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LAW AND FREEDOM

I

According to Spinoza, everything human beings desire can be traced back to “understanding things through their first causes; gaining control over their passions, *or* acquiring the habit of virtue; and finally, living securely and healthy.”¹ The means that are useful in the search for philosophical-theoretical knowledge and the elaboration of an ethics are inherent in human nature; consequently, the achievement of these objectives depends on our strength and the laws of human nature. Philosophical and ethical strivings go beyond the here-and-now of political-historical constellations; they are common to the entire human race. This is not so with the “means which lead to living securely and preserving the body”; they are something external, political-historical in nature, partly contingent and varied, and therefore, though largely directed by causes beyond the reach of human beings, changeable.² Relatedly, in the next chapter (IV) of the *Tractatus theologico-politicus*, Spinoza also distinguishes two meanings of the word ‘law’. Absolutely, ‘law’ means that according to which every individual thing exists and acts/works in a fixed and determinate way. Law follows from the very nature of the thing and can be about what happens when bodies collide but equally about how our human thought functions. In this absolute sense, laws are something from which we

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¹ *Tractatus theologico-politicus* (henceforth *TTP*) III. For the works of Spinoza, English translations have been taken from Edwin CURLEY, *The Collected Works of Spinoza*, 2 vols. (henceforth *CWS*) (Princeton: PUP, 1985, 2016); here: *CWS* 2:113.

² *CWS* 2:113–14.

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cannot escape and in which human decisions play no role. They are natural laws and neutral: they refer to the intrinsic condition, the natural course of things; they are neither good nor bad. Secondly, the word ‘law’ can refer to a commandment or prohibition that people may or may not follow, a way of life that they impose on themselves or others for the sake of a particular purpose. That people “should yield, or be compelled to yield, the right they have from nature, and bind themselves to a fixed way of living” does depend on a human will/decision.³

The use of the word ‘law’ has shifted almost entirely to this second, political meaning and is linked to notions of justice, and of good and bad, to the extent that predicates such as good and bad are also attributed to the natural laws of nature. As we see more often in Spinoza’s writings, he dissects the language, makes distinctions and tries to gain insight into this complex and opaque domain. The law resulting from a human will/decision has a peculiar status in relation to natural determinacy and freedom. A complex relationship also poses itself between the political power and political freedom of human beings—that is, their freedom or unfreedom seen in opposition to each other. These relationships are explored by Spinoza not only in the *TTP* but also throughout his oeuvre and especially in his final work, the unfinished *Tractatus politicus*. Since people always and everywhere aim to live safely and with a healthy body, they have always and everywhere lived together in a political state, and so political society can also be called natural. Yet political law is not naturally given, for it comes about in an interplay of external factors, human insight and force, as well as human intervention that grafts itself on to the natural givens or else resists them. That is, political law is *ad arte*, man-made.

This reflection on human striving, natural and *ad arte*, and the two kinds of laws, forms the basis in chapter V of the *TTP* for introducing perspectives on the political domain and the thesis that religion has to do with obedience: in a monarchy and aristocracy it is necessary to have something above ordinary human nature or at least to persuade the common people that there is such a thing, but not so in a democracy where religion plays no role. Be that as it may, the second thesis is that “in each state the laws must be so instituted that men are checked not so much by fear as by the hope of some good they desire very much.”⁴ The third thesis does not explicitly elaborate on this motif of the affects of fear and hope, but deals instead with the rela-

³ *TTP* IV, CWS 2:126.

⁴ *TTP* V, CWS 2:144.

tionship between laws and freedom. In a democracy, people are free because the laws there take effect by general consent, and whether those laws are strengthened or weakened, people remain equally free: the people act not on the authority of another but by their own consent. All this frames the thesis slowly developed in the *TTP* that the political authority must guarantee freedom of philosophizing, and then also freedom of speech, for the sake of its own stability. To be stable and reliant, a government needs to be open to improvement. And this is so because of the ambiguity of human beings, or the natural neutrality.

Later on, in the *TP*, Spinoza will revisit the complex issue of law and freedom. Does something change between the two works or is there continuity?⁵ On the face of it, there is both continuity and change. In the *TP*, Spinoza resumes his reflection on the issue, this time independent from the intellectual debate as it had been conducted in the 1660s (i.e. in terms of the theological-political complex and the freedom to philosophize) and separate from the acute political problem (i.e. the pressures threatening freedom).⁶ In the 1670s, freedom was history and it was therefore appropriate to examine the political issue critically and fundamentally, to consider the different perspectives and to form a theory aimed at “effective truth”. Such a theory could finally provide the arguments for concrete political positions against the Calvinist ideas that ruled the roost in the United Provinces concerning what is necessary for political stability, namely a contract by popular vote in which the people cede their power to someone else. With the myth of Batavian origins, the example of Venetian mixed government, the image of good government and the idea of a free republic in the form of the right of resistance to tyranny, the United Provinces were an anomaly in Europe at the time. However, Spinoza was an anomaly within the anomaly and contradicted the Calvinist vision point by point.⁷ He already did so in the *TTP*, following the

⁵ In his *L'anomalia selvaggia. Saggio su potere e potenza in Baruch Spinoza* (Milan: Feltrinelli, 1981), Antonio Negri has underlined the importance of the concept of multitude in the *TP* and the corresponding conception of democracy as absolute government. According to him, these two ideas express a fundamental change between the *TTP* and the *TP* to the extent that he speaks about a first and second foundation.

⁶ For the expression “theological-political complex”, I am inspired by Thomas van Binsbergen who advances it in his PhD dissertation *Spinoza, Critique and Freedom. The Tractatus Theologico-Politicus and its Contemporary Readers* (Brussels: VUB, 2024 forthcoming).

⁷ Cf. Sonja LAVAERT, “Passive Tolerance versus Political Engagement. Antistius Constans, Koerbagh, Van den Enden, and Spinoza,” *Roczniki Filozoficzne* 70, no. 4 (2022): 302–4. See also Marilena CHAUI, “La plèbe et le vulgaire dans le *Tractatus politicus*,” in *Spinoza et la politique*, ed. Humberto Giannini, Pierre-François Moreau, and Patrice Vermeren (Paris: L’Harmattan, 1997), 95–118.

example of De la Court and even more so of Van den Enden, but as the *TTP* elicited vehement refutations, controversies and even a ban in 1674, he deemed it necessary to set forth his thoughts once again in the *TP*. Notable changes in the *TP* include the way the naturalistic premise is made explicit, the prominent place given to the human condition and the use of the concept of “multitude”.

In the *TTP*, the word *multitudo* appears only five times, on each occasion with a negative political sense to designate ordinary people of limited intelligence who fall prey to superstition and manipulation, and thus pose a threat to the civil state, just like the *vulgus*, which is mentioned several times, the plebs and the *populus*. In the *TP*, the terms *vulgus* and *populus* are rare, but *multitudo* appears dozens of times in the neutral mathematical sense of multiplicity and in the positive political sense of a multitude of common people, that is, the human condition. We find the word *multitudo* with this same meaning in Koerbagh’s dictionary of loanwords where it is translated as *meenigte* (multitude, crowd) and *veelheyd* (multiplicity).⁸ The term *menigte* in Dutch refers to a large, indeterminate number of common human beings (*meen-igte, gemeen*). Although it is a quantity, neutral in relation to qualities, the Dutch *menigte* excludes the idea of count; it is immeasurable and aims at totality. On the other hand, in the socio-political context, the *menigte* is reminiscent of ordinary people, plebeians, the great masses who form a parade, who demonstrate in the public space or revolt. A *menigte*/crowd is an internally differentiated and chaotic mass which, depending on the perspective, can be threatening. The translation of *veelheid* as ‘multiplicity’ or ‘many’ in English is an abstract, mathematical and neutral term without qualities, which represents an indefinite number of any individuals and is opposed to the unity of the one.

