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## Spinoza's Authority Volume II: Resistance and Power in the Political Treatises

Edited by  
A. Kiarina Kordela and Dimitris Vardoulakis

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## Contents

Preface <i>A. Karina Kordela and Dimitris Vardoulakis</i>	vi
Acknowledgments	vii
Reference Guide	viii
Spinoza's Authority in the Treatises: An Introduction <i>Dimitris Vardoulakis</i>	1
1 Memory, Chance and Conflict: Machiavelli in the <i>Theologico-Political Treatise</i> <i>Vittorio Morfino</i>	7
2 The Symptomatic Relationship between Law and Conflict in Spinoza: <i>Jura communia</i> as <i>anima imperii</i> <i>Filippo Del Lucchese</i>	27
3 Authority and the Law: The Primacy of Justification over Legitimacy in Spinoza <i>Dimitris Vardoulakis</i>	45
4 Hobbes and Spinoza on Scriptural Interpretation, the Hebrew Republic and the Deconstruction of Sovereignty <i>James R. Martel</i>	67
5 Spinoza's Politics of Error <i>Sarthei Biaretsky</i>	101
6 Spinoza's Immanent Sovereignty: Fantasy and the Decision of Interpretation <i>A. Karina Kordela and Joseph Bernard-Dawes</i>	125
7 Spinoza and Signs: The Two Covenants and Authority in the <i>Theological-Political Treatise</i> <i>Gregg Lambert</i>	153
8 Spinoza and the Hydraulic Discipline of Affects: From the Theologico-Political to the Economic Regime of Desire <i>Chiara Bottici and Miguel de Beistegui</i>	167
Biographical Notes	193
Index	196

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## 2

## The Symptomatic Relationship between Law and Conflict in Spinoza: *Jura communia* as *anima imperii*

Filippo Del Lucchese

Spinoza is often praised by modern scholars as a revolutionary author, providing a metaphysics which can complement or even replace a Marxian political framework. Yet Spinoza does not seem to endorse in his politics any idea of radical change, or even to express a preference for social transformation. A theory of revolution thus seems to be the blind spot of Spinozism. In this chapter, I will argue that a traditional theory of revolution is actually impossible within Spinoza's philosophy. In fact, the idea of radical change is alien to Spinozism insofar as this philosophy involves an unorthodox concept of the causal relationship between law and politics, and in particular between law and conflict. We can start by approaching the traditional theories of revolution through Hannah Arendt. In her influential book *On Revolution*, Arendt maintains that "revolutions are the only political events which confront us directly and inevitably with the problem of beginning. For revolutions [...] are not mere changes."<sup>1</sup> Neither a change in itself nor violence as a means of changing belong to the very essence of revolution. Revolution is a much more complex historical phenomenon, ontologically linked with the idea of a radical transformation of the existing state of things. The actors of revolutions express this idea and feel the movement of history, and this makes possible for Arendt to say that "only where this pathos of novelty is present and where novelty is connected with the idea of freedom are we entitled to speak of revolution."<sup>2</sup>

Arendt's intention is to separate the noble concept of revolution from the ignoble phenomenon of violence, and to separate the political question from the social question, according to a thesis that has become very influential since her book was published. In order to do so, she does not hesitate to embrace the classic historiographical opposition between a cyclical conception of history, typical of

the ancients (insofar as they were concerned with the problem of changes taking place within a natural circle of forms of government) and a linear conception of history (typical of the modern mentality and connected to the "notion that the course of history suddenly begins anew, that an entirely new story, a story never known or told before, is about to unfold").<sup>3</sup> Although classical scholars have pointed out the limits of such a thesis concerning the concept of time and history in the ancient world, and have questioned the dichotomy between the linear time of the modern and the cyclical time of the ancient, the distinction continues to be influential and still functions today as a paradigm.<sup>4</sup>

My aim in this chapter is to show that such a model of Revolution is incompatible with Spinoza's philosophy. Both the cyclical and linear conceptions of time clash with Spinoza's idea of history. We do not and cannot find, within Spinozism, either the supposedly classical idea of eternal return of forms of government, or the supposedly modern idea of a revolutionary break that determines an entirely new beginning, a permanent deviation in the line of time that moves history in a completely new direction.

Both notions are impossible within Spinoza's philosophy because Spinozism involves an idea of *permanent* revolution that can only be grasped by understanding the peculiar and original relationship that Spinoza conceives between law and conflict.

In *Conflict, Powers and Multitude*, I called this relationship "recursive," a term I largely borrowed from Laurent Bove.<sup>5</sup> We should recall here that "recursion" has a variety of meanings specific to different disciplines, and it has been successfully introduced in computer sciences over the last decades to indicate "a repeated procedure such that the required result at each step is defined in terms of the results of previous step," or, in other words, "a rule which can be reapplied to a form or construction that is itself [...] derived by that rule."<sup>6</sup> But the term itself has a much longer genealogy, and can be found for example in Robert Boyle, who speaks of "the Recursions of the Pendulum," referring to the Latin root *recurro*, used of heavenly bodies in their course to indicate their returning to the starting point.<sup>7</sup> I found then the term "recursive" useful in overcoming a conception of *linear* causality between law and conflict, usually summarized by the idea that virtuous and moderate conflicts produce good laws, or, in Arendt's terms, the notion that the "political" question produces American freedom and the good revolution, while the "social" question produces the French and the Soviet tragedies, and the bad revolution.

