, when the Hebrews are under the domination of the Seleucids, refuses to consume meat forbidden by the Mosaic Law; he even refuses to pretend, as his friends advise him; and he is therefore sentenced to death.<sup>28</sup> One might expect Spinoza to justify him as an individual while marginalizing him, as he did the three children in the furnace, in the name of a singular revelation not susceptible to imitation. But the biblical text makes this solution difficult, for Eleazar explicitly states that he wishes to set an example.<sup>29</sup> It cannot therefore be a matter of a non-universalizable exception, as in the case of a singular divine revelation: there is here an act, admittedly individual, but whose author aspires to have collective consequences. In fact, Spinoza does not consider this act from a religious point of view: he analyzes it in political terms, since he speaks of the “fatherland.” This is not the same case as for the three children in the furnace.<sup>30</sup> But then, is it political in the sense of the examples in chapter XVIII? no, it is not a matter of defending an existing state, since it has collapsed and the Hebrews are now subjects of Greek rulers: it should therefore be clear that peace requires submission to the new ruler. It is, however, a question of right and power – but disobedience is justified in a way that may seem unusual: Spinoza says that Eleazar acted “while the Fatherland still subsisted in some way” (*stante adhuc utcunque patria*). Everything is in the “utcunque.” The power of the *fait accompli* is here beaten down, even though the previous institutions no longer exist. What takes their place, what keeps them going “in some way,” are just rituals (which the rest of

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27 Spinoza 2007, p.207.

28 II Maccabees 6: 18-31.

29 “I will leave the young men an example of firmness, if I suffer joyfully and steadfastly an honorable death for the sake of our most venerable and holy laws”, *ibid.* 6:25; “And thus this man died, leaving his death for an example of a noble courage, and a memorial of virtue, not only unto young men, but unto all his nation”, *ibid.* 6:31.

30 While this example is analyzed right after the young people’s example – but the sentence starts with “on the contrary” (*contra*).

the population is losing) and the conviction that goes with them. A past that is unraveling day by day, but that remains enough for an action to serve as an example. One might think that we are far from tyrannicide: Eleazar does not kill anyone, he does not lead a riot - he dies alone, refusing any fiction that might save him. But, by his example, he may be preparing a future revolt. Indeed, Spinoza emphasizes that he “wanted to give an example of consistency” – and he deciphers this example as a call to revolt: Eleazar wishes to inspire others after him to endure everything rather than suffer the transfer of their right and power (*ius suum et potestatem*) to the Greeks, and to try everything to avoid being forced to pledge loyalty to pagans” –whereas at the beginning of the sentence, at the beginning of the sentence he followed the biblical text by using the terms “example” and “consistency,” at the end he somewhat over-interprets this text, which does not use such explicit legal-political language. It is therefore precisely here that we must look for the point of his personal intervention. In all the passages of the TTP previously analyzed, we have seen the systematic character of the reference to the past which formed the minds and institutions of the Hebrews, the English, the Romans or the Dutch; here, too, it is certainly present, but the fragility of the remanence (“utcunque”) is compensated by an appeal to what will happen next. What is important here is that one can oppose the apparent weight of the facts with the possibility of an example that will reverse the situation: so this time it is not only in the name of the past but in the name of the future that we oppose the power in place.<sup>31</sup> What Spinoza brings to the surface is an act from which results are expected. Yet the term hope, which should logically come up in such a context, does not appear in this passage, and more generally, this affect does not have a good reputation in the TTP: it is, with its symmetrical fear, one of the factors of superstition.<sup>32</sup> This is probably why this aspect is not developed here. We will see that it appears on the contrary in the PT. As for Eleazar’s refusal to eat the meats forbidden by the religion of the Hebrews, it is easy to see why, in these conditions, it should not be considered as a simple act of superstition, since the religion of the Hebrews is the religion of the Hebrew state: the rite functions here, as the context shows, as a symbol of the national identity of the state which one does not want to see disappear. In any case, we should not believe that Spinoza is inventing an ad hoc solution here, to explain a passage that does not fit with his two previous hypotheses, because we find a similar reasoning at the end of the Treatise,<sup>33</sup> where he speaks in his own name and without biblical

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31 And Spinoza does not mention, but if his reader has the biblical text in mind, he knows that in the book of Maccabees, what follows the episode of Eleazar and another similar episode, is indeed the revolt of Judas Maccabaeus, which restores the state.