In what sense, then, does Spinoza use the term in the *TP* when he does not speak of the power of the people or the plebs, but of the power of the multitude? And why does he do so only at this point, when the main point of the *TTP* and the *TP* remains unchanged? From the outset, there is a naturalistic turn, the indifference of religion, moral neutrality, the identification of right and power, the denial of natural hierarchy and the political necessity of freedom. According to my hypothesis, this turn towards the plane of immanence goes hand in hand with a vision of politics as art and of virtue as power, which leads Spinoza to go beyond pure theory in search of the effec-

⁸ Adriaan KOERBAGH, *Een Bloemhof van allerley lieflijkheyd sonder verdriet* (Amsterdam, 1668), 454.

tive truth of things. In the *TP* he takes up the questions of natural and civil law (previously developed in the *TTP*) and of freedom and human condition (dealt with in the *Ethics*), in their internal logic and confronted with experience. His search for effective truth is inscribed and positioned in relation to concrete life and social events. It is a question of forming a subject (political, ethical, of knowledge) and obtaining an effect, which requires the inextricability of method and objective, of content and form, and of the sources with which the research is confronted and the resulting knowledge, bringing them dialectically onto the same plane. This is what Spinoza himself theorizes and puts into practice. I will take an example from Spinoza, and in what follows I will focus on the kaleidoscopic, vibrant, moving composition of aspects that are more than the sum of their parts (aspects that are in turn a composition of aspects). In doing so, I will consider the example of Machiavelli who, throughout the *TP*, is given an exemplary role and forms the main thread running through the discussion. I then look at De la Court's notion of a free republic building on Machiavelli and at the revolutionary ideas of Van den Enden which aimed to improve on his predecessor. Finally, I analyse the different aspects linked to the concept of multitude as it has been used in the *TP* and relate this to the sources mentioned.

II

Machiavelli showed in detail the means a prince must use to stabilize and preserve his power. Spinoza observes in the *TP* that it may not be clear why he did this, though he himself ventures a guess. If Machiavelli had a good end in mind when he made this description, as we might expect from a wise man like him, it was to show how unwise people act when they try to get rid of a tyrant without removing the causes of tyranny, for the only effect of their actions is to exacerbate oppression.⁹ Spinoza believes that Machiavelli's

⁹ In this article, I follow the thesis that Spinoza's *TP* seeks to refute the political theses that were hegemonic in the Calvinist United Provinces at the time, and this means the rejection of the conservative monarchomachist idea of the right of resistance against a tyrant in favor of monarchy. Spinoza denies that resistance to the tyrant derives from the illegitimacy of tyranny. According to him, the right to overthrow tyranny coincides with the power to do so, the *jus sive potentia*. He also denies that the institution of the political body arises from a contract between people and ruler since every contract is an effect and not a cause of the political body. Precisely, these ideas are much more clearly expressed in the *TP* than they are in the *TTP* (where one can still have doubts about Spinoza's ideas on the contract). Spinoza's library included the major text in which these monarchomachist ideas were presented, namely the *Vindiciae contra tyrannos*; see below.

intention was “to show how a free multitude should beware of entrusting its well-being absolutely to one person”.¹⁰ Unless he is “so vain that he thinks he can please everyone,” a lone ruler will always fear for his power and, to protect himself, will attack the multitude instead of looking after their welfare.¹¹ This theory runs counter to the current Machiavellian reading of Machiavelli as a cynical advocate of tyranny, the source of the cruelty and deceit he describes. Compared to the tone of the anti-texts that propose such readings, Spinoza’s judgement is cautious and complex, but the scope of his assertion is undoubtedly subversive and breaks with traditional, Christian and jusnaturalist interpretations. Moreover, he was not alone in advocating this vision, but part of a movement of like-minded thinkers whom he influenced and who, in turn, influenced him. His direct environment in the United Provinces saw the emergence of various naturalist and materialist theories, accompanied by critiques of political theology and the conviction that these critiques were relevant to the free republic. Freed from traditional notions and internal barriers, attention shifted to the human condition. It was in this philosophical turn towards the historical context and the human condition that the idea took shape that there is no freedom without equality, and no equality without freedom.

My thesis is that this naturalistic turn had in fact already occurred with Machiavelli. Immediately after his writings were published, Machiavelli’s political opponents set out to create an image of him as a defender of oppression, violence and deception. However, a reading of *Il Principe*, *Discorsi* and *Istorie fiorentine* shows that this constructed view is in need of revision. In all these writings, Machiavelli addresses the question of establishing and maintaining political power, and his message is clear: a political regime is only viable if it relies on the power of the multitude. Religion is a political art, but it has often been corrupted to serve the power of an elite, resulting in a pernicious situation that plunges the mass of people into misery. It is this message that is taken up by Spinoza and other advocates of a free republic, such as De la Court and Van den Enden. In their texts, an image of Machiavelli emerges that runs counter to prevailing opinions and can serve as a model for a political theory of freedom, equality and social justice, imposing a critique of knowledge and religion. It is a transition to the immanent plane that is accompanied by a religious indifference and moral neutrality that can be seen in the ambiguity between good and evil and the oscillation between the

¹⁰ *TP* V, § 7, *CWS* 2:531.

¹¹ *Ibid.*

hope and fear that determine the rhythm of human historical and political existence. The emphasis is on the perspectives and conflict in power relations, on the affects and humours of rulers and ruled. It is the oscillation between fear and hope that gives rise to religion and governs political life. However, the analogy is not conclusive: the relationships are complex and moving, the results temporary, provisional and always perfectible. Moreover, it is the perspective of the free multitude, i.e. the multitude guided by hope rather than fear, that prevails. Machiavelli's political criticism is underpinned by a naturalistic determinism in which a specific vision of time and history is central. It is a non-fatalist determinism which, as a counterpoint, serves as the basis for a philosophy focused on future effects. To grasp the significance of his ideas, we need to look at the "effects" of his work. This leads us to the radical reversal brought about by Spinoza and the democratic supporters of his circle.

