

The Metaphysics of Natural Right in Spinoza

JOHN GREY

And how bitterly Job protested to God that, though he had been just, he was so afflicted by calamities. In Job's case God himself solved this difficulty with his own living voice, and justified his right with arguments drawn not from Job's sin but from his own power. ... *Where were you*, he says, *when I laid the foundations of the earth?*
Thomas Hobbes, *De Cive* XV.6¹

1. INTRODUCTION

Spinoza argues in his *Theological-Political Treatise* (TTP) that right is coextensive with power. Even on a very minimal construal of rights as something like permissions, the view will strike many as beyond the pale. Yet Spinoza is characteristically unmoved by ordinary intuitions, and seeks to follow the argument (henceforth 'the TTP argument') where he thinks it leads:

For it's certain that nature, considered absolutely, has the supreme right to do everything it can [*jus summum habere ad omnia, quae potest*], i.e., that the right of nature extends as far as its power does. For the power of nature is the power of God itself [*naturae enim potentia ipsa Dei potentia est*], and he has the supreme right over all things. But the universal power of the whole of nature is nothing but the power of all individuals together [*universalis potentia totius naturae nihil est praeter potentiam omnium individuorum simul*]. From this it follows that each individual has a supreme right to do everything it

can, *or* that the right of each thing extends as far as its determinate power does. (TTP 16.3-4, G III/189)²

Thus Spinoza seeks to ground his practical claim that right is coextensive with power in metaphysical claims about the relationships between God, the whole of nature, and finite things. And this practical claim is subsequently used to develop an account of the state's political legitimacy, that is, an account of the process by which individual humans give authority [*potestas*] to the state [*imperium*], and of their reasons for doing this.³ It is only due to a transfer of right that 'we're bound to carry out absolutely all the commands of the supreme power' (TTP 16.25).

Scholars who have examined the TTP argument have responded to it in several different ways. Some hold that it is valid, at least when it is supplemented by background assumptions drawn from Spinoza's *Ethics*, and that the argument ultimately provides a good reason to accept the conclusion. Alexandre Matheron, for instance, writes that the argument is 'completely rigorous' once we take into account certain metaphysical views developed in *Ethics* 1 and 3.⁴ On this reading, someone who has already taken on board the lessons of the *Ethics* will naturally be led by the TTP argument to agree that right is coextensive with power. Others, such as Edwin Curley, agree that the argument has no formal flaws but criticize it for relying on premises that are unwarranted or unpersuasive given its dialectical context.⁵ On such a reading, although the argument is *formally* valid, it is nevertheless illegitimate for other (informal) reasons, and thus ultimately unsuccessful.

Both of these lines of interpretation agree that the TTP argument is valid. By contrast, I will argue in sections 2-3 that, by his own lights, Spinoza ought not to have accepted the TTP argument. There are two flaws in Spinoza's reasoning that undermine the argument, even given the resources of the *Ethics*. First, the argument assumes that finite individuals

inherit the property of *having right coextensive with their power* solely because they are part of a whole (the ‘whole of nature’) that has this property. But this form of argument from division is not valid in general, and I shall argue that examination of similar cases in the *Ethics* reveals that Spinoza ought to reject it in this particular case. Moreover, considering similar cases from the *Ethics* highlights a further flaw in the TTP argument. It trades on an equivocation between two different senses of ‘nature’: (i) nature conceived as substance, absolute and active, and (ii) nature conceived as mode, divisible and passive. Yet these two senses of ‘nature’ are not interchangeable *salva veritate*. Thus, even if we take Spinoza’s monistic metaphysics on board, his account of natural right does not follow from the given premises.