32 Spinoza 2007, p.3 § 1 and p.5 §5.

33 Ibid., ch.XX.

references. Faced with the disorder of a city where opinions are punished, men “who know that they are just” accept to walk to the ordeal where they show “the highest consistency” and “expose to all eyes an example of virtue which covers the supreme majesty with shame” and “take glory in perishing for freedom.” We find again the lexicon of consistency and example - but this time without any reference to the past; for it is not to preserve an ancient law or power that one dies, it is for freedom. Perhaps it is to be understood that this freedom was at least implicitly guaranteed by the state as it existed before the ban on dissenting opinions, i.e., that it would be a variant of the Dutch case. But this is not explicitly stated. The emphasis is on the example that is being offered rather than on a previous situation that should be restored. Of course, in these just men too, disobedience is limited to accepting to die unjustly - but how can we interpret the idea that their death is an example if not as a call to establish a free government? However, here too the hope of better days is not explicitly mentioned.

Thus, in all the cases cited, the evaluation of disobedience is different, but it is always linked to the mention of the specific structure of the state and its situation: is it a monarchy or a republic, and of what type it is? Is it stable? What are the people used to? Does sovereignty still exist and in what form? There is, however, one more point to note about state building. Except in the case of Moses and the Hebrews, the TTP only tells us about states, in their specificity, once they have been constructed. It is silent on the original moment of this construction. On the other hand, there are three texts that speak of it non-specifically, that is, as necessary for all men to come together in society, but without it being defined as such a society: chapter XVI, as is well known, describes this origin in contractual terms, the chapters III<sup>34</sup> and V<sup>35</sup> do not need a presentation. But the common point is that the question of who takes the initiative of the political process remains in the shadow: it is each time “the men” who need to protect themselves from dangers or to ensure the division of work.<sup>36</sup> In the case of the Hebrews, the creation of the state, and even of this particular state, with its own constitution, seems to be the work, as an active process, of one man, Moses. The role of the people is passive: it is their characteristics that dictate the conditions that Moses must take into account,<sup>37</sup> but they seem to take no part in the elaboration of this constitution (which is in conformity with the biblical text): they has

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34 Ibid, § 5.

35 Ibid., § 7-9.

36 ChaTPer V does speak of particular men, those who are “vigilant and prudent,” but this is specific to certain states, those that function well.

37 Cf. “Législation mosaïque et anthropologie des affects”, op. cit.

no initiative. As for knowing how one man could have acted in this way, it is not necessary to suppose that he had a science of politics. Spinoza remarks that Moses never made a reasoning – the context clearly means that in his speeches to the people, he never used demonstrations (he gave orders) – but one can suppose that he knew how to use, for himself, in a practical state, the elementary reasoning based on experience which is that of the *Politici*.<sup>38</sup>

If we think together the different historical moments that Spinoza analyzes in the TTP, we realize that his thought on these subjects is more complex than it is usually said and cannot be reduced to the simple classical condemnation of tyrannicide.

There are many passages in which the irrationality and danger of the crowd is described, especially when it is manipulated by the theologians (but one can imagine other manipulations: a victorious general, for example - the PT will consider this<sup>39</sup>). As for the people, it hardly seems that an initiative is attributed to them as such.<sup>40</sup>

The forms of disobedience to the ruler, from simple passive disobedience (where the subject accepts the risk of being punished for implementing his convictions) to overt revolt and the execution or assassination of the ruler, are evaluated according to the structure of the state and the relationship of the ruler to that structure.

The structure on the basis of which the justification of the revolt is judged is most of the time an already existing structure, thus coming from the past. The only two times the future is mentioned (Elazar and the righteous in chapter XX), it is very briefly, and the affect that is linked to the future – hope – is not mentioned.