Yet I think now that a better word, and consequently a better idea, must be found to describe this relationship. The idea of recursivity is helpful in moving

beyond the concept of circular history. It is, however, too indebted to and dependent on the idea that one must choose between circularity and linearity, a paradigm that is historically inaccurate and theoretically unfruitful for describing Spinoza's idea of revolution. In this chapter I will try to propose a new definition of the relationship between law and conflict. What is at stake in it for Spinozism as a political philosophy? How is the very same idea of revolution influenced by the answer to this question?

Of the two conceptions, that is, the radical interruption of history and the absolute new beginning on the one hand, and the circular motion and eternal return of the same on the other—the former seems the most alien to Spinoza's philosophy. He plainly shows that human history is rich enough and wide enough to include already every major change that one could possibly imagine. History has already shown everything that can happen. No absolute beginning is thus to be expected: "I am fully convinced," he writes in the *Political Treatise*, "that experience has revealed every conceivable form of City where men may live in harmony, and also the means whereby a multitude may be governed or restrained within fixed bounds. I do not believe that our researches in this field can lead us to anything not at variance with experience and practice that has not already been discovered and tried" (TP 1.3).<sup>8</sup> Thus the question is not about saying or doing something new, but about better understanding what men have not yet understood and that, although self-evident, is too often neglected.<sup>9</sup>

Moreover, following Spinoza's metaphysics, the very idea of a new beginning is alien to his system, insofar as Nature, the unique substance, is characterized by a constancy and a consistency that reflect God's perfection: "Nature is always the same, and its force and power of acting is everywhere one and the same; that is, the laws and rules of Nature according to which all things happen and change for one form to another are everywhere and always the same" (E III, Preface). Human societies are no exception, precisely because the substance is one and only one. This idea of a strong constancy and consistency must therefore be extended to the world of human events as well, because man is not an *imperitum in imperio*. There is no void in political history, a void that could be filled with a new political idea, in the same way that there is no void in nature, a void that could be filled with a body created out of nothing.

The idea of circularity might seem to be less alien to Spinoza's philosophy. In fact, within this absolute constancy and consistency of Nature and its laws, things—both human and non-human—are constantly in motion, varying between higher and lower levels, between a maximum and a minimum, mutually influencing each other, for example, in the cycles of affects developed

and described in Part III of the *Ethics*.<sup>10</sup> Even the classical circle of the forms of government (monarchy, aristocracy and democracy), in this sense, could be interpreted as a repetition of conflicts and laws, sequentially produced under new forms of governments, and connected to each other in a circular motion, following a rigid chain of causes and effects.

A further element seems to suggest the possibility of inscribing Spinoza's conception within the ancient idea of circularity. For the classical philosophers, like Aristotle and Polybius, the problem was to figure out how to slow down and possibly interrupt this cyclical movement, by fixing it in a virtuous form of government, a mixed government that could prevent the periodic corruption and degeneration of one form of government into another. Spinoza seems to go in the same direction, for example when he argues for the conservation of the form of government in order to prevent corruption, and seems to develop a conservative role for politics: "by the means required to preserve the state I understand those that are necessary to preserve the form of the state without any notable change" (TP 4.2).

In fact, through his apparently conservative approach, Spinoza develops a completely new, original and revolutionary doctrine, developed through a non-linear relationship of causality between law and conflicts, a relationship that, as mentioned, I previously called "recursive." In recent years, Vittorio Morfino has explored Spinoza's concept of causality, explaining the passage from a linear model in the early works to a "connective" causality in his more mature works.<sup>11</sup> Morfino claims that Spinoza is led toward a new idea of causality by the encounter with Niccolò Machiavelli's political philosophy and theory of temporality, and in particular with his theory of history as intersection and relation, as well as—borrowing Althusser's language—an *aleatory* composition of virtue and fortune. In the early writings such as the *Tractatus de Intellectus Emendatione*, Spinoza maintains an idea of causality grounded on the concept of series, which represents the necessary and essential order of a chain of singular events. While existence only implies accidental relations that cannot be adequately known, essence represents the principle of a necessary order that emanates from the series of fixed and eternal relations.

As Morfino explains, the encounter with Machiavelli's philosophy produces an amazingly interesting new conception of causality, in which the idea of the series of events is replaced by that of a *connection* of events. The essence of something is not an absolutely independent and unrelated monad. Rather it is located within and exists through the relations and the circumstances that have produced that specific thing. The *ordo sine series* is replaced by the *ordo*

*sine connexio*, an idea of order that obliterates the simple linear relationship between causes by revealing the dynamic multidimensionality of their structure. In this way, an "ontology of relation" stands against every possible theology and teleology of causal relations.

