

“Thus no one can act against the sovereign’s decisions without prejudicing his authority, but they can think and judge and consequently also speak without any restriction, provided they merely speak or teach by way of reason alone, not by trickery or in anger or from any hatred or with the intention of introducing some alteration in the state on their own initiative” –

Baruch Spinoza, *Theological-Political Treatise* (1670)

Throughout history, many peoples have been horribly oppressed and mistreated by their respective sovereigns, with many of these oppressed people not daring to rebel on account of either fear of punishment, fear of religious damnation or on account of a multitude of other reasons. However, many cases have shown that the aftermath of the fall of even the most brutal of regimes can be far worse than the initial oppression suffered by the hands of the prior regime. Should the people then accept the misdeeds of their sovereign on account of them saving them from their self-induced barbarism? Or do the people have the unrestricted right to overthrow any sovereign as the early contract-theorists claimed? In regard to this matter, Baruch Spinoza proposes in his *Theological-Political Treatise* (1670) that the people hold the right to verbally criticise their rulers, but only insofar as their critique is based on reason and not on either trickery or based on their emotions. In this essay, I will argue that Spinoza’s view of the authority of the sovereign attributes too much infallibility to the sovereign, and by taking away the peoples’ right to civil disobedience or even armed revolt, Spinoza’s statement can be used to halt societal progress and instead cling to an outdated and/or unjust regime. Spinoza’s statement will be refuted through two main arguments. Firstly, I will propose that Spinoza fetishizes the concept of “reason” in regard to political matters, and thereby disregards the right of the people to hold equally valid and rational, if otherwise seemingly opposite, views on how to govern a political entity. Secondly, I will, drawing upon the philosophy of the European contract-theorists of the Enlightenment and of the Early Industrial Age, argue that the sovereign only holds legitimacy insofar as he or she obeys the rules set by the contract, and that the people by this very logic have the right to disobey and even overthrow the sovereign if the sovereign does not successfully protect the natural rights of the people.

The dangers of the sovereign being the judge of rationality

Spinoza proposes that the people should only be allowed to criticise the regime if “[...] they merely speak or teach by way of reason alone [...]”. This means that any number of restrictions may be put on people by the sovereign, if the people do not speak or teach “by way of reason alone”. However, in the context of a sovereign ruling a political entity, who exactly holds the authority to decide whether a given statement is grounded in reason or not? As it is precisely the sovereign who holds the authority to either restrict or allow the speaking or teaching of critique of the sovereign, the final decision of whether a given point of criticism is grounded in reason ultimately lies with the sovereign. If Nietzsche was only somewhat right in his claim that one of the most fundamental drives in human nature is *der Wille zum Macht* or *the will to power*, would the sovereign then not be able to abuse his or her position as the judge of rationality to secure his or her power in the future? This question of course depends on whether one views humans as intrinsically power-hungry or altruistic, but if humans were really all altruistic, would the rational thing to do (in order to comply with this altruism) not be to simply relinquish power and attribute the ruler’s abundance of wealth to the people instead? Given that Spinoza needs to make an argument in order for the people to obey the sovereign, this implies that at least some of the commands of the sovereign are viewed as unjust and thus are opposed by others. If the will to power then plays at least a minor role in these actions viewed as unjust by the people, the sovereign might be completely rational in this act of oppression, as it may serve to uphold the sovereign in his or her position of power. This would mean that, if Spinoza’s proposal was fully obeyed and put into practice, not only would the people not be able to disobey the immoral and/or oppressive commands of their ruler, they could be punished for any given statement, which does not fit the sovereign’s personal definition of rationality, which might be influenced by his or her will to power.