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38 One might add, what Spinoza does not say, that he must have frequented such *Politici* since he was brought up at the court of Pharaoh; with such an education, his personal destiny, thus his *ingenium*, differed from that of the other enslaved Hebrews. He was thus, alone among them, able to create a constitution since he had some experience in the management of a state.

39 Spinoza 2002, VII.

40 In fact, in the TTP, the term *populus* has a mostly historical and singular meaning, rather than a political one: it designates the Hebrew people in their relations with God, Moses, the priests, the princes, and it is rather a question of their character, of the teaching they are given, of the laws imposed on them, and not of any activity on their part. The passages where the term refers to the properly political notion of people are rare: a few sentences in chapter V, a few pages in chapter XVI – where it appears only at the very end of the paragraphs which concern the pact (§ 10 and 11) but not in the statement of it; and they show this people rather as object of the policy: it is necessary to ensure its salvation. It is used in the modern political sense only in the paragraphs of chapter XVIII concerning tyrannicide and usurpation. It appears only twice in chapter XX, where it is however question of the freedom of the citizens.

What is Spinoza's evolution from TTP to PT? Nothing is thrown away from what was acquired in the TTP, but new elements are added. From the point of view that interests us here, there are three: the situation of the United Provinces; the status of the multitude; the analysis of the causes of insurrections.

As far as the United Provinces are concerned, one may have the impression that at least one passage directly contradicts the TTP. As we have seen, the last paragraph of chapter XVIII of the TTP recognized the republican structure of this country, and considered the attempts of the Spanish and Leicester rulers as usurpations. In the PT, written after the seizure of power by William of Orange and the massacre of the DeWitt brothers, the judgment seems to change. Spinoza explained the upheaval that had taken place by the "ill-constituted regime of the State," because the citizens had believed "that it was sufficient, in order to gain their liberty, to depose the count and remove the head of the body of the State," so that their country had become "a county without a count, a body without a head" and so that "the subjects do not know in whose hands the power of the State lies".<sup>41</sup> In fact, he does not criticize their policy of independence from a foreign ruler – it is the Stadhouder that is now being discussed, whereas it was not mentioned in the TTP. The crisis of 1672 was internal, even if the French invasion contributed to its outbreak. Spinoza does not disavow his 1670 positions: he simply considers that the states of the United Provinces had not been able to restructure the set of institutions in such a way as to remove the place of the count. In sum, he criticizes not their struggle against usurpation, but the fact that they did not push it far enough by "cleaning up" the weaknesses of their constitution that made attempts at usurpation possible; one might add (thinking of what has been said of the English example) that if the usurpation by William of Orange was victorious, it was because it came not from a foreigner, but from the heir of a family that was already known for its role in the state and even in the struggle for independence: the people were therefore already "assueti" to his influence, which prepared them to accept his power. The Dutch thus aligned themselves in the same category as the early Romans and Venetians: a non-monarchical structure, which nevertheless established or retained a quasi-monarch of uncertain status. The effect is catastrophic for the Romans and negligible for the Venetians; the Dutch fall between these two extremes: the effect was negligible during most of Spinoza's life, and then, at a critical moment (the French invasion), the potential for imbalance suddenly revealed itself.<sup>42</sup> It should be noted that, in the

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41 Spinoza 2002, VII. He cites a second cause: the too small number of those who govern, which favors plots.

42 In fact, at the legal level, the Netherlands did not become a monarchy. It is only in 1806 that the republic becomes a kingdom, by an external intervention (Napoleon installs his brother on the throne) and in 1815 that William I of Orange becomes king of the Netherlands.

Spinozian conception of history, it happens that only the long term puts a cause into action or at least makes its effects visible.<sup>43</sup> The transformation from Spinoza's point of view is therefore, on this point, limited. But, it has the interest of showing that a defect in the structure is not necessarily definitive, since the regime could have been improved. The transformation from Spinoza's point of view is therefore, on this point, limited. However, it has the interest of showing that a defect in the structure is not necessarily definitive, since the regime could have been improved.