Spinoza does, however, revisit the core ideas of the TTP argument in his last, unfinished work, the *Political Treatise* (TP). There, too, he draws the conclusion that right is coextensive with power. However, his argument for this conclusion is different:

For since God has the right over all things, and God’s right is nothing but his power itself insofar as [his power] is considered to be absolutely free [*jus Dei nihil aliud est quam ipsa Dei potentia quatenus haec absolute libera consideratur*], it follows that each natural thing has as much right by nature as it has power to exist and have effects. For the power of each natural thing, by which it exists and has effects, is nothing but the very power of God, which is absolutely free. (TP 2.3, G III/276-77)

The difference is subtle, but logically significant.⁶ In the TTP argument, Spinoza relies on the whole of nature as an intermediary between God and individuals, while in the revised argument no reference is made to the whole of nature. Why does he make this change? My proposal in section 4 will be that in the period after the publication of the TTP, his continued

work on the *Ethics* led him to recognize the logical pitfalls facing the TTP argument. The revised argument relies neither on an argument from division nor on an equivocal conception of nature, but rather on the idea—central to the *Ethics*—that each individual’s power is an expression of God’s power. Identifying the flaws in the TTP argument thus reveals both Spinoza’s likely motive for revising it, as well as the specific way in which the revision is an improvement on the original.

2. INTERPRETING THE TTP ARGUMENT

Spinoza’s TTP argument for the view that right is coextensive with power has received relatively little criticism in scholarship on his political philosophy, perhaps because the arguments seem relatively straightforward. Since I wish to make the case that the argument relies on a move that is anything but straightforward, let me first paint a picture of the ways in which it has traditionally been interpreted.⁷

Some scholars who address the argument at TTP 16.3-4 take it to go through without a hitch, at least if the truth of its premises is granted. And where such scholars have felt the premises need shoring up, they have typically supposed the materials for doing so are ready and waiting in the *Ethics*. The thought is that in these passages, Spinoza is implicitly drawing on the resources of his metaphysical system, though that system is not given full expression in the TTP. For instance, Susan James paraphrases the argument before mentioning a criticism raised by one of Spinoza’s correspondents: ‘[C]ritics such as Van Velthuysen would object that [the TTP argument] trades on the heterodox claim that the power of natural things to operate as they do is identical with the power of God...’⁸ James is referring to a letter in which Van Velthuysen attributes to Spinoza the view ‘that all things emanate from God by an inevitable necessity—or rather...that this whole universe is God’ (Letter 42, G IV/208). Van Velthuysen seems to grant that the various consequences that Spinoza wishes to draw do

follow from his premises. However, many of those premises—including the view that the power of nature is the power of God—are wildly unacceptable to him. In his view, Spinoza’s conception of God ‘destroys and completely subverts all worship and religion, secretly introduces atheism, or at least imagines a God who cannot move men to reverence for his Divinity’ (Letter 42, G IV/218). However, Van Velthuysen never attacks the validity of the TTP argument. He objects only to the truth of its key premise—an objection that, on James’ view, Spinoza could address using the resources of the *Ethics* (at E1pp29-30).⁹ Her implicit suggestion is that, if the argument is supplemented with propositions from the *Ethics*, the conclusion will follow: might and right go hand in hand.

James’ approach to this topic is not out of the ordinary. It is a recent entry in a long interpretive tradition of developing and defending the TTP argument using the metaphysical picture developed in the *Ethics*. An older but still very influential example appears in Matheron’s discussion of this passage in *Individu et communauté chez Spinoza*. He optimistically describes the argument as a straightforward deduction that proceeds ‘*more geometrico*, by a simple reminder of what God *really* is and what relations he *really* bears to things.’¹⁰ However, he goes on to argue that one must rely on additional assumptions to rule out certain non-Spinozistic interpretations of the argument. After all, ‘There is no need to be Spinozist to recognize that the power which makes all natural reality exist and act is the very power of God.’¹¹ To rule out these alternative interpretations, Matheron fills in the story using doctrines from the *Ethics*:

God being an immanent cause of all things, each individual is himself a *Deus quatenus*; the divine strength through which we exist and act is therefore our own strength, aided and oriented by that of the other finite modes which determine us from step to step. And this strength, we know, merges with our *conatus*. This,

consequently, is a part of the infinite power of God: it is this power insofar as it gives itself the structure that defines our individual essence and insofar as it acts according to the laws of this structure. The conclusion, then, becomes completely rigorous: since the right of God is identified with his power, each *Deus quatenus* has as much right as it has strength...¹²