One might counter argue this statement with the proposal that, as rationalists such as Immanuel Kant proposed, individuals are intrinsically rational in their thought processes and as such, ANY (not merely the sovereign) person living in the given political entity will be able to competently judge whether a statement is grounded in reason, provided that they give themselves time to think it through. If the sovereign by chance should be unable or unwilling to judge whether a criticism of his or her rule is in fact grounded in reason or not (perhaps holding some personal or emotional stake in the subject matter) he or she will be able to be convinced by their neutral advisors that the point of critique is in fact reasonable. The people therefore need not to disobey their sovereigns, if only the political entity is governed by reasonable individuals. However, this statement can be refuted if one considers the proposal

that, as Karl Marx and other historical materialists theorised, the nature of our actual thought processes and rationality is grounded in our material conditions. Thus, the material factors, and the modes of production they in turn encourage convey an ideology, which will influence both the oppressors and the oppressed. For example, if an individual in a capitalist economy chooses to sell his or her wood-working shop in favour of investing in real estate this individual knows will be much more profitable in the future, and if this real estate then indeed becomes profitable, this choice will be viewed as fully *rational* in the context of the capitalist system, as the individual has understood the supply and demands of the market and thereby maximised his or her own profit, in turn increasing the growth in the capitalist economy. However, when this action is considered in another economic system e.g. a socialist one, this action will on the contrary be considered as intrinsically *irrational*, as the individual has foregone the opportunity to produce something of inherent value (manipulating nature to produce goods) in favour of instead participating in an economic game, which only serves to make the individual profit through the labour of others and thereby only extracting value, producing none. Relating this to Spinoza's statement: if the sovereign (or the ruling classes) dismiss a critique of their rule as irrational, they may indeed be right in the context of their present political reality and the material conditions this reality is founded upon, but as they might be observing this critique through the lens of the ideology the material conditions of their reality conveys, they can easily dismiss this seemingly irrational point of criticism, even though this point of criticism may actually be entirely rational when viewed through the lens of another economic and/or political system. Thus, if Spinoza's statement is obeyed thoroughly, society may forego the opportunity to advance to a mode of production or a different set of laws, which may be able to bring more prosperity, freedom and equality to the political entity of the sovereign. If humans had never questioned the rationality of their present condition, they might still be living as hunter-gatherers, as they would never have considered manipulating nature in another way, thereby creating value by other means (in the context of this example: planting the seeds and feeding the livestock, not only picking the fruit and killing the prey).

Refuting the demand of (almost) absolute obedience through contract theory

When Spinoza claims that: "[...] no one can act against the sovereign's decisions without prejudicing his authority [...]" he is very much right. If one disobeys his or her sovereign, he

or she naturally prejudices the authority of the sovereign, as one directly seeks to undermine the authority claimed by the sovereign. However, in the rest of his statement, Spinoza claims that the people *should* not act against the sovereign “[...] with the intention of introducing some alteration in the state on their own initiative”. Thus, Spinoza commits a naturalistic logical fallacy, in that he claims that because one cannot act against the sovereign without undermining him, one should not do so. If we look to other thinkers who thought about this differently such as Locke or Rousseau, who instead proposed that the authority is given by the people to the sovereign in their otherwise free state of nature, we can see that quite on the contrary, the people at all times hold the right to *actively undermine* their sovereign. The argument for the people’s right to disobey the sovereign is based on the premise of natural rights, that is, some rights should always be attributed to humankind, even if there currently is no one to properly enforce them. The right to disobedience should here not be understood as the right to “cheat the system” in regard to petty personal matters or acts of defiance such as e.g. not paying one’s taxes or littering just for the sake of it, but rather in matters when the sovereign abuses his or her authority and thus violates the contract, by which the people have given up some of their freedom in order to have more security. When the contract, which at some point the people agreed upon with their sovereign (either directly or through the context of historical necessity), is violated, the people should indeed hold the right to depose of the sovereign through any means possible. Of course this also includes the right to rationally criticise the sovereign as Spinoza proposed, but carefully worded and thought-through criticism will only take you so far; in the end, the actions and commands of the sovereign will have to be actively opposed in order to actually change the regime for the better. As I have argued earlier, given the need for Spinoza to make this statement, at least some of the actions of the sovereign serve only to secure the sovereign’s authority, and therefore the sovereign cannot be convinced through reason, as the action might be fully reasonable for him in that he secures his position of power.