Following Morfino's suggestion, we should ask if this evolution in Spinoza's ontology also has consequences for political philosophy, and in particular for the relationship between law and conflict: what is—if any—their causal relationship? This question is justified—and it seems to me fundamentally important—in view of the close relationship Spinoza had with Machiavelli, one of the few authors explicitly praised by Spinoza in his *Political Treatise*.

Machiavelli's theory of conflict is relevant here, particularly the specific relationship that he establishes between law and conflict:

In every republic there are two different humours [*umori*], that of the people and that of the great and [...] all the laws that are made in favor of freedom arise from their disunion. [No one can] in any mode, with reason, call a republic disordered where there are so many examples of virtue; for good examples arise from good education, good education from good laws, and good laws from those tumults that many inconsiderately damn.<sup>12</sup>

Machiavelli poses a causal relationship that links together, via several mediations, conflicts and law. But this conclusion can in fact be expanded, given the metaphysical dimension that this problem has in Spinoza. It can include, in particular, the broader relationship between law and politics itself given the striking theory of Spinoza for whom (1) *jus* is defined as *potentia* and (2) the *jus* (and therefore the *potentia*) of every particular thing is the same *jus* (and therefore the same *potentia*) of god itself. My thesis is that the relationship between law and politics must be interpreted within a new scheme of causality.

"Good examples," says Machiavelli, come from "good education," as a result of "good laws" that emerge from conflict. That is to say, they emerge from something that the whole philosophical tradition has always refused to recognize and has tried to expunge from political philosophy (and from real politics itself), namely conflict. With a very suggestive expression, Althusser speaks of a "political primitive accumulation," arguing that, in his philosophy, Machiavelli predominantly uses the language of force and not of law.<sup>13</sup> Althusser's metaphor does not fully take into account that Machiavelli is not only suggesting that law rests on force. He is in fact suggesting something much more complex, a conception in which the two elements are linked together inseparably in a spiral that rules out every peaceful solution.

The idea of a connection comes to the forefront once again. But this *connectio* must be explained further. It must be clarified, in particular, vis-à-vis a kind of relationship that is not based on any idea of circularity, not even the one involved in the idea of recursion. While it captures the dynamism of the relationship between law and politics, recursion fails to grasp the irregular, aleatory, and multifarious character of that dynamics: no matter how tight the loops of the spiral are, the recursive relationship has still the form of a circle, and is therefore unsuitable, in my view, to describe Spinoza's thought.

My thesis consists of two parts. The first part of my thesis is that (1) the relationship between law and conflict must be considered through and explained by the same kind of relationship that Spinoza imagines for the mind and the body: in the same way that the mind is defined as the idea of the body (E II, 13), the *ius*, following the analogy, must be considered as *the idea of conflict*, and that (2) this is true of *ius* both in the subjective and the objective sense. We can thus dissolve the Latin word *ius* into its two English equivalents of right and law. The second part of my thesis follows from the first and is that (a) subjective rights are *the idea* of conflicts, and also that (b) the law is *the idea* of conflict or, in other words, of the necessarily conflictual life of the multitude.

I will now turn to Spinoza's conception of *ius sive potentia* in Chapter 16 of the *Theological-Political Treatise* and the qualification of *ius* as *anima imperii* in Chapter 10, paragraph 9 of the *Political Treatise*. I refrain from translating these expressions for the time being, as translation itself refers to a major problem at stake in this discussion.

The first and most important theoretical element here is the definition of *ius sive potentia*. We know that the English translation of *potentia* presents some interesting theoretical problems. Let's use power, as translators typically do.<sup>14</sup> The translation of the term *ius* also presents theoretical problems. The subjective idea of individual rights is definitely implied by Spinoza's definition. We will see, however, that the objective idea of law is also involved by this original and revolutionary definition.

Some scholars have interpreted this passage as evincing the primacy/priority/superiority of power (*potentia*) over right (*ius*).<sup>15</sup> I think, however, that, if we want to closely follow what Spinoza says, we should instead acknowledge a strict identity and therefore full interchangeability of *ius* and *potentia*, which means that they must therefore be considered on the same ontological level. Power cannot be considered as ontologically prior or superior to law. Spinoza himself clearly suggests this conclusion, by making a fairly sharp yet somehow paradoxical distinction between natural laws and human laws in Chapter 4 of

the *Theological-Political Treatise*: Saying that some laws depend on the human decision does not mean that they do not depend on the necessity of nature. The human mind, and the human decisions are in fact themselves part of the very same power (*potentia*) of Nature. Therefore, the sanction of a law surely depends on human decision, that is to say on the power of the human mind (not to mention the power of the human bodies, i.e., the effective power of sanctioning them).

Spinoza adds, however, an important restriction. He states that the human mind *can* be conceived without the laws that depend on decisions, but it *cannot* be conceived without the laws that depend on natural necessity. It is true that there is here a *kind* of equivalence, insofar as this primacy of natural laws over human laws is only due to our ignorance and not to a real ontological difference: in fact, Spinoza argues, we say that human laws depend on the human decision because we must define things through their proximate causes and we do not know the whole chain of causes. It is thus better for us, as a practical rule of life, to consider them as contingent and possible rather than necessary.