Thus Spinoza's reasoning is supposed to be valid as long as we take into account his whole metaphysical picture—specifically, Spinoza's conception of God as an immanent cause of all things, which underlies the *conatus* doctrine of *Ethics* 3.¹³ And other scholars typically agree that the TTP argument can be made good using propositions from the *Ethics*, though they do not always agree about *which* propositions must be used. For instance, Warren Montag summarizes the argument as follows:

Because nature, or God, does all it can do, and because for God not to do something that he could do would be an imperfection and God is perfect, 'Nature's right is coextensive with its power'. It thus follows that the individual things of which nature (or God) in its infinity is comprised have the 'sovereign right' to do the things that they are determined by nature as a whole to do.¹⁴

Where Matheron takes the argument to rely on Spinoza's view that God is an immanent cause of all things (developed at E1p18), Montag presents the argument as grounded in Spinoza's account of God's perfection (developed at E1p33s2).¹⁵ Much more recently, Daniel Frank and Jason Waller have provided an account of the argument that highlights its basis in Spinoza's naturalism, since naturalism entails that 'There can be no law that binds *only* on human beings.'¹⁶ Yet in spite of this nuanced disagreement about the ultimate

metaphysical foundations of Spinoza's argument that right is coextensive with power, all of these authors agree that when we draw on the claims of the *Ethics*, the argument turns out to be valid.

Moreover, those scholars who *have* raised criticisms of the TTP argument do not typically question its logical validity. As Curley paraphrases the argument, it runs as follows:

God has absolute sovereignty, that is, the supreme right to do all things, that is, whatever he can do; but the power of nature (considered absolutely) simply is the power of God; therefore, nature (considered absolutely) has the right to do whatever it can do; but the power of the whole of nature is nothing but the power of all the individuals in nature; therefore, everything in nature has a right to do what it can do. Right is coextensive with power.¹⁷

This paraphrase charitably irons out some rough spots, but nevertheless remains very close to the original text. Though he ultimately finds the argument unpersuasive, Curley does not suggest that the premises would fail to establish the conclusion. The only two problems he identifies are that (i) it is not an argument that 'we might expect to be persuasive to Spinoza's audience' (320), for it relies heavily on the Spinozistic assumption that the power of God is identical with the power of nature; and (ii) the conclusion of the argument will 'make trouble for the idea that the right of the state is founded on a social contract' (322), because it entails that a government's authority extends only as far as its subjects actually obey its commands.¹⁸

Both of these observations seem right. The argument does draw on premises that many traditional theological and political thinkers would reject, and the whole thrust of the argument seems to be in tension with the idea that natural rights may be surrendered with the

establishment of a social contract.¹⁹ Nevertheless, from the perspective of someone who accepts Spinoza's premises and is trying to decide whether to accept his conclusion as well, these points are not salient. The first problem presupposes a different audience, namely the liberal, philosophically sophisticated, but still religious readers that the TTP was apparently intended for.²⁰ And the second problem simply does not pertain to whether the argument itself is any good. Although Curley's objections are incisive, they do not aim to answer this question.

The upshot is that many readers of Spinoza's political writings, both critical and sympathetic, have held that the TTP argument is valid once his metaphysical doctrines are thrown into the mix as implicit premises. This is the point I wish to contest.

3. TWO OBJECTIONS TO THE TTP ARGUMENT

The flaws in the TTP argument that I want to highlight are not based on Spinoza's identification of God and nature, which was the source of Van Velthuysen's main concern. Rather, they are based on the logical relationship between the whole of nature and particular finite individuals. To see the difficulties the argument faces, let's carve it at its joints, hewing as closely as possible to the original text.