A possible refutation to this might be that people should not disobey their sovereign, as the sovereign protects the people from the much more dangerous state of nature, where “the law of the jungle” rules supremely and people only have the right to justice insofar as they are able to carry out the punishments themselves. This sentiment was expressed by the British philosopher Hobbes, who proposed that the reason that the people should obey the will of their sovereign almost unquestionably is that man in the state of nature is a beast to man, and therefore the rule of the sovereign, even if this rule is horrible, will always be favourable

compared to the conditions man faces in that state of nature. This idea was formulated as the “divine right of kings” theory started to fall out of favour in the intellectual circles of Europe, and therefore, the people needed some other reason to obey the commands of their rulers other than their sovereign or spiritual authority simply pointing towards God. Whether Spinoza’s statement is formulated on the philosophy of Hobbes or the divine command theory, it seems to comply with the premise that the sovereign holds authority on account of the fact that the sovereign *is* the sovereign and therefore protects the people from some other evil. In regard to this, the argument of divine command theory can be disregarded if one accepts the premise that religion should not be the basis of government, as it is inherently unjust to let a religious doctrine, which not everyone ascribes to, be the basis of a secular government. Hobbes theory is a bit harder to refute, given that “the state of nature” has taken many different forms over the course of human history, with some instances indeed being rather violent and beastly. However, is Hobbes’ “state of nature” really an unavoidable consequence of any given political revolution or radical change? Have we not seen largely beneficial revolutions, such as the bourgeois revolutions of Europe in the 19th century or the end of the British Raj in 1947, which many would agree served to bring forth a more just and equal rule than the one preceding it? These instances of largely beneficial revolutions seem to contradict Hobbes’ theory of man’s inevitable return to his beastly “state of nature” in the context of political revolution, which was very likely influenced by his personal experiences from the civil war in England. With both the divine command and Hobbes’ state of nature disregarded, the basis of Spinoza’s argument becomes circular, that is:

1. The sovereign holds authority ergo one should obey his or her sovereign
2. One should obey his or her sovereign ergo the sovereign holds authority.

As I have argued for earlier, the only authority held by the sovereign is ultimately derived from the people’s consent to forego some of their otherwise unrestricted freedom, in order for the sovereign to uphold peace and actually enforce these natural rights. Therefore, if the sovereign does not necessarily protect his people from a beastly “state of nature”, the people should not simply obey their rulers because they hold authority, but instead critically reflect upon whether the ruler actually upholds his or her end of contract and, if necessary, use civil disobedience or other radical means in order to protest or overthrow the sovereign.

Conclusion

In conclusion, I have argued that Spinoza's argument only holds merit insofar as there is an objective and shared rationality to judge them by, which there is not, and that by following Spinoza's proposal, the society as a whole might forego actual societal progress and emancipation. By examining how what Nietzsche called *the will to power* might influence the sovereign, I showed that while an action might be fully rational for the ruler, it can still be correctly viewed as unjust by the vast majority of the people. A Kantian objection to this might be that the sovereign should surround himself with rational individuals who could correctly judge whether a point of criticism is rational or not, but in regard to this I argued, through a historical materialist approach, that the material conditions and the relationships of production in a given historical stage convey a certain ideology, which can view a given action as irrational, even if it may be considered fully rational in a different material and societal context. Then, drawing upon the contract theory of Locke and Rousseau in the abstract, I argued that the people at all times hold the right to actively undermine the commands of the sovereign, as the sovereign's authority is ultimately derived from the people's rejection of their complete freedom in favour of installing an authority to protect their natural rights. I then refuted the possible counter argument that, as Hobbes and divine command theory would propose, the sovereign should be respected as the sovereign protects the people from a greater evil, as divine command is rooted in a religious doctrine not everyone ascribes to, and as Hobbes' violent state of nature is not an unavoidable consequence of political upheaval. People should instead critically reflect upon whether the sovereign actually successfully upholds his "end of the contract" and have the right to protest or undermine this authority if the authority does not do this.