The difference, then, can only play in one direction: we *must* obey any kind of law, both natural and civil, but we *can* only disobey the latter, whereas we *can* not disobey the former. In any case, though, we need to acknowledge that the faculty that men have of disobeying some laws (civil ones) and not some others (natural ones) does not depend on the different *nature* of the laws, but only on the *relationship* between ourselves and the laws or, in other words, between our own *potentia/ius* and the *potentia/ius* of the individuals, modes, and situations with which we interact, as well as with the phenomena that we are part of: this relationship, this relational field of multiple interactions *is* the law, understood in its natural dimension, or in its civil dimension, or in both dimensions, depending on the circumstances.

Whereas the idealist would say that we *have* laws or that we are *given* laws, the Spinozist will always say that we *are* part of the law, and an active part, despite some pre-existing piece of ink-stained paper that commands or forbids something to us. It seems easier to disobey a piece of paper rather than a physical law, such as for example the law of gravitation. We are embodied, and our bodies must obey it. Yet we are also *part* of it, in the sense that we jump, we climb and we fly with airplanes and other devices, and in that sense we constantly reshape our relationship with the environment in and through the law of gravitation. We exist *in and through* laws, both natural and civil, and laws, both natural and civil, exist in and through us.

In this light, the *ius sive potentia* clarifies my interpretation of right as the *idea* of conflict. Here we can translate *ius* as "right," insofar as we consider it in a subjective sense. A right, or power, is always a conflictual field of interactions. In fact, it is the idea of these physical interactions in both the legal *and* the natural sphere at once. We are accustomed, by centuries of morally inspired legal thought, to separate the two questions: "what do I have the right to do?" and "what do I have the power to do?" But through Spinoza, these two questions must be understood to be one and the same. "What is my *ius sive potentia*?" can be taken to mean: What is the relationship between what I am, what I can do, and the way I affect and am affected by the environment in which I find myself in a given moment? Natural laws will describe the physical structure of this system composed by myself and other individual and things; legal laws will describe the juridical aspect of it, but they are all describing one and the same phenomenon, which is conflictually produced by the multiple tensions between the rights/powers that "I am" (rather than that "I have").

My thesis, though, is that even *ius* in the objective sense, that is to say the law, is the idea of conflict. Or, to make it clearer, that law and conflict are two different *modalities* of the same reality. The use of the language of modality should clarify why I have abandoned the idea of recursion and prefer to borrow a conceptual tool belonging to the heart of Spinozism, that is to say the idea of parallelism, and in particular that seen in the relationship between mind and body.

As we know, Spinoza ascribes great importance to the Cartesian philosophical revolution. And yet he thinks that Descartes himself has not been fully Cartesian, precisely because he excluded the specific relationship between mind and body from his strictly mechanical conception of nature, by maintaining (1) the primacy and superiority of the mind over the body; (2) that the mind is active when the body is passive (and vice-versa); and, (3) that the mind's aim must be to govern the body.

Spinoza strongly rejects the Cartesian solution. He considers it an absurdity guided by moral and religious principles rather than by a serious study and interpretation of nature. He maintains, contrary to Descartes, that both mind and body are *together* either active or passive, and that the former can in no way conduct the latter. The mind, in fact, is nothing else than the "idea" of the body, or *idea corporis*. For Spinoza, any ontological primacy of the mind over the body is excluded, as well as every ontological primacy of a human individual (intended as a mind *and* a body) over a nonhuman individual; this creates a new and revolutionary image of man as well as a different role for man within nature.<sup>16</sup>

If we now move to the relationship between politics and law, Spinoza's originality appears even more clearly. Spinoza is not the first one to think about the concept of law (or at least of sovereignty) in terms of the mind (or at least in terms of something close to the mind).<sup>17</sup> Thomas Hobbes, for example, explicitly discusses this idea in at least two key passages. The first is in the *Leviathan*, in which he explores the ecclesiastical power and Pope Innocent the Third's political position, following the Fourth Council of the Lateran. The pope's error, Hobbes claims, "is, that he says, the members of every commonwealth, as of a natural body, depend one of another [and] cohere together, but they depend only on the sovereign, which is the soul of the commonwealth (*anima reipublicae*); which failing, the commonwealth is dissolved into a civil war, no one man so much as cohering to another, for want of a common dependence on a known sovereign; just as the members of the natural body dissolve into earth, for want of a soul to hold them together."<sup>18</sup> The soul keeps the body together. The soul is the principle of the body politic, insofar as the latter would decay and dissolve if it was not for the former's action.

Hobbes had touched already the point in an even more striking way in the *Philosophical Rudiments Concerning Government and Society*:

they who compare a city and its citizens with a man and his members, almost all say, that he who hath the supreme power [...] is [...] such as the head is to the whole man. But it appears [...] that he who is endued with such a power [...] hath a relation to the city, not as that of the head, but of the soul to the body. For it is the soul by which a man hath a will, that is, can either will or nill; so by him who hath the supreme power, and no otherwise, the city hath a will, and can either will or nill [because] the soul's [office] is to command.<sup>19</sup>

The sovereign, for Hobbes, is not the head, but the soul of the body politic, which alone can provide the same body with a political will. A political body without a sovereign/soul is nothing but a corpse. Spinoza directly opposes Hobbes on this point. Through his striking definition of the *mens* as *idea corporis*, he is able to reject Hobbes' claim regarding the ontological superiority of the sovereign. This, in turn, opens up the possibility of redefining the relationship between law and politics, and in particular between law and conflict. Implicitly but clearly, Spinoza suggests the possibility of applying his notion of the mind/body relationship to the political ground, thus overcoming the rigidity of Hobbes' politics, in the same way that he had overcome the rigidity of Descartes' psychology.