- (1) The power of nature, considered absolutely, is the power of God itself.
- (2) God has supreme right over all things.
- (3) So, nature, considered absolutely, has the supreme right to do everything it can, i.e., the right of nature extends as far as its power does. (*from 1, 2*)
- (4) The universal power of the whole of nature is nothing but the power of all individuals together.
- (5) So, each individual has a supreme right to do everything it can, *or* the right of each thing extends as far as its determinate power does. (*from 3, 4*)

Spinoza goes on to connect this last claim to the *conatus* doctrine. However, I take it that the essential point—that right is coextensive with power—is already supposed to be established by step (5).

Neither of the inferences involved in this argument is valid as it stands. The first inference (to line (3)) is invalid without some further connection between God’s power and God’s right. Fortunately, Spinoza’s revised version of this argument in the TP makes clear what he takes the connection to be. There, he states that ‘God’s right is nothing but his power itself’ (TP 2.3, G III/276), which makes clear that God’s power is not merely *coextensive* with God’s right—they are *identical*. Thus the first inference Spinoza means to draw at TTP 16.3-4 is:

- (1) The power of nature, considered absolutely, is the power of God itself.
- (1a) God’s right is the power of God itself. (*implicit premise*)
- (2) God has supreme right over all things.
- (3) So, nature, considered absolutely, has supreme right over all things. (*from 1-2*)

This inference *is* valid. Moreover, it does not trivialize the conclusion by presupposing that right is generally identical with power. Spinoza assumes only that *God’s* right is identical with God’s power.

Of course, we may wonder what licenses this assumption. Curley has observed that in Spinoza’s historical context, it would be unwarranted simply to assume that God’s right is identical with or grounded in his power.²¹ Many proponents of the natural law tradition that Spinoza is apparently attempting to work within would reject that assumption.²² But again, the question of interest here is not whether Spinoza’s argument would have been acceptable to authors such as Grotius. The question is whether it is something that follows from Spinoza’s premises, whether explicit or implicit. And here the answer seems to be ‘Yes’—if God’s right just *is* God’s power, the conclusion follows.

Yet even if the first inference in the TTP argument is repaired, the second inference is *also* invalid. The fact that (3) nature, considered absolutely, has supreme right over all things, combined with the fact that (4) the universal power of the whole of nature is nothing but the power of all individuals together, does *not* entail that (5) each individual has a supreme right to do everything it can. There are two problems with the argument as it stands, and neither admits of an obvious solution.

The first problem is that the inference is not of a form that is generally valid. The properties of a composite whole are not in general mere aggregates of the properties of its component parts. And this is so even in many cases where we wish to deny that the whole is nothing more than the sum of its parts. There *are* cases in which the properties of a whole are merely aggregated from its parts; for instance, if the bicycle has the property of *weighing less than twenty pounds*, then it *does* follow that each part of the bicycle must share this property. But these are special cases. The fact that a whole has some property does not entail that its parts must share that property, even in a lesser degree.

One might reply that Spinoza simply takes this to be a domain in which this form of argument from division is valid. It has already been granted that there are special cases in which division is valid; perhaps natural right is one of them. On Spinoza's understanding of the world, is there reason to take the property of *having supreme right to do everything one can* to aggregate from individuals to the whole of nature? That is, can Spinoza understand nature's supreme right as the sum of the many particular rights held by its finite modes? Since 'right' is not defined in the *Ethics*, we can only consider the matter by way of analogy with other properties that are. Yet there are a number of similar properties that apply to nature (considered absolutely), that Spinoza clearly denies to finite individuals in any degree. It is worth considering several examples in which Spinoza would deny the validity of similar arguments. Examining such cases will help us to see why the Spinozist ought to deny the

validity of the TTP argument as well: a similar error is at play in each case. Three examples should be sufficient to diagnose the problem.