If we focus on the cross-section of this reversal, another connection emerges. The central role of the human condition, religious indifference and moral neutrality, the boldly naturalistic approach, and the passions rather than reason as the basis of a political theory can perhaps be traced back to Lucretius's *De rerum natura*. Machiavelli knew this text well, thanks to the books in his father's library, the lessons of his teacher and later colleague in the Chancellery, Marcello Adriani, and the transcription he made of this work.¹² Lucretius and Machiavelli, and later Van den Enden and Spinoza, share a particular vision of natural determinism, which, seen as a whole and in relation to human life, is subject to contingency and chance. This amounts to saying that "nothing is ever created out of nothing" and, conversely, that everything is caused, everything that happens has consequences.¹³ However, because there is by nature an intangible and immaterial space, everything can move, resist and oppose, something can begin but also change; things wear out, decompose, decay. Time in itself does not exist, but it is from events and things themselves that our senses comprehend what has been accomplished in the past, what is present and what will follow afterwards.¹⁴ Lucretius dwells on this constant change of things within a universe that nevertheless

¹² See Sergio BERTELLI, "Noterelle machiavelliane: un codice di Lucrezio e Terenzio," *Rivista storica italiana* 73 (1961), 544–53; BERTELLI, "Ancora su Machiavelli e Lucrezio," *Rivista storica italiana* 76 (1964), 774–79; Alisson BROWN, *The Return of Lucretius to Renaissance Florence* (Cambridge, MA: Harvard University Press, 2010); Carlo GINZBURG, *Nondimanco. Machiavelli, Pascal* (Milan: Adelphi, 2018); Alessio PANICHI, "At the Root of an Ongoing Debate: Machiavelli, Lucretius, and the Rossiano," *Culture del testo e del document* 19, no. 56 (2018), 5–32.

¹³ LUCRETIUS, *De rerum natura* I, 155.

¹⁴ LUCRETIUS, *De rerum natura* I, 458–60.

remains intact, leading him to the idea that everything is constantly renewing itself and that human beings live by constantly borrowing from each other. Desperate for certainty, they begin to imagine that the Gods have established all this for the good of human beings, but they err. What is more, even if movement never stops, a new movement does not always regularly follow an older one. The deviation of atoms breaks the indefinite succession of causes and makes new movement possible, just as the will makes movement possible “not at predetermined times and places, but as our minds propose.”¹⁵ In his transcription of Lucretius’s text, Machiavelli placed a note in the margin here: “movement is in variation, and from there comes our free mind”.¹⁶ Although we are driven by external forces and swept along against our will, “still there is something in our heart able to struggle against that motion, resist it.”¹⁷ Here too Machiavelli inserted a note in the margin. In his reflections on the relationship between *fortuna* and *virtù*, we recognize this Lucretian vision of time and history and “free will” understood as the mental freedom to fight and resist.

With regard to the books in Machiavelli’s father’s library, we should mention Bartolomeo Scala’s *De legibus et iudiciis*, in which his father Bernardo Machiavelli appears as a dialogue partner who refers to Lucretius’s *De rerum natura*, highlighting the use of religion in order to impose obedience, explaining the etymology of the word *religio* and expressing the desire to free ourselves from the shackles of religion.¹⁸ It is also worth mentioning Donato Acciaiuoli’s commentary on Aristotle’s *Ethica Nicomachea*, which examines the two principles associated with contingency: prudence and *virtù*.¹⁹ Acciaiuoli understands the term *virtù* “in the sense of the ‘strength’ and ‘natural power’ [*potentia*] of each art; it would be opportune to call it ‘capacity’ since it can be used indifferently in the two divergent senses. Medicine, for example, is called *potentia* because it is capable [*potens*] of both restoring health and harming it.”²⁰ “The principle of action, or prudence, differs from the principle of making/doing, or art.”²¹

The reading of Lucretius’s text, Scala’s writings and Acciaiuoli’s commentary led Machiavelli to the idea that the art of politics lies in dealing

¹⁵ LUCRETIUS, *De rerum natura* II, 253–61.

¹⁶ Niccolò MACHIAVELLI, Vat. Ross. 884 f., 25r. See also BERTELLI, “Noterelle machiavelliane” and “Ancora su Machiavelli e Lucrezio”; also BROWN, *The Return of Lucretius*, 113–22.

¹⁷ LUCRETIUS, *De rerum natura* II, 280–81.

¹⁸ BROWN, *The Return of Lucretius*, 16–41.

¹⁹ GINZBURG, *Nondimanco*, 57–58.

²⁰ Quoted in GINZBURG, *Nondimanco*, 57–58 (translation mine).

²¹ GINZBURG, 57–58 (translation mine).

with human ambiguity. All men seek to preserve themselves and they are all ambiguous, neither good nor bad, both good and bad at the same time.²² Like other animals, human beings are part of nature, and in nature there is neither good nor evil. This neutral view of human beings is accompanied by an orientation towards effective truth and the idea of natural history understood as a rhythmic interplay full of tension, which Machiavelli attempts to capture with the concepts of *fortuna* and *virtù*.²³ *Virtù/potentia* is the capacity to respond and resist chance/nature at the right moment. By shifting politics from the sphere of action to that of doing/making, *virtù* understood as *potentia* and the power of the multitude becomes central. This shift goes hand in hand with a vision of politics as struggle and force of resistance seen from the perspective of the multitude; this is illustrated in the description of the *Ciampi* revolt literally told from the point of view of the workers in the wool industry, the revolutionary subject.²⁴ This shift is accompanied by Machiavelli's ideas of a free republic. Several times he underlines the superiority of the republic over a monarchy, as for instance in *Discorsi* III, 9: "What assures republics a longer life and a more constant fortune than monarchies is that they are able, through the variety of genius of their citizens, to adapt much more easily than monarchies to the variations of time."²⁵ Any discussion of *fortuna* and *virtù* returns to the idea of politics as art and the question of what is the best state of a body politic. This is also the question that preoccupies Spinoza in the *TP*, as we shall see below. However, we will first turn to consider the striking analogies with the work of the De la Court brothers and the pamphlets of Franciscus van den Enden.

III

In the inventory of Spinoza's library, we find Machiavelli's *Tutte le opere* in a B-Testina edition (i.e. with the year 1550 on the cover, though actually published between 1610 and 1629) as well as the title *Princeps* which brings together a number of anti-texts alongside the Latin translation of Machiavelli's

²² For the texts of Machiavelli, we quote from *Opere* 1 and 3 (Turin: Einaudi, 1997, 2005); here: *Il Principe* XVII, *Opere* 1:162–64. Translations have been taken from Machiavelli, *The Chief Works and Others*, trans. Allan Gilbert, 3 vols. (Durham, NC: Duke University Press, 1965).

²³ MACHIAVELLI, *Il Principe* XXV, *Opere* 1:186–89.

²⁴ MACHIAVELLI, *Istorie fiorentine* III, 13, *Opere* 3:443–46.

²⁵ MACHIAVELLI, *Discorsi* III, 9, *Opere* 1:448–50.

Principe.²⁶ From Hobbes, the inventory includes the *Elementa Philosophica de Cive* of 1647, which Spinoza largely follows, although he also displaces and converts it to a republican use culminating in a radical reversal of the Hobbesian theory of sovereignty. Finally, from the De la Court brothers, the inventory lists the *Politieke discoursen* of 1662 as well as the second edition of the *Consideratien van Staat ofte Polityke Weegschaal* of 1661, in which Machiavelli is associated with Hobbes's naturalism, which is thus translated for republican purposes.²⁷ Spinoza follows the *Consideratien van Staat* in structure and content, but raises them to a level of philosophical-theoretical abstraction, thus altering their scope and power.