But there is another transformation, one that is much more important, to which Toni Negri was the first one to draw attention to.<sup>44</sup> While the analyses of the TTP focused on the population and the crowd, the first understood in a rather historical-descriptive or passive sense, the second envisaged as the place of passions, now a new term comes to the front.<sup>45</sup> In the first chapters of the PT, and especially chapter III, the elements that target the strength and dissolution of the State are now organized around the word: *multitude*. This time, it is about the whole of the citizens, as far as they are active. Hence the key expression, obviously absent from the TTP: *potentia multitudinis*. It comes into play as Spinoza explains that the City is all the more powerful and all the more in control of its own right that it is directed by Reason.<sup>46</sup> In the same way, when he explains that the best State is the one in which men spend their lives in harmony, he adds that by life we must understand "a human life, that which is defined not only by the circulation of the blood and by the other functions common to all animals, but essentially by Reason and by the virtue and true life of the spirit;" and it is again to the multitude that he refers, distinguishing between the free and the subjugated multitude: "But be it noted that in speaking of the state as being established to this end, I meant one established by a free people, not dominion over a people acquired by right of war. For a free people is led more by hope than by fear, while a subjugated people is led more by fear than by hope."<sup>47</sup> We thus find here the multitude associated to freedom and to political initiative

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43 This is also the case with the initial mistake of the second Mosaic constitution (the only one to have been applied): it took a long time for the place granted to the Levites to produce all its negative effects, among which first of all the establishment of a monarchy. The same could be said, *mutatis mutandis*, of what happens in Rome with the re-establishment of a monarchy by Augustus.

44 Cf. Negri 1991.

45 The word *multitude* appeared occasionally in the TTP, but it was not yet charged with the active and positive meaning that it acquires in the TP.

46 "Nam civitatis ius potentia multitudinis, quae una veluti mente ducitur, determinatur. At haec animorum unio concipi nulla ratione posset, nisi civitas id ipsum maxime intendat, quod sana ratio omnibus hominibus utile esse docet", Spinoza 2002, V.

47 "Sed notandum, imperium, quod in hunc finem institui dixi, a me intelligi id, quod multitudo libera instituit, non autem id, quod in multitudinem iure belli acquiritur. Libera enim multitudo maiori spe quam metu, subacta autem maiori metu quam spe ducitur", Ibid., V.

(we speak about it in the active: instituit). We also find, associated with it, hope, finally named, and named positively. Far from being symmetrical to fear, it has now an opposite meaning: whereas fear characterizes the dominated multitude, hope is the characteristic of the free multitude. It is a passion, certainly, but like indignation, it is now to be classified among the passions that contribute to the results of Reason. So there is indeed, in Spinoza, prefigured in hollow in the TTP, and openly assumed in the PT, a thought of the future and the outline of a philosophy of hope, of a hope which is not the simple opposite of fear.<sup>48</sup>

Finally, the third novelty is that from now on the question of whether and when disobedience or revolt is or is not justified is replaced and surpassed by another one, which was only sketched in the TTP: that of knowing what causes such disobedience or revolt and thus makes it necessary. Two kinds can be identified here: one related to the specific faults of the leaders; the other related to the fundamental necessities of the social order.

The first refers to the fact that those who assume sovereignty must be respected by other citizens, who need to think that those who lead them are worthy of their functions. A behaviour that justifies this respect is therefore necessary for the perpetuation of the state. That is why repeated, visible and significant deviations from this rule predict its downfall. Thus, in chapter IV, Spinoza, taking up a theme of the TTP,<sup>49</sup> develops it in a completely new way and asks whether the State can commit a sin: yes, when it commits acts that can be the cause of its ruin – and these acts are not determined only by its power, but also by that of human nature: “One will be able to understand it more clearly if one considers this: when one says that each one can do what he wants of a thing that comes under his right, this power must be defined, not only by the power of the agent, but also by the capacity of the patient.”<sup>50</sup> Now the patient’s capacity, here, is human nature, or more precisely some invariants that mark the limits of what is bearable by the multitude and of what cannot be transferred: freedom of judgment, but also reverence. Whereas the TTP mentioned only extreme violence against citizens as an action of the ruler exposing the State to the greatest dangers, here the list is much broader since it includes “everything that goes against the commandment of Reason” – that is to say, for example, the fact that “those who are masters of the State run the streets in a state of drunkenness, or naked with prostitutes, behave like histrionics, and

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48 On the affects of fear and hope and the emergence of a hope that is not the correlate of fear: cf. Moreau 2021.