Case 1: Existence and essence. The notion of essence is closely related for Spinoza to the notion of power (see, e.g., E1p34 and 3p7), and thus to the notion of natural right. We might expect that, just as the supreme right of the whole of nature is the aggregate of the rights of finite individuals to do whatever they can, likewise the essence of the whole of nature must be the aggregate of the essences of finite individuals. Such expectations would be frustrated. In Spinoza's view, there is a deep and critical difference between the essence of the whole of nature and the essence of any given individual. He argues that, in the case of substance—*natura naturans*, or nature, considered absolutely—existence and essence are one and the same. This thought appears as early as E1p11s:

For things that come to be from external causes—whether they consist of many parts or few—owe all the perfection or reality they have to the power of the external cause; and therefore their existence arises only from the perfection of the external cause, and not from their own perfection. On the other hand, whatever perfection substance has is not owed to any external cause. So its existence must follow from its nature alone; hence its existence is nothing but its essence. (E1p11s; see also 1p20 and 1p24)

However, in spite of the fact that God's existence and essence are identical, and God is identical with nature, considered absolutely (E1p29s), Spinoza would deny that this implies an analogous claim about particular individuals. For finite individuals, essence and existence remain distinct.²³ In fact, he takes it as axiomatic that 'The essence of man does not involve

necessary existence' (E2a1), which is another way of saying that essence and existence come apart in the case of human beings.

In short, Spinoza would deny the validity of the following inference:

(3') The essence of nature, considered absolutely, is its existence.

(4') The existence of the whole of nature is nothing but the existence of all individuals together.

(5') So, the essence of each thing extends as far as its existence does. (*from 3', 4'*)

The initial premise, (3'), follows from Spinoza's identification of God with Nature, considered absolutely. Premise (4') can be drawn from the same nominalism that leads Spinoza to accept (4) in the original TTP argument. But (5') is a claim that Spinoza explicitly rejects. It is only in the case of God that existence and essence are unified. So here the Spinozist would reject an inference from a property of the whole of nature, considered absolutely, to a property of particular individuals. Moreover, the property in question is one that is closely related to power, and thus (on Spinoza's view) to natural right.

Case 2: Freedom. Another property that we would expect to be treated similarly to natural right is the property of freedom. After all, in his revised and more careful version of the argument in the TP, Spinoza does not simply say that God's right is identical with his power; he says that 'God's right is nothing but his power itself, *insofar as [his power] is considered to be absolutely free*' (TP 2.3, emphasis added). It is natural to suppose that just as finite individuals inherit a portion of God's right, they likewise inherit a portion of God's freedom. But this is not so. The concept of freedom is defined at the beginning of the *Ethics* as the property of existing and being determined to act solely in virtue of one's nature (E1d7). With this definition on the table,

It follows...that God alone is a free cause. For God alone exists only from the necessity of his nature (by 1p11 and 1p14c1), and acts from the necessity of his nature (by 1p17). Therefore (by 1d7) God alone is a free cause, q.e.d. (E1p17c2)

So, as the passage suggests, Spinoza would reject an inference analogous to the one that appears in the TTP argument:

- (3'') Nature, considered absolutely (i.e., God), exists and acts from the necessity of its nature—that is, the whole of nature is free.
- (4'') The existence and power of the whole of nature is nothing but the existence and power of all individuals together.
- (5'') So, to the extent that each thing exists and acts, it does so from the necessity of its nature, i.e., each thing exists and acts freely. (*from 3'', 4''*)

He would accept the premises but reject the conclusion. Premise (3'') follows from his identification of God and nature, considered absolutely (*natura naturans*, per E1p29s). And, as before, the nominalism that leads him to accept that ‘the universal power of the whole of nature is nothing but the power of all individuals together’ (TTP 16.4) should also lead him to accept premise (4''). But he would apparently reject the conclusion (5''), since ‘God alone is a free cause.’²⁴ Once more, then, we have a Spinozist counterexample to Spinoza’s own argument at TTP 16.3-4.