As he points out in the preface to his *Considerations on the State*, De la Court prefers freedom to monarchy, and in this work wants to assemble as many arguments as possible in favour of the republic and against monarchy.²⁸ He follows Machiavelli's example in terms of content (the philosophical and political emphasis is on complexity, multitude, ambiguity and change, requiring a reflection on perspectives and relationships), in terms of form (current and historical examples are presented in a narrative style) and the use of popular language, in this case Dutch, with which he addresses a wide readership. The basic premise is that a single ruler or a ruling elite can only govern well when it benefits the population as a whole, and that freedom of expression must be guaranteed in a free republic. The first part deals with politics in general and the formation or principle of a political state, reviewing various concrete autocratic powers. The second part deals with freedom, and the third part with popular government. The first book of the second part

²⁶ *Tutte le opere di Nicolo Machiavelli &c.* (1550 [1610-1629]); *Nicolai Machiavelli Florentini Princeps ex Sylvestri Telii &c* (Frankfurt: Lazarus Zetzner, 1608). Apart from the *Princeps* itself, the latter volume includes also the *Vindiciae contra tyrannos* (1579) and Antonio Possevino's *Iudicium de Nicolai Machiavelli &c.* (1592). For Spinoza's library, see *Catalogus van de Bibliotheek der Vereniging Het Spinozahuis te Rijnsburg* (Leiden: Brill, 1965).

²⁷ Johan DE LA COURT and Pieter DE LA COURT, *Consideratien van Staat ofte Polityke Weegschaal beschreven door VH* (1661). We refer to this second edition because it was present in Spinoza's library; the first edition is from 1660. See LAVAERT, *Democratic Thought from Machiavelli to Spinoza*, trans. Albert Gootjes (Edinburgh: EUP, 2024), 78–106. On the brothers De la Court, see also Arthur WESTSTEIJN, *Commercial Republicanism in the Dutch Golden Age. The Political Thought of Johan & Pieter de la Court* (Leiden: Brill, 2012); Stefano VISENTIN, *La libertà necessaria. Teoria e pratica della democrazia in Spinoza* (Pisa: ETS, 2001), 283–327; VISENTIN, "Between Machiavelli and Hobbes: The Republican Ideology of Johan and Pieter De la Court" in *The Dutch Legacy: Radical Thinkers of the 17th Century and the Enlightenment*, ed. Sonja Lavaert and Winfried Schröder (Leiden: Brill, 2017), 227–48. All translations from De la Court are my own, as in LAVAERT, *Democratic Thought*, 78–106.

²⁸ DE LA COURT, *Consideratien van Staat*, [2r-5v]; 2.

deals with freedom and republics in general, then with the aristocratic form of government, first in general and then in particular. The third part deals with popular government according to the same principles, looking for historical examples (he finds none that are true, only some that come close), describing its advantages and disadvantages and asking which among monarchy, aristocracy and popular government is the better form of government.

The disadvantages of a monarchy are obvious: the subjects are unfree slaves who do not seek to pursue their own interests, but only the interests of those who command them. In a free state, on the other hand, people do not govern each other, but are elected to sit in an assembly where they vote and decisions are taken by majority vote, where the inhabitants do not live according to the will of another human being, but according to the will of the law to which all are subject. The main argument against aristocracy is that it is a government of the few, *Dominatio Paucorum*, which means that there is an imbalance between the subjects and the rulers and that the latter must always fear for their preservation; if the economy declines and the well-being of the subjects decreases, the government of an elite will not be able to maintain itself for long.²⁹

The main argument in favour of democracy lies in the way it is formed: as a remedy against the dangers and disadvantages of human wickedness, and against the violence and oppression of a monarchy and aristocracy created by violence and deceit. The advantages are clear: popular government “is not based on violence, but is natural, rational, and in and of itself equitable”.³⁰ It aims for the common good, whereas in the other two forms of government, the common good is merely a cover for the hidden agenda of a single individual or an elite. Moreover, it is only in popular government that all the knowledge, passions and skills of all the people can be harnessed. But there are also defects: in a democracy, more than in the other two forms, there is a great deal of ignorance, but this lack is not due to ignorant men who, after all, all come into the world ignorant—the causes of “ignorance and deceit must be located outside the will of the person who remains ignorant or was deceived”, that is, with the government which is responsible for it.³¹ So you cannot banish ignorance and deception in a democracy, and that is a very big disadvantage indeed, but the evils of a monarchy are even worse, and in an

²⁹ DE LA COURT, *Consideratien van Staat*, 290.

³⁰ DE LA COURT, 442.

³¹ DE LA COURT, 448–49.

aristocracy you have to wonder whether the elite are not always governing for their own benefit at the expense of the people.

The table of contents, the double movement of the considerations of De la Court, the descriptions of the dominant, often unreasonable passions, the non-normativity and general secular tone, the allocation of responsibilities to this or that side of the political spectrum, the advantages and disadvantages of this and that, the ultimately necessary preference for the free republic and the arguments for and against on the many complex levels—all these things can be found in the *TP*. After completing his *Ethics* in 1675, Spinoza returned to the political theme, now armed with a better understanding of the many aspects and complex nature of human individuals. In the second half of 1676, he wrote to a friend that he had been working on the *Political Treatise* for some time and had already completed six chapters.³² In these chapters he discussed natural law, the law of supreme power, the political questions that depend on supreme power, the highest to which a state can aspire and how a monarchy must be organized if it is not to fall into tyranny. At that time, he was working on the seventh chapter, in which he intended to give proof for what he had posited in the sixth. He intended to go on to discuss the aristocratic and democratic forms of government, but in the end he never completed the treatise. Spinoza died in February 1677, probably continuing his work on the *TP* until his final days. By that time, he had finished the aristocratic regime and had just started on the introductory paragraphs of chapter XI, from which he would deal with democracy. What the entire treatise aimed at, the complex theme it attempts to set out critically and neutrally, affirming and retreating, ginning up and auctioning off, building up and tearing down, therefore ends in suspense.

IV

Politics had never been a theme for Van den Enden until, in 1661, he was asked to write a petition to the House of Colonies on behalf of certain people who wanted to leave for the New Netherlands. What started out as a small assignment gradually developed into a book, which he published in 1662 under the title *Kort verhael van Nieuw-Nederlants Gelegenheit*.³³ The aim of

³² SPINOZA, *Letter 84*, *CWS* 2:488.

³³ FRANCISCUS VAN DEN ENDEN, *Kort verhael van Nieuw-Nederlants Gelegenheit* (1662). See LAVAERT, *Democratic Thought*, 107–37. All translations from Van den Enden are my own, as in LAVAERT, *Democratic Thought*.

the petition was to establish a colony in North America, in a region now known as Delaware. In the *Kort verhael*, Van den Enden brings together the letters he submitted to the House of Colonies, a description of the country of the New Netherlands, the Indians living there with their customs and political organization, the agricultural possibilities with a critique of slavery and a commentary on the constitutional articles formulated in one of the letters. His motivation is clearly stated: the best government of a country is found in an assembly composed of all its inhabitants who have sufficient power and knowledge to look after their own well-being. For him, “this is the real and proper definition of a *truly popular government*.”³⁴

Van den Enden describes the Indian *Naturellens* who consider all men to be equal and grant the same rights to all, natives and immigrants alike. Religion plays no part in their public life; in fact, they do not even have a real religion. Indians do not try to overcome the human condition and human weaknesses, and their society is not based on a normative system with established principles of right and wrong, but on natural power and law. This naturalism corresponds to the principle of equality from which the need for equal rights derives. This does not mean, however, that differences should be denied. On the contrary, a society that follows the Indian example adopts laws that guarantee “the individual, natural, equal freedom of every person” without distinction.³⁵ In so doing, “every person’s own passion” cannot be denied or destroyed.³⁶ Education, which is the foundation of society, must be kept away from aspects of faith. Consequently, preachers must be barred from entering the colony, as they are “a ruinous pest” to the peace and concord necessary for the establishment and maintenance of a just society.³⁷ They are a danger because, whatever sect they belong to, they aim to transform all diverging opinions and beliefs into a single creed, whereas the objective, according to Van den Enden, is to establish “a society of different people with conflicting opinions”.³⁸ The threats to equality and freedom do not come from differences and conflicting feelings, but rather the opposite: anyone who wants to rationalize different ideas and feelings into a single opinion represents a danger to peace.