The second passage we must consider is as famous and as fundamentally important as the previous one. Strangely enough, though, scholars do not agree

on its meaning, as its different translations prove. Spinoza uses the following striking expression: *jura sunt anima imperii* (TP 10.9). If any *imperium* can be said to be "eternal," it is the one whose *jura* remains preserved.<sup>20</sup> We need to go back to the Latin, here, and the *jura*, as translators have been puzzled by several aspects of this passage. The most influential solutions over the last decades propose the following translations:

- Nagelate Shriften (1677): de wetten zijn de ziel van de Heerschappij<sup>21</sup>  
 Ewald (1785): die Gesetze sind die Seele des Staats<sup>22</sup>  
 Maccall (1854): rights are the soul of a government<sup>23</sup>  
 Prat (1860): l'ame d'un empire [...] ce sont [les] droits<sup>24</sup>  
 Appuhn (1929): les lois sont l'âme de l'Etat<sup>25</sup>  
 Francès (1954): la législation est l'âme de l'Etat<sup>26</sup>  
 Droetto (1958): le leggi sono l'anima dello Stato<sup>27</sup>  
 Werham (1958): the constitution is the soul of a State<sup>28</sup>  
 Moreau (1979): le Droit est l'ame de l'Etat<sup>29</sup>  
 Dominguez (1986): el alma del Estado son los derechos<sup>30</sup>  
 Cristofolini (1999): Le leggi sono l'anima dello stato<sup>31</sup>  
 Shirley (2002): the constitution is the soul of the state<sup>32</sup>  
 Bove (2002): le Droit est l'âme d'un Etat<sup>33</sup>  
 Ramond (2005): Les règles de droit sont l'âme de l'Etat<sup>34</sup>  
 Proietti (2007): le leggi sono l'anima dello Stato<sup>35</sup>  
 Pautrat (2013): les droits sont l'âme de l'impérium<sup>36</sup>  
 Curley (2016): the laws are the soul of the state<sup>37</sup>

The diverse nature of the solutions is striking, given what is at stake for the interpretation of Spinoza's political and legal philosophy as a whole. All the translations point out, either implicitly or explicitly, the problem I have been discussing: The first word of the passage is problematic: Is it laws? Rules of law? The law? The second one is also controversial: is 'the soul' what Spinoza is thinking about?

The choice regarding *anima* is particularly relevant for my thesis. In the footnote of his recent edition, Charles Ramond points out that this is the only time in which the term appears in the *Political Treatise*, and that it must be connected with the *mens* (see TP 4.1), and therefore translated with "mind" rather than with "soul". I agree that Spinoza steadily moves away in his works, from the use of "soul" toward that of "mind." Yet precisely for this reason, we need to pay attention to his unusual choice: as an unusual choice it deserves more attention and the lowest possible degree of approximation and interpretation.

If Spinoza moves away from *anima* in favor of *mens*, it is to suggest, following Descartes, that the mind performs first and foremost an intellectual function, of rational knowledge of nature, gods, and itself. It is also to suggest, against Descartes this time, the impossibility of separating it from the body: *modus cogitatoris* (Spinoza) vs. *substantia cogitans* (Descartes). Mind and body are on the same ontological level; they share the same reality, respond to the same causes, and produce the same effects. This is, once again, where the *connexio* reveals itself: *ordo et connexio rerum idem est ac ordo et connexio idearum*.

With this in mind, an original interpretation of the relationship between politics and law becomes possible, perhaps even necessary. To arrive at it, we must first ask what Spinoza suggests by saying that the *jura* are the *anima imperii*? I claim that, first, Spinoza is bringing the problem of the relationship between law and politics to the same level of the one between mind and body. Second, he is suggesting that, without being an *imperium in imperio*, the political realm has at least one specificity, which means that it is indeed possible in one way to think about this particular kind of political *anima* as being separable from its political body. But in which way then?

My suggestion is that it is separable only in an imaginative way, that is, according to a faculty that is in fact incapable of grasping the real nature of this relationship, in the same way that it is incapable of understanding the difference between natural laws and civil laws encountered above. Our imagination can and in fact does, most of the time, take them as distinguishable, and this supports a recursive reading of their relationship: one element is imagined as ahead of the other, recursively producing effects onto the other. The law produces effects: sometimes obedience, sometimes resistance and conflicts that lead, possibly, to a revolution. This, in turn, produces new laws, a new legal order, new individual rights, a new constitution, and so on. This dynamic is grasped by humans imaginatively; that is, inadequately, and this brings forth the classic concept of revolution, whether it is described as following a cyclical or a linear historical development, to recall Arendt's categories. To be adequate, however, the relationship between law and conflict should be seen as an ontological identity: they function like the mind and the body of the "individual politic": not a Cartesian nor a Hobbesian individual, but a Spinozist individual.