Case 3: Immutability. We have been considering cases in which Spinoza denies that finite individuals inherit (even to a limited degree) a metaphysical feature of the whole of nature, considered absolutely. Perhaps the clearest case is the property of immutability:

It follows [from the identity of God's essence and existence] that God, or all God's attributes, are immutable. For if they changed as to their existence, they would also (by 1p20) change as to their essence, i.e. (as is known through itself), from being true become false, which is absurd. (E1p20c2)

And since nature, considered absolutely, is identical with God (E1p29s), it too is immutable.²⁵ On the face of it, then, it would be surprising for Spinoza to deny that particular, finite things are immutable as well. It is difficult to see how the whole of nature could be eternal and changeless if it is made up of temporal, changing things. Nevertheless, this is exactly Spinoza's view. Nature, considered absolutely, is immutable, but particular things are generated and corrupted, and they undergo continuous change throughout their existence. Indeed, Spinoza takes continuous change to be *required* for the continued existence of a complex individual such as a human body: 'The human Body, to be preserved, requires a great many other bodies, by which it is, as it were, continually regenerated' (E2p13s, Post. IV). The very idea of an immutable living body is incoherent.

These facts again suggest an argument very similar to the one Spinoza uses to defend his account of natural right in the TTP. And yet again, the analogous argument is one that Spinoza would reject as invalid:

- (3''') Nature, considered absolutely, is immutable—its state is unchanging.
- (4''') The state of the whole of nature is nothing but the state of all individuals together.
- (5''') So, each individual's state, whatever it may be, is unchanging, i.e., each thing is immutable. (*from 3''', 4'''*)

Premise (3''') is defended in the *Ethics*, in passages quoted above (E1p20c2 and 1p29s). And if Spinoza is prepared to accept that the power of nature reduces to the power of all individuals taken together—premise (4) of the original argument—it seems he should also

accept that the state of the whole of nature reduces to the states of all the individuals together (4'''). Yet as in the previous cases, Spinoza clearly rejects the conclusion (5'''), so he would reject this inference as invalid. The fact that nature (considered absolutely) has the metaphysical feature of immutability in no way entails that all things have that feature.

The objection, then, is that there are a number of cases in which Spinoza would deny the validity of arguments with the same form as the TTP argument. This indicates that he should reject the validity of the TTP argument as well.

It is worth considering a reply to this objection, motivated by an influential reading proposed by Don Garrett (2018) according to which Spinoza treats finite individuals as 'quasi-substances' (377) or 'finite approximations to substance' (365). As Garrett observes, 'it is common for Spinoza to hold that finite things can have, in *varying degrees*, characteristics that only an infinite substance possesses *absolutely*' (365). Indeed, Garrett motivates this proposal by pointing to the cases of existence and freedom that I appealed to above. Even though finite individuals do not possess either existence or freedom in the absolute sense that God has these properties, nevertheless individuals *do* have properties that are 'finite approximations' (365) of God's existence and freedom. One reply to my objection, then, is that there are versions of each of the three conclusions given above—regarding essential existence, absolute freedom, and immutability—that *would* be acceptable to Spinoza. Finite individuals do possess such existence, freedom, and immutability, but only to a degree. So, likewise, finite individuals do possess a natural right coextensive with *a degree* of God's power.

I grant that this is a compelling interpretation; indeed, my reading of the TP argument in the next section will draw on it. However, it is not an adequate reply to the objection I have raised, for *even on this reading*, Spinoza would deny the validity of the arguments given

in cases 1-3. In order for those arguments to be valid as they stand, the property that finite things inherit must be one and the same as the property possessed by the whole of nature (as it is in the TTP argument, where the property in question is *having right coextensive with its power*). And that is something that, even on the quasi-substance reading, Spinoza would deny: the finite approximation of self-caused existence is not self-caused existence; the finite approximation of freedom is not freedom; and the finite approximation of immutability is not immutability. Thus the quasi-substance reading does not save the TTP argument.