Reason and wisdom revolve around a constant concern to improve society, and thus around the assumption that any political state is by definition

³⁴ LAVAERT, v.

³⁵ LAVAERT, 30.

³⁶ LAVAERT, 32.

³⁷ LAVAERT, 28.

³⁸ LAVAERT, 28.

perfectible. To prevent a weak government from ruining the Dutch people, it was necessary to develop a political theory, which Van den Enden did in *Vrije politieke stellingen en Consideratien van Staat* (1665).³⁹ In this work, he addressed freedom-loving citizens and announced a theory of freedom, necessary to promote the well-being of all. To achieve this, we must first understand what the common good consists of and examine human nature. By nature, all men and women “are born free, and not under any obligation whatsoever except their own interest”.⁴⁰ This is why human beings, like other shy animals, prefer to keep to themselves and avoid contact with others. But because they are alone, weak and unable to satisfy their basic needs, they are forced to seek help from others. Thus, people are by nature “necessarily driven to mutual sociability and cohabitation with their fellows, first out of necessity and for their own welfare, and thereafter also out of enjoyment of greater passion and pleasure”.⁴¹ People are naturally inclined to sociability, but in an ambiguous way: neither clearly friendly nor clearly hostile. Evil passions come from people living under a violent government, deceived by or prey to superstition by an education that has kept them in ignorance. They originate exclusively in an “evil government of the republic”, just as the opposite is also the case: all the good that men achieve depends on the “government of the republic”.⁴² By nature, people are not enemies of each other, but neither are they always each other’s friends. The oscillation between good and evil resulting from natural neutrality is then translated politically. “Deceivers and deceived, coercers and coerced” are both positions to be avoided by those who love freedom.⁴³ For deception and coercion are not only bad for the oppressed, they are bad also for the oppressor. Human beings are likewise ambiguous when it comes to their existence as bodies and their inner life of thoughts and feelings, which implies two types of well-being, one material and the other immaterial. Van den Enden concludes that people suffer most when their inner life is in a bad state, when they are not free in their mind and are victims of deception.

It is necessary to establish a political order based on the principle of “equal freedom” in which “such equality in order, law, and assistance [is devised] through reason and experience between wiser and less wise people, between

³⁹ VAN DEN ENDEN, *Vrije politieke stellingen en Consideratien van Staat* (1665). In 1992, Wim Klever published a modern edition of this treatise from which I will quote henceforth.

⁴⁰ VAN DEN ENDEN, *Vrije politieke stellingen*, 138.

⁴¹ VAN DEN ENDEN, 139.

⁴² VAN DEN ENDEN, 140–41.

⁴³ VAN DEN ENDEN, 141.

the more prosperous and less prosperous, between men and women, between adults and children, between masters and servants, or between rulers and ruled” so that everyone is not only not weakened or disadvantaged, but also strengthened.⁴⁴ The greatest danger to a free republic founded on the principle of equal freedom lies in deception and the spreading of lies and prejudice. These practices are the work of a false religion that prevents independent thought by paralyzing it with fear or blinding it with myths. They are the result of so-called erudition, which juggles with titles and authority, demands blind imitation and replaces knowledge with imitation and docility. Finally, they are found in the dissemination of knowledge in book languages that are not understood by the general public and, at best, render knowledge ineffective. These procedures of feint, vanity and deception interact and reinforce each other to become power dispositives. By contrast, autonomous science and art, vernacular translations and education in science, art and language are ways of avoiding the deception, superstition and sham that threaten a free republic.

V

In the *TP*, Spinoza begins by laying the foundations of a political theory in which, at the very beginning, he implicitly refers to Machiavelli by proposing “effective truth” as critical and realistic knowledge that is not trapped in illusion and unmasks all deception.⁴⁵ In the last paragraph of the fifth and final chapter of this theoretical foundation, he explicitly quotes Machiavelli, and now “effective truth” is understood as aiming at an effect and a change in the future. This corresponds to a conception of truth that takes account of its effects. The theoretical basis consists of a redefinition of the essential concepts, arguments and remarks which together lead to a reversal, in relation to tradition, to Grotius and to Hobbes. The starting point is scepticism about theory, which leads Spinoza to form a political theory himself. Philosophers have been unable to say anything significant about politics because they regard “human affects like love, hate, anger, envy, love of esteem, compassion, and the other emotions” as vices into which men fall through their own fault.⁴⁶ However, affects are not vices, but properties that belong to the

⁴⁴ VAN DEN ENDEN, 146.

⁴⁵ For this reading of Spinoza’s *TP*, I once again refer to LAVAERT, *Democratic Thought*, 217–45.

⁴⁶ *TP* I, § 4, *CWS* 2:505.

human condition “in the same way heat, cold, storms, thunder ... pertain to the nature of the air.”⁴⁷ Moreover, everything has already been tested in political practice. Since affects are properties that change and fluctuate just as good weather and bad weather alternate, it is illusory to think that human beings could live exclusively according to the rules of reason. And since human beings, whenever and wherever they are in the world, form a civil state, we must deduce its foundations not from reason but from the human condition.

We also read all this in De la Court’s *Consideratien*, particularly in the foreword, in the introduction and repeated at the beginning of each of the three parts.

On the basis of the change to which people are subjected, it is necessary for them to constantly try to improve, according to Van den Enden. If they do not, they will perish. This motif, similar to that of Spinoza and Machiavelli, is based on a reversal of perspectives and on the assumption that political authority must be founded on the human condition. The Lucretian determinism that all three of them assume does not give rise to apathetic fatalism, but forms the basis of a political theory aimed at changes and improvements in practice.

Spinoza applies the structure of dialectical reasoning, which proceeds by oppositions and goes hand in hand with a deliberate and precise use of words. For example, as long as he is talking about the natural state in which there is no hierarchy, no good or evil, and in which law coincides with the power of the multitude, up to chapter II, paragraph 5, he is talking about *potentia*.⁴⁸ When, in paragraph 6, he moves on to conceptions he does not share (i.e. the idea of a natural hierarchy), and to the discussion of what it means to be under someone’s power, he speaks of *potestas*.⁴⁹ *Potentia*/natural power belongs to the multitude; it is natural and inherent, neutral with regard to good and evil, underlying, and it is conceived in the neutral manner of a climate observer. *Potestas*/political power, on the other hand, although also natural, is not of nature, but deliberately constructed and deliberately intervenes, it is *ad arte*. The faculty of judgment that belongs to the human condition is not locked up in political power. In fact, it is only when we are deceived by someone else that our faculty of judgment is subject to someone else’s right, and we are no longer free. On the contrary, we are free even though we are in a political state, insofar as we do not allow ourselves to be misled and

⁴⁷ Ibid.