This problem also throws light on a different question, much discussed in scholarship but with no less diversity of interpretations than the one we have just seen. I am referring to the Spinoza's phrase *intra veluti mente ductur* (TP 3.2, 3.7 and 2.16–17). A State has more power than its subjects insofar as they are *guided as by one single mind*. Scholars have recently pointed out that this expression



pushes Spinoza away from his anti-Cartesian position, precisely because in his system the mind does not *guide* the body.<sup>38</sup> Once again, this interpretation grasps the general movement of Spinoza's philosophy, but it undermines the striking specificity of this expression.

As above, I suggest a different reading: instead of saying that, in this passage, Spinoza is not suitably Spinozist, I prefer to consider that the mind *does* in fact imagine that it guides the body, and that the multitude *does* in fact imagine itself to be guided by one single mind (or, as Deleuze says by stretching the translation, "guided by one single thought").<sup>39</sup> The multitude can be guided by one single mind in the same way that law can determine conflict. Imaginatively as a circular or recursive relationship, while in fact, according to a non circular/non-recursive relationship, a relationship that is a real identity like the one characterizing the attributes, all of which stand on the same ontological level of immanence.

We now need to find a name for this relationship. A good candidate might be the term *sign*, where the law is intended as the sign of the conflict, namely, that which reflects the present state of the multitude and the actual relationships of force existing in it. But in fact, on closer look, this solution points to a crude revolutionary conception: if the constitutional structure of a State does not reflect the economic structure of a society, then the legal system collapses, conflict explodes until a new economic and political balance is redefined and then reflected in the law through a new constitution.

Besides being excessively simplistic, the major problem with the concept of the sign is that it does not fit with the strict idea of parallelism I am employing here. If the law can be called the sign of conflict, it is difficult to see how the opposite could be true, that is, that the conflict be intended as the sign of the law. Or rather, one could say that this would only be *inadequately* possible, that is to say, insofar as law is intended as a moral command or a moral prohibition and not as an ethical expression of the composition of forces, to follow Deleuze's language. The sign, as Deleuze has suggested, is always inadequate insofar as it is the idea of an effect grasped under conditions that separate it from its causes, or under conditions whose nature we do not understand (in the same way that Adam did not understand God's prohibition, in Spinoza's reading of the Bible—see letter to Blyenbergh, *Ep. XIX*).

My suggestion is therefore to shift to the concept of *symptom* or, in other words, to the idea of a *symptomatic* relationship between law and conflict. Law can be intended as the *symptom* of conflict, and of course, closely following Spinoza, vice versa as well. I do not use the term *symptom* in its current sense;

instead I go back to its classic etymology and roots in ancient medicine. The Greek etymology is interesting: *symptomna* (σύμ-πτωσις) comes from *syn* (together) and *piptein* (falling down). It thus refers to things being joined together, things happening together, or elements meeting each other, connecting each other with no gap or delay or interval, whether ontological or chronological, between them. A thing's symptom is intended not as its effect or consequence, but rather as another aspect, another face of it, revealing a different side of the event.

Interestingly enough, the term *symptom* was introduced into the medical vocabulary fairly late. It cannot be found in Hippocrates (fourth century BC), but it exists in Erasistratus (third century BC) and Galen (second century AD).<sup>40</sup> And Galen himself, in *De symptomatum differentiis*, has a wonderful and poetical expression when he says that symptoms are like the "shadows" of the disease. This image may of course suggest the idea of the primacy of the object to its own shadow, which would not exist without the object itself.<sup>41</sup> We need, however, to polish the concept of symptom and avoid this idea of subordination: if it is true the shadow is the consequence of the body intercepting light, it is also true that every body intercepting light must necessarily have a shadow, so they can only exist together: they "fall" together into existence. What is left is the perfect and absolute coincidence of the object and its shadow; that is to say its *symptom*. In this sense, I would like to think about law as the shadow of conflict, or the symptom of conflict, and of course, the other way around as well: conflict as the shadow or the symptom of law.

This symptomatic coincidence between law and conflict thus reveals the revolutionary character of Spinoza's philosophy at the dawn of early modernity. It is a political philosophy that eludes the choice between a cyclical or a linear conception of historical time or, rather, a political philosophy that points to the possibility of an alternative way of apprehending revolutions within the one and unique substance, that is nature and its history. Spinoza's legacy offers us the invaluable theoretical tool of a notion of revolution that eludes both the fatalist conception of closed circular history and the idealist conception of an absolute break in the linear movement of history: a theoretical tool whose potentialities, in my view, have not been fully explored by contemporary political thought.

## Notes

- 1 Hannah Arendt, *On Revolution* (London: Penguin Books, 1990), 21.
- 2 Arendt, *On Revolution*, 34.