Moreover, now that we have seen a range of cases in which Spinoza would reject lines of reasoning analogous to the TTP argument, a second (and deeper) flaw in that argument also becomes apparent. Each of the arguments just outlined involves an illicit shift in the sense of the term ‘nature’, a term that Spinoza recognizes as ambiguous in the *Ethics*.²⁶ The initial premise in each case invokes nature considered absolutely, or *natura naturans*, which is prior to—and not composed of—particular finite things. However, the second premise in each case invokes a nominalistic conception of nature as composed of, and dependent on, finite things. In this sense, ‘nature’ refers to something like the infinite individual Spinoza describes in the Physical Digression after E2p13s, Lemma 7s.²⁷ What is important for our purposes is that these distinct senses of ‘nature’ are not intersubstitutable. Nature (insofar as it is considered absolutely) is free, immutable, and has an existence identical with its essence.²⁸ At the same time, nature (insofar as it is considered to be modified in various ways) is constrained, mutable, and has an existence distinct from its essence. This ambiguity is what makes it coherent for Spinoza to say that the activity of nature is the sum of the activity of all finite individuals (TTP 16.4), even though nature, insofar as it is substance, is indivisible (E1p13c&s). ‘Nature’ in the first claim refers to an infinite mode, while in the second claim it refers to God. It is also this ambiguity that allows

Spinoza to accept the premises in each of these three cases without accepting their conclusion.

So far, so good for Spinoza. However, the same ambiguity in the term ‘nature’ is mirrored in premises (3) and (4) of the TTP argument. The problem is that in the context of that argument, we need ‘nature’ to retain the same sense in both of those premises. Since it does *not* retain the same sense throughout the argument, the argument is invalid. It relies on an inference that should be reckoned dubious even (and perhaps especially) given the metaphysical picture developed in the *Ethics*.

4. REVISING THE ARGUMENT

Although the TTP argument fails, Spinoza revises the argument in his last work, the *Political Treatise*. Some commentators have suggested that the revision makes for a stronger argument.²⁹ We are now in a better position to appreciate *why* it is stronger: the TP argument is not subject to either of the logical flaws faced by its predecessor.

If we enumerate the core premises of the TP argument, keeping close to the original text, it runs as follows.

- (6) God’s right over all things is nothing but his power itself insofar as that power is considered to be absolutely free.
- (7) The power of each natural thing, by which it exists and has effects, is nothing but the very power of God, which is absolutely free.
- (8) So, each natural thing has as much right by nature as it has power to exist and have effects. (*from 6, 7*)

This argument clearly avoids the first flaw of the TTP argument. In particular, it does not involve an inference from the claim that all things are parts of a certain whole—the whole of nature—to the conclusion that they inherit the metaphysical features of that whole. Indeed,

the relationship between particular individuals and the whole of nature plays no role in this version of the argument. Instead, the argument depends only on the assumption that the power of each thing just *is* ‘the very power of God’. Since God’s power is identical with his right, it is supposed to follow *directly* that the power of each thing is coextensive with its right.

Does the TP argument also avoid the second problem, namely equivocation on Spinoza’s two senses of ‘nature’? Notably, since the argument does not appeal to the ‘whole of nature’ at all, there is no room in the argument for equivocating between the two senses of ‘nature’, *natura naturans* and *natura naturata*. Only the power of God (*natura naturans*) is at issue throughout the argument. It thus avoids the charge of equivocation faced by its predecessor.

There is a cost to Spinoza’s revision, however. In order to accept the identification of the power of each individual with the power of God, it seems that one must already endorse Spinozistic monism, or something very like it. That this premise would have been disagreeable to many of Spinoza’s readers—and that Spinoza was aware of this—is perhaps best illustrated by a series of late letters to and from Henry Oldenburg in 1675. Oldenburg requests that Spinoza ‘elucidate and moderate’ passages from the TTP ‘which appear to treat in an ambiguous way of God and Nature, which many people consider you have confused with each other’ (Ep. 71, 329). Although Oldenburg does not give a list of specific passages, the TTP argument is certainly a text in which such ‘confusion’ is evident. Spinoza responds,

I entertain an opinion on God and Nature far different from that which modern Christians are wont to uphold. For I maintain that God is the immanent cause, as the phrase is, of all things, and not the transitive cause. All things, I say, are in God and move in God... (Ep. 73, 332)

This passage signals both that Spinoza recognizes that this presupposition about the relationship between God and natural things is contentious, but also that he is unwilling to drop it. Given this exchange, it is no surprise that the TP argument—composed roughly two years later—is not aimed at appealing to ‘modern Christians’ such as Oldenburg.