⁴⁸ *TP* II, § 5, *CWS* 2:508–9.

⁴⁹ Ibid., *CWS* 2:509–10.

deceived but are guided by reason. Spinoza inserts a decisive argument that links the subject that forms itself, active and constitutive, to multiplicity and indefinite number: “If two men make an agreement with one another and join forces, they can do more together, and hence, together have more right over nature, than either does alone. The more connections they’ve formed in this way, the more right they’ll all have together.”⁵⁰ And after this and other displacements, he inserts new definitions: “This right, which is defined by the power of the multitude [*potentia multitudinis*], is usually called *Sovereignty* [*imperium*]. Whoever, by common agreement, has responsibility for public affairs—that is, the rights of making, interpreting, and repealing laws, fortifying cities, and making decisions about war and peace, etc.”, has this right absolutely.⁵¹ Spinoza uses the classical triple division, and his definitions seem to be a copy of Hobbes. However, certain differences are immediately apparent in the neutral and mathematical choice of words and in what it does *not* say, namely that the multitude must resolve itself into the one of the people/sovereign at the transition to the political state. Moreover, Spinoza does not speak of the transition from the natural condition to the political state: in reality, such a transition does not exist, since human beings have always lived in a civil state.

Here we clearly recognize Machiavelli’s turn towards the idea of politics as a work of art, with the accompanying vision of *virtù* as *potentia* based on a Lucretian anthropology and a Renaissance reading of Aristotle. Machiavelli’s realism in the face of human ambiguity is legendary, and his neutral use of words striking. He does not use the threefold division because a government of an elite, which he calls “government of few” [*governo di pochi*], is by definition a degenerate form and is so problematic that he prefers not to talk about it.⁵²

Van den Enden, for his part, constantly emphasizes the natural condition and ambiguity of human beings, as well as the differences and variations from which he derives the possibility of change and the need for improvement. The conception of the state of nature as a neutral state in which no norms or values are inscribed and where things can go in different directions marks a radical break with the Christian tradition and classical jusnaturalist thought. People are ambiguous, oscillating between the timid and the social, between the good and the bad. Here again, we recognize Lucretius. When

⁵⁰ *TP* II, § 13, *CWS* 2:513.

⁵¹ *TP* II, § 17, *CWS* 2:514.

⁵² MACHIAVELLI, *Discorsi* I, 2, *Opere* 1:205; *Discorsi* I, 6, *Opere* 1:214.

Van den Enden translated this anthropological vision politically, he arrived at the same basic axiom as Spinoza—all human beings are equal, nature is one and common to all—and this meant the same break with the Calvinist vision that made him politically unacceptable in the Dutch Republic.⁵³

Nor do we find any contract theory in De la Court, who assumes that people have always lived together in civil contexts, and, for him too, the natural state always remains in place. In general, we see a movement of thought similar to Spinoza's *TP*, but a major difference is the abundant use of imaginary figures, fables, sayings and examples that De la Court cites from Machiavelli and classical authors (such as Tacitus and Cicero).

The dialectical structure of the reasoning in the *TP* is recurrent: several times a 'but' leads to a turn of phrase that reverses the structure of the whole. After such a change, Spinoza lists the definitions, as indeed in chapter III, paragraph 2, where he calls the state of each imperium "civil state", the body of the *imperium civitas*.⁵⁴ People are called "citizens" insofar as they enjoy civil rights, and "subjects" insofar as they are bound by institutions.⁵⁵ The right of the *imperium* is the right of nature, determined not by the power of each person individually, but by the power (*potentia*) of a multitude led as if by one mind (*multitudo, quae una veluti mente ducitur*).⁵⁶ If the *civitas* grants the right, and therefore the power, to someone to live according to his own view, by this act it has surrendered the power that has been transferred to that person. If it does so to two or more people, it divides the body politic and everything returns to its natural state. Consequently, it is incomprehensible that the institutions of *civitas* should allow every citizen to live according to his own view. The natural right according to which everyone is his own judge necessarily disappears in the civil state. Spinoza says exactly the same thing as Hobbes. But then comes the following strange sentence: "I say explicitly according to the established institutions of the *civitas*", because "if we consider the matter properly" each person's right of nature does not cease in the civil order.⁵⁷ After all, in the natural state as in the civil state, people act according to their safeguard; they are guided by the laws of nature to do this or that on the basis of hope or fear. The difference

⁵³ This might have been the reason why Van den Enden emigrated to France around 1670. His political engagement for the free republic and against the Calvinist hegemony was even clearer than it was for Spinoza's *TTP* and later also his *TP*.

⁵⁴ *TP* III, § 2, *CWS* 2:517. Translation adapted.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*, *CWS* 2:518.

between the two states is that, in the civil state, everyone fears or enjoys the same thing, which takes nothing away anyone's ability to judge. Now Spinoza says the opposite of Hobbes, and his assertion is based on three arguments that overturn the Hobbesian thesis. First, the right of the body politic is determined by the power of the multitude which is led as if by one mind. However, such a union of minds is only conceivable if the body politic pursues what common sense recognizes as useful to all human beings (*omnibus hominibus*).⁵⁸ Second, the faculty of judgment does not fall within the competence of the political authority, because no one can surrender it.⁵⁹ And third, because the right of the *civitas* is determined by the common power of the multitude, the more people band together or conspire against it, the less power it has and therefore the less right.⁶⁰ This means that the more the *civitas* has reason to fear the multitude, the less it is subject to its own right. Fear is on the side of political authority, which rests on the power of the multitude.

Spinoza shows what this means in practice, and in the following chapters (chapters IV and V) he examines the duties and the best state of a body politic. The questions relating to duties lead to the understanding that the state of war is the consequence of abusive power that does violence to the equality and freedom of the multitude. The question of the best state of a political order leads him to understand that where the law is not respected, and where civil war and external war reign, it is not because of the malignity of the subjects, but because of a bad political structure. And it works the other way round too: the virtue of the subjects and the consistent application of the laws must be attributed to the virtue of the body politic. This is a paraphrase of what Machiavelli says in *Discorsi* III, 29.⁶¹ By way of illustration, Spinoza mentions the exceptional *virtù* of Hannibal, whose army never experienced an uprising—a striking example for which he also relies on Machiavelli who, in *Il Principe* XVII, praises Hannibal's *virtù* on the basis that “in his army, although composed of soldiers of different nationalities, no conflict ever broke out.”⁶²

The idea that political authorities and institutions rather than the subjects are responsible for chaos, anarchy and uprisings is explicitly present in De la Court's *Consideratien*, as is the political balance on which arguments are

⁵⁸ TP III, § 7, CWS 2:520.

⁵⁹ TP III, § 8, CWS 2:520–21.

⁶⁰ TP III, § 9, CWS 2:521.

⁶¹ MACHIAVELLI, *Discorsi* III, 29, *Opere* 1:489–90.

⁶² MACHIAVELLI, *Il Principe* XVII, *Opere* 1:162–64.

weighed according to the different perspectives (of the political authority and of the subjects) and which even gave the work its subtitle.

When a state is badly governed, the result is chaos and fear that finally turn into the desperate courage of those who “do not dare to speak with their mouth, [but] use their fists”.⁶³ It is when people cannot speak freely that they reach for arms to end the chaos which, according to Van den Enden, is always the result of bad government and abuse of power. Armed uprisings and civil war are not the result of freedom of speech, it is the other way around. Freedom of speech prevents degeneration into chaos and violence.