- 3 Arendt, *On Revolution*, 28.
- 4 See especially the seminal work of Arnaldo Momigliano, "Time in Ancient Historiography?" *History and Theory* 6 (1966), 1–23.
- 5 Filippo Del Lucchese, *Conflict, Power, and Multiplicity in Machiavelli and Spinoza: Turmoil and Indignation* (London: Continuum Press, 2009). See Laurent Bove, *La stratégie du comatos: affirmation et résistance chez Spinoza* (Paris: Librairie Philosophique J. Vrin, 1996).
- 6 See the Oxford English Dictionary, [www.oed.com](http://www.oed.com) (accessed on December 22, 2014).
- 7 See Robert Boyle, *Works* (London: Printed for J. and F. Rivington et al, 1772), 61, experiment XXXI. The most fascinating illustration of this concept, though, is a visual one, found in Dutch painter Maurits Cornelis Escher's works, in which the paradoxical possibilities of the recursion are explored in fantastic and unconventional ways, such as in the lithograph *Relativity*. See Maurice Cornelius Escher, *The Graphic Work* (Köln: Benedikt Taschen Verlag, 2008). See also Douglas R. Hofstadter, *Gödel, Escher, Bach: An Eternal Golden Braid* (New York: Basic Books, 1979).
- 8 For Spinoza's works, I use the *Complete Works*, ed. by M. L. Morgan and trans. by S. Shirley (Indianapolis: Hackett, 2002). Translation is sometimes modified, as it is in this case.
- 9 See François Zourabichvili, *Le conservatisme paradoxal de Spinoza* (Paris: Presses Universitaires de France, 2002).
- 10 In his seminal work, Alexandre Matheron has very well described these cyclical form of the affective life of men, and the consequences that it has on the field of politics. See Alexandre Matheron, *Individu et communauté chez Spinoza* (Paris: Minuit, 1969). See also Alexandre Matheron, *Études sur Spinoza et les philosophes de l'âge classique* (Lyon: ENS Editions, 2011).
- 11 Vittorio Morfino, *Plural Temporality: Transindividuality and the Aleatory between Spinoza and Althusser* (Leiden: Brill, 2014).
- 12 Niccolò Machiavelli, *Discourses on Livy*, trans. by Harvey C. Mansfield and Nathan Tarcov (Chicago: The University of Chicago Press, 1996), I.4, 16–17.
- 13 Louis Althusser, *Machiavelli and Us*, ed. by François Matheron and trans. by G. M. Goshgarian (London: Verso, 1999), 125–26.
- 14 See Antonio Negri, *Savage Anomaly: The Power of Spinoza's Metaphysics*, trans. by Michael Hardt (Minneapolis: University of Minnesota Press, 1999). Translator's Foreword, 11–12: "Whereas the Latin terms used by Spinoza, potestas and potentia, have distinct correlates in most European languages (potere and potenza in Italian, pouvoir and puissance in French, Macht and Vermögen in German), English provides only a single term, power. To address this difficulty, we have considered several words that might serve for one of the terms, such as potency, authority, might, strength, and force, but each of these introduces as significant distortion that only masks the real problem. Therefore, we have chosen to leave the translation issue

- unresolved in this work. We make the distinction nominally through capitalization, rendering potestas as 'Power' and potentia as 'power' and including the Latin terms in brackets where there might be confusion."
- 15 Negri, *Savage Anomaly*. On these aspects, see Mariana de Gaiña, *Espinoza: Uma Filosofia Materialista do Infinito Positivo* (São Paulo: Editora de Universidade de São Paulo, 2011).
  - 16 E II, 13 and schol. See Hasana Sharp, *Spinoza and the Politics of Rematuralization* (Chicago and London: The University of Chicago Press, 2011).
  - 17 On Spinoza's concept of sovereignty, see Dimitris Vardoulakis, *Sovereignty and Its Other: Toward the Dejustification of Violence* (New York: Fordham University Press, 2013).
  - 18 Thomas Hobbes, *Leviathan* (Oxford: Clarendon Press, 2012), XII, 125.
  - 19 *Philosophical Rudiments Concerning Government and Society*, in *English Work*, ed. by William Molesworth, VI, 89.
  - 20 On the complexity of the translation of *imperium*, see B. Pautat, Introduction to B. Spinoza, *Traité politique*, traduit du latin, présenté et annoté par Bernard Pautat (Paris: Editions Alla, 2013). As we know, "eternal" does not mean for Spinoza having an infinite duration, for "eternity [cannot] be defined by time, or be in any way related to time" (E V, P23S).
  - 21 *De Negelate Schryffen van B. d. S. Als Zedekunst, Saatkunde, Verbertering vanti Verstant, Brevien en Antwoorden, uit verscheide Talen in de Nederlandsche gebracht* (1677), 399.
  - 22 Benedikt von Spinoza *Zwey Abhandlungen über die Kultur des menschlichen Verstandes und über die Aristocratie und Demokratie*. Herausgegeben und mit einer Vorrede begleitet von S.H. Ewald, Leipzig, in der von Schönfeldschen Handlung (1785), 244
  - 23 Baruch Spinoza, *A Treatise on Politics*, translated from the Latin of B. Spinoza by W. Maccall (London: 1854), 111.
  - 24 Baruch Spinoza, *Traité politique de B. de Spinoza*, traduit en français pour la première fois annoté, suivi d'un index analytique et accompagné de trois plans des trois différentes formes de gouvernement, par J.-G. Prat (Paris: Tous les Libraires, 1860).
  - 25 Baruch Spinoza, *Oeuvres*, IV, traduction et notes par C. Appuhn (Paris: Librairie Garnier Frères, 1929), 104.
  - 26 Baruch Spinoza, *Oeuvres complètes*, texte nouvellement traduit ou revu, présenté et annoté par R. Cailliois, M. Francès et R. Mirzahi (Paris: Gallimard, 1954), 1095.
  - 27 Baruch Spinoza, *Trattato politico*, a cura di A. Droetto (Torino: Rannella, 1958), 360.
  - 28 Benedict de Spinoza, *The Political Works*, edited and translated with an introduction and notes by A. G. Wernham (Oxford: Clarendon Press, 1958), 437.
  - 29 Baruch Spinoza, *Tractatus politicus/Traité politique*, texte latin, traduction par P.-F. Moreau, index informatique par P.-F. Moreau et R. Bouveresse (Paris: Editions Réplique, 1979), 179.