49 He distinguishes between the right and the interest of the sovereign. He has the right to commit the worst actions, but it is not in his interest to do so, because they will lead to his downfall, Spinoza 2007, XX 3.

50 Spinoza 2002, IV 6.

openly violate or despise the laws of which they are themselves the authors”; this time violence against citizens is named only afterwards. The behaviors of the rulers that objectively explain the revolts thus imply a whole range of behaviors of a political, ideological and legal nature. Above all, it is they who appear to be responsible, and no longer the multitude that is rising up.

Beyond of these mistakes of the rulers, the first chapters of the TP insist on the naturalness of social life. The necessity to which the social order responds is twofold: to ensure security and to escape misery.<sup>51</sup> In the logic of the TTP, one would say that legislation responds to these two needs (insecurity was described in relation to the contract, and economic necessity in relation to the laws of Moses). But here the approach is different: it is the power of the multitude which determines the *jus imperii*, and this power, as we have seen, is only effective through the union of souls, and this union is itself only possible if the State has as its end what is useful to all (thus security and the escape from misery), that is to say if the multitude is free. If these conditions are not fulfilled, the multitude will turn against the State, which it no longer recognizes as its own: “In the third place, it must be noted that decrees capable of arousing indignation in the hearts of the greatest number of citizens are no longer within the rights of the State. For it is certain that men naturally tend to associate, as soon as they have a common fear or the desire to avenge a common damage; and since the right of the State has as its definition and measure the common power of the multitude, it follows that the power and the right of the State decrease the more the State itself provides a greater number of citizens with reasons to associate in a common grievance.”<sup>52</sup> Here are the reasons why the multitude rightly turns against the State: if security is no longer assured; if misery is no longer overcome, then it forms a new association that threatens the previous association, which it feels to be alien. We read as the other side of the lessons concerning the constitution of Moses: the best constitution is the one that ensures security and equality among citizens. It is therefore not only the punctual attempt to transform the order of the state that will make the ruler a usurper, it is also the questioning of these fundamental needs. It will provoke indignation in the face of poverty or insecurity. Whereas in the TTP, we were rather in the register of the faults of the rulers, here we are in the analysis of the causes which make the State necessarily subject

51 “Ad quod accedit, quod status civilis naturaliter instituitur ad metum communem adimendum et communes miserias propellendum”, *Ibid.*, III, 6.

52 “Tertio denique considerandum venit, ad civitatis ius ea minus pertinere, quae plurimi indignantur. Nam certum est, homines naturae ductu in unum conspirare, vel propter communem metum vel desiderio damnum aliquod commune ulciscendi; et quia ius civitatis communi multitudinis potentia definitur, certum est, potentiam civitatis et ius eatenus minui, quatenus ipsa causas praebet, ut plures in unum conspirent.” *Ibid.*, III 9.

to revolt. In this sense, contrary to what one sometimes reads, the TP, at least in its deepest layer of reflection, offers conservative arguments even less leverage than the TTP.

Thus, the question of disobedience to the sovereign, up to the extreme form of insurrection, is not limited to knowing whether it is legitimate or not. It is first of all a question of noticing that it exists and of finding its causes. If it is the combined effect of the errors and injustices of the former rulers and the force of resistance embodied in the affects of the free multitude that constituted the State, then this spontaneity of the multitude can no longer be exercised in the existing institutions, because the dysfunctional functioning of government prevents it. It is thus necessary that it expresses itself otherwise and this power of the multitude, although it affects passionate dimensions, corresponds to the requirements of the Reason. It would remain to ask if and how a citizen guided by the Reason can join it, in spite of the inevitable passionate aspects of this revolt.<sup>53</sup> One might also ask whether the analytical tools developed by Spinoza allow us to understand the revolutions of the modern age, which began in the eighteenth century and which he could not experience. But this is another problem.

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<sup>53</sup> Cf. A. Matheron 1994; Moreau 2021.

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