Machiavelli is trying to understand how, in political life, totally contradictory approaches can both be effective and how *virtù* can be neutral with regard to what is usually considered good or bad. Defined ideas, values and norms are useless in this examination, and a free attitude of moral judgement is rather necessary. He cites two contrasting examples: Scipio, who conquered the inhabitants of Spain with merciful humanity, and Hannibal, who entered Italy having committed nothing but violence, pillage and deception, yet managed to convince the people to join him.⁶⁴ Both approaches easily degenerate into excess, and there is only one way to oppose this degeneration: that they be offset by an exceptional *virtù* that is neither good or praiseworthy, bad or despicable, nor a balance between the two. Machiavelli describes both cases neutrally, and in both there is success and failure. But the *virtù* that has the most lasting effect is ultimately that of Scipio, who resorted to violence only when necessary.

Spinoza calls this *imperium* the best in which men live together in concord, but he means “a *human* life” determined by reason and life.⁶⁵ This is reaffirmed in the following paragraph (paragraph 6), from which I quote the entire passage:

But note: when I say a rule has been set up for this end [unison], I mean that a free multitude has set it up, not that the rule over a multitude has been acquired by the right of war. For a free multitude is guided by hope more than by fear, whereas a multitude which has been subjugated is guided more by fear than by hope. The first want to cultivate life; the second care only to avoid death. The

⁶³ VAN DEN ENDEN, *Kort verhael*, 80.

⁶⁴ Machiavelli makes the comparison between Scipio and Hannibal in *Discorsi* III, 21, *Opere* 1:473–75. Concerning the use of these particular examples, it is surely no coincidence that Donato Acciaiuoli, whose commentary on Aristotle Machiavelli had at hand in his father’s library, also wrote on the lives of Scipio and Hannibal.

⁶⁵ *TP* V, § 5, *CWS* 2:530.

first are eager to live for themselves; the second are forced to belong to the victor. So we say that the second are slaves, and the first free.⁶⁶

Having laid the theoretical foundations, Spinoza goes on to examine the three types of government that we know from experience. In the case of monarchy, studied in chapters VI and VII, he takes the example of Machiavelli's *Principe*, in which it is systematically demonstrated that monarchy can only be maintained if it is supported, desired and approved by the multitude, that is, if it has the characteristics of a free republic. The focus has shifted to the freedom of the multitude, the perspective has shifted to common people as subjects and actors, and the arguments against them are refuted: that the plebs have no sense of moderation, that they spread terror, that they exaggerate in submission or despotism, that they are alien to truth and to all judgement. Spinoza's argument is simple: "everyone has the same nature".⁶⁷ Moreover, in what follows, he transforms the argument in favour of monarchy—i.e. that the plebs know no measure, are threatening unless they are themselves frightened—into a counterargument. The crowd does not know the truth and cannot make valid judgements because the affairs of state are dealt with beyond their knowledge, and they can therefore only form their judgements on what is not hidden from them. This counter-argument is reinforced by the description of the tendency to arrogance of those in power, and he concludes again with an inversion: the truth is everywhere and almost always distorted by those whom it irritates or condemns, and especially where one man or a few exercise their domination, and these rulers "in their trials consider the size of the parties' wealth, not the right and the true".⁶⁸

The same is applied in chapters VIII to X, which examine an aristocracy in which power belongs to an assembly of elected representatives, an elite of a few, whose number for Spinoza must nevertheless be high. The result of an aristocracy, however, is that power never returns to the multitude, that there is no consultation of the multitude, that the foundations are not based on the vigilance of the multitude, because it is prevented from participating in consultations and elections. In practice, aristocracy is therefore not an absolute government, that is to say a government based on the whole multitude, and the reason is that "the multitude is terrifying to its rulers".⁶⁹

⁶⁶ Ibid.

⁶⁷ *TP VII*, § 27, *CWS* 2:559.

⁶⁸ Ibid.

⁶⁹ *TP VIII*, § 4, *CWS* 2:567.

Van den Enden likewise denies the usual counterarguments against a popular government such as that the “many-headedness and diversity of senses” would lead to bad political decisions or to delay and paralyze decision-making.⁷⁰ All mischief in political life stems from the conceit and “single-mindedness” of individuals, never from the multitude.⁷¹ Moreover, he reverses the burden of proof. If someone claims that people are by nature unruly and aggressive and therefore need to be led by a strong hand or be misled and deceived, he has to prove it. Not the one who claims, as Van den Enden does, that human beings are born free, the wisest of animals, gifted with speech by which they can communicate their thoughts to others, flexible, docile and amenable to reason, and consequently capable of governing themselves.⁷²

We find the same arguments and the same perspective in the *Consideration* but, as we said above, we sometimes look for the political-theoretical theses themselves, getting lost in the many figures of speech, nuances and counterpoints. In terms of criticism, De la Court is as clear as Spinoza, and both go back to Machiavelli: the weakness of aristocracy lies in the fact that it is a government of the few only—the relationship with the multitude, the mass, is lost. And Machiavelli goes so far as not even to address the question of government by the few, because, in his view, it is by definition a degenerate form doomed to destruction and misery.

We need a radical democracy with freedom of expression in which everyone participates. This is why Van den Enden opposes mixed government. Although his political positions are indebted to the writings and spirit of Machiavelli, he seems to have misunderstood his message. In his critique of tyranny and aristocracy, he denounced Machiavelli as a proponent of mixed government who failed to understand that all the good that was supposed to result from the blending of the three forms was in fact to be attributed solely to “the government and authority of the people”.⁷³ Van den Enden is opposed to the myth so dear to the Dutch. He does not dispute the proud Dutch history of freedom, but we cannot continue to look to a glorious past if, in the meantime, the free republic is facing the abyss.

While Spinoza, throughout the *TP*, always returns to the multitude, the four paragraphs of the unfinished chapter XI introduce exclusive conditions. In a democracy, everyone has the right to vote and participate in political

⁷⁰ VAN DEN ENDEN, *Vrije politieke stellingen*, 171.

⁷¹ VAN DEN ENDEN, 172–73.

⁷² VAN DEN ENDEN, 174.

⁷³ VAN DEN ENDEN, 163.

office, provided they are subject to the laws of the land and lead an honourable life. Spinoza excludes women, immigrants, servants and people with a criminal record. He then discusses the subordination of women to men as we see it by experience. It is quite clear that he is starting from the text of De la Court, who in his *Consideratien van Staat*, at the beginning of the third part on democracy, also speaks of women and emphasizes their subordination to men. It is hard to believe that Spinoza would not have elaborated this material, but any such reflections are lacking due to his untimely death.

When we ask ourselves how the lacking chapters on democracy might have looked, it is worth examining the third part of the *Consideratien* of De la Court—Spinoza used the text and the arguments presented there as themes that he takes up, revises, nourishes with results from his *TTP* and especially his *Ethics*, from which he disregards what is unimportant and which he reduces to his principles and thereby radicalizes. In this third part, we can find hints of ideas that Spinoza might have developed, such as the fact that the great advantage of democracy is the way it is formed, namely as a struggle against oppression and deception, aimed at transforming the unjust and corrupt real. This advantage is immediately also a response to the disadvantage, namely that there is so much ignorance in a democracy—this ignorance is caused precisely by the oppression and deception of the other two forms. This idea is clearly anticipated in the chapters of the *TP* on monarchy and aristocracy, and is entirely in tune with the theoretical part.