- 30 Baruch Spinoza, *Tratado político*, Traducción, introducción, índice analítico y notas de A. Domínguez (Madrid: Alianza Editorial, 1986), 217.
- 31 Baruch Spinoza, *Trattato politico*, testo e traduzione a cura di Cristofolini (Pisa: ETS, 1999), 231.
- 32 Baruch Spinoza, *Complete Works*, with the translation of S. Shirley, ed. by M. L. Morgan (Indianapolis and Cambridge: Hackett Publishing Company, 2002), 750.
- 33 Baruch Spinoza, *Traité politique*, traduction d'Emile Saisset révisée par Laurent Bove, introduction et notes par Laurent Bove (Paris: Librairie Générale Française, 2002), 261.
- 34 Baruch Spinoza, *Oeuvres*, V *Traité politique*, texte établi par Omero Proietti, traduction, introduction, notes, glossaire, index et bibliographie par Charles Ramond, avec une notice de Pierre-François Moreau et des notes d'Alexandre Matheron (Paris: Presses Universitaires de France, 2005), 265.
- 35 Baruch Spinoza, *Opere*, a cura e con un saggio introduttivo di Filippo Mignini, traduzioni e note di Filippo Mignini e Omero Proietti (Milano: Mondadori, 2007), 1213.
- 36 Spinoza, *Traité politique*, 138.
- 37 Spinoza, Baruch, *The Collected Works of Spinoza*, Volume II, ed. and trans. by Edwin Curley (Princeton and Oxford: Princeton University Press, 2016), 600.
- 38 See Charles Ramond's footnote, in Baruch Spinoza, *Oeuvres* V, *Tractatus Politicus/Traité politique*, trans. by C. Ramond (Paris: Presses Universitaires de France, 2005), 309.
- 39 Gilles Deleuze, *Spinoza et le problème de l'expression* (Paris: Minuit, 1968), 245.
- 40 See Daniela Fausti, "Il segno e la prognosi nel *Corpus Hippocraticum* (*Prognostico e Prorrhico* I e II)," *I quaderni del Ramo d'Oro on-line* 1 (2008), 258–78; Maria Antonietta Saleme Haas, Anna Maria Celani Inesi, "Dal sintomo al segno: una nuova dimensione dell'esperienza medica," *Medicina nei secoli* n.s. 17.1 (2005), 135–50.
- 41 And Galen himself intends them as signs of affections that cannot yet be called malady, but that precede the malady itself.

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## Authority and the Law: The Primacy of Justification over Legitimacy in Spinoza

Dimitris Vardoulakis

### Obedience, legality and history

The concept of authority runs through the *Theological-Political Treatise*, working through all its important concepts.<sup>1</sup> To grasp what is at stake with the concept of authority, as it is used by Spinoza, we can start by noting a peculiar resonance with the concept of divine law.<sup>2</sup> Specifically, both are excessive of human law. According to Chapter 4 of the *Treatise*, the divine law has no outside—unlike the human law. And according to the first three chapters of the *Treatise*, Moses is a lawgiver because of his prophetic authority. What are we to make of this excessive quality of both divine law and authority in relation to human law? We should start with the observation that what links the law—in both its senses—and authority is power. Only then we will be able to discover the peculiar way in which Spinoza constructs the concept of authority in such a way as to no longer lead to an authoritarian politics, but rather to a democratic politics.

Linking law and authority through power entails at least three important aspects within the context of the *Theological-Political Treatise*:

The first aspect pertains to the production of authority. Human relations are always subject to “laws” of power, even if these laws are not written down. In human relations, the fact that there is no “outside” power means also that there is no “outside” the law. The reason that authority is always subject to power relations rests on its link to obedience. Authority is present as soon as there is obedience. Or, differently put, authority is produced by obedience. Spinoza seems to echo in this understanding the way authority has been conceived within the tradition.<sup>3</sup> (I say that he seems to, since the first three chapters of the *Theological-Political*