For Van den Enden, who is trying to improve on De la Court's democratic theory, a political order based on the principle of "equal freedom" guarantees the inclusion of the entire multitude; it explicitly includes women, servants and immigrants. It is imperative that everyone has the opportunity to participate in political life. The republic is the assembly of "each person's best" and no one can be excluded from it without "offending the common [good]".⁷⁴ The right of resistance coincides with the strength to resist the abuse of power. The idea of good government depending on the virtue of a single man is rejected as dangerous because of the human condition, which is the multitude: a differentiated plurality of human beings, each with their own aspirations, desires and characteristics. A democratic society adopts laws guaranteeing that the particular and natural equal freedom of each person is safeguarded without distinction.

⁷⁴ VAN DEN ENDEN, 149.

VI

Another way of speculating on how Spinoza's discussion of democracy in the unfinished *TP* might have looked is to take up his aim in this treatise and to focus on the effect of his text on his readers, which also takes us back to the beginning and principles of his theory, but which above all takes us back to ourselves. Consequently, a speculation on the missing part can only go beyond Spinoza and must focus on the needs that arise today for a historical-materialist political and critical philosophy.

We are therefore justified in concluding with a reflection on how Spinoza's concepts and arguments can be useful in the present. Spinoza refutes the prejudices that are held against the plebs or the crowd on the basis of the simple argument that our nature is one and the same for all. And so, all the vices that some attribute to the common multitude are common to all. Spinoza mentions in particular the vice of pride and arrogance, which is typical of someone at the top, even if only for a short time, and even more so if it is forever. He thus transforms the argument against a policy of the many into an argument against a policy of the few: "How can nobles not be proud, when they enjoy their honors for all time to come?"⁷⁵ He also transforms the counter-argument that ordinary people do not know the truth into a criticism of politics which is not absolute, not based on the whole multitude, that is, which is led by a few or by one (that in reality also boils down to an elite). How can the common people judge correctly if the affairs of state are systematically kept out of their knowledge?

As Antonio Negri observes, despite the incomplete nature of the *TP* and the abrupt break after chapter XI, 4, there are two strong concepts in the opening paragraphs: the definition of democracy as *omnino absolutum imperium* and the strong legalism of the conditions for democratic participation.⁷⁶ The law is freedom. The absolute is constitution, *potentia*, freedom. From every point of view, Spinoza—and Negri after him—repeats that the absolute is the *potentia* that constitutes itself and then maintains itself, unified and productive. Through the multitude of subjects, democratisation becomes absolute because it sets in motion from below the equality of the natural condition and of all social forces. The subject is the multitude, and it is from

⁷⁵ *TP* VII, § 27, *CWS* 2:559.

⁷⁶ NEGRI, "Reliqua desiderantur. Congettura per una definizione del concetto di democrazia nell'ultimo Spinoza", *Studia Spinozana* 1 (1985), 143-181. The same text has also been published as the third chapter in *Spinoza sovversivo*, in *Spinoza* (Rome: DeriveApprodi, 1998), 313-342.

this theme that the relation between freedom and absoluteness must be restated. The *potentia multitudinis* is the foundation of the *imperium*, which is then preserved by the direct creation of laws. Spinoza thus achieved a great revolution. The multitude is infinite. It never closes, but opens, produces and reproduces. It confronts and oscillates between the absolute that reason demands and the unresolved multiplicity that experience imposes on us humans. Its *potentia* is physical and natural, a continuous movement, a contradiction and a tangle of passions and situations. From the point of view of reason, it is the foundation of tolerance and universal freedoms. Placed between the absolute and freedom, between civil law and natural law, between reason and the physical contradictions of the constitutive movement of real being, the multitude has an ambiguous definition, and its definition cannot be closed in on itself.

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LAW AND FREEDOM

Summary

In this article, the focus will first be on the distinction Spinoza makes in his *Tractatus theologico-politicus* on the different strivings of human beings and the two different conceptions of law—natural and *ad arte*—in relation to freedom. Proceeding from these distinctions and Spinoza's objective with his philosophical enquiries, I will then consider whether a change occurs between the earlier *TTP* and the later unfinished *Tractatus politicus*. Both texts are marked by a naturalist turn, the indifference of religion, moral neutrality, the identification of right and power and the denial of natural hierarchy, but nonetheless one can also observe a change in the *TP*, where the naturalistic premise is more explicit, the human condition more on the forefront and the use of the concepts more precise; the 'people', for example, are replaced by the 'multitude'. In search of sources and aspects for the naturalist turn and the specific conceptual evolution between the *TTP* and *TP*, we will consider the example of Machiavelli (and thereafter of Lucretius), De la Court's notion of a free republic building on Machiavelli and the revolutionary ideas of Van den Enden aimed at improving on his predecessor. The different aspects linked to the use of the concept of multitude in the *TP* will then be analyzed in relation to the sources and aspects mentioned so as to return to the initial questions concerning law and freedom.

Keywords: Spinoza; Machiavelli; Lucretius; De la Court; Van den Enden; free republic; democracy; naturalist turn; *virtù*; *potentia*; free multitude

PRAWO A WOLNOŚĆ

Streszczenie

W niniejszym artykule skupię się najpierw na rozróżnieniu, jakiego Spinoza dokonuje w swoim dziele *Tractatus theologico-politicus* między różnymi dążeniami ludzkimi i dwiema różnymi koncepcjami prawa — naturalnego i *ad arte* — w odniesieniu do wolności. Wychodząc od tych rozróżnień i celu, jaki przyświeca Spinozie w jego filozoficznych dociekaniach, rozważę następnie, czy zaszła zmiana między wcześniej powstałym *TTP* a późniejszym, niedokończonym *Tractatus politicus*. Oba teksty oznaczone są naturalistycznym zwrotem, obojętnością wobec religii, moralną neutralnością, utożsamieniem prawa i władzy oraz zaprzeczeniem naturalnej hierarchii. Mimo to w *TP* można zaobserwować pewną zmianę — naturalistyczne przesłanki są w tym dziele wyraźniejsze, kondycja ludzka wysuwa się na pierwszy plan, a użycie pojęć staje się bardziej precyzyjne, na przykład „ludzie” zostają zastąpieni przez „tłum”. W poszukiwaniu źródeł i aspektów zwrotu naturalistycznego oraz specyficznej ewolucji pojęciowej między *TTP* a *TP* rozważymy

przykład Machiavellego (a następnie Lukrecjusza), koncepcję wolnej republiki De la Courta opartą na Machiavellim oraz rewolucyjne idee Van den Endena mające na celu ulepszenie idei jego poprzedników. Różne aspekty związane z wykorzystaniem koncepcji tłumu w *TP* zostaną następnie przeanalizowane w odniesieniu do wspomnianych źródeł i aspektów, aby ostatecznie powrócić do wyjściowych pytań dotyczących prawa i wolności.

Słowa kluczowe: Spinoza; Machiavelli; Lukrecjusz; De la Court; Van den Enden; wolna republika; demokracja; zwrot naturalistyczny; *virtù*; *potentia*; wolny tłum