To the contrary, we do best to read the TP argument as Spinoza’s attempt to set down the strongest defense of his account of natural right that he could provide, given the resources of the (by then fully fleshed-out) *Ethics*. The TTP is a much earlier work—one that Spinoza says he composed in order to combat ‘the prejudices of the theologians’ and to defend ‘the freedom to philosophise and to say what we think’ (Ep. 30, 185-186), but also to address the frequent accusations of atheism made against him ‘by the common people’ (Ep. 30, 186). Presumably he felt he could not finish work on the *Ethics* before quelling such accusations. However, after the publication of the TTP in 1670, Spinoza worked seriously on the *Ethics* for at least the next five years. By 1675, the latter work appears to have been close to its final form. In a letter to Spinoza dated 22 July of that year, Oldenburg refers to previous correspondence (not extant) that had indicated ‘your intention to publish the five-part Treatise of yours’ (Ep. 62, 294). And in his reply in September of that year, Spinoza confirms that he had been on the verge of having the work published, but demurred when ‘certain theologians’ raised complaints about his philosophy to various political leaders (Ep. 68, 321).

Spinoza’s completion of the *Ethics* during this interval is significant because, although I have argued that the system he develops in that work does not validate the TTP argument, it does provide him with a more sophisticated way of understanding the immanence of God in all things. So, when Spinoza set himself the task of composing the *Political Treatise* sometime in 1675 or 1676,³⁰ he approached the issue of natural right from a far more carefully developed metaphysical foundation: namely, the theory of inherence that

plays a central role throughout the *Ethics*. On this theory, the fact that all things are *parts* of the whole cosmos is irrelevant to the question of what properties they inherit from God. What matters is rather that all things *inhere* in God.³¹ It is this inherence relation that licenses Spinoza to treat particular individuals as quasi-substances (to follow Don Garrett's terminology) whose power just is God's power.

To see this, note that the contentious premise of the TP argument—the premise that the power of each natural thing is nothing but the power of God—is a claim that Spinoza also makes explicitly in the *Ethics*: '[S]ingular things are modes by which God's attributes are expressed in a certain and determinate way (by E1p25c), that is (by E1p34), things that express, in a certain and determinate way, God's power, by which God is and acts' (E3p6dem). And E1p25c, cited in support of this claim, is in turn derived from the proposition that 'Whatever is, is in God, and nothing can be or be conceived without God' (E1p15)—that is, all things inhere in God.

In this way, Spinoza's revisions to the TP argument suffice to make it valid against the background of his theory of inherence. For the revised argument is *not* drawn from the fact that all things are parts of one whole, but from the fact that all things express God's power. These revisions thus reflect the fact that by the time he had begun work on the *Political Treatise*, he had carefully worked out his views about the metaphysics of inherence and parthood, views he had not yet fully developed when drafting his earlier *Theological-Political Treatise*.

5. CONCLUSION

My aim has been to set out an account of Spinoza's reasons for revising his defense of the thesis that natural right is coextensive with power. I have argued that the TTP defense of this thesis is one that Spinoza ought not to have accepted even by his own lights. It illicitly

supposes that natural right is something that particular things must inherit by virtue of the fact that they are parts of the whole of nature (*totius naturae*). Spinoza's metaphysics does not in general license such inferences, as a number of related examples from the *Ethics* attest. The properties of *being free*, of *being immutable*, and of *being such that one's existence is identical with one's essence* are all properties that particular finite individuals do not inherit simply by being part of the whole of nature. Moreover, considering these cases illuminates a second flaw in the argument: it trades on an ambiguity between the whole of nature considered as a substance (self-caused, indivisible, and free) and the whole of nature considered as a mode (caused by another, divisible, and constrained). When the ambiguity is straightened out, the argument flatly fails.

However, I have also argued that the revised version of the argument presented in the TP avoids both of these pitfalls. It relies neither on a dubious inference from whole to part, nor on an equivocal conception of the whole of nature. Rather, the TP argument is based on a more metaphysically intimate connection between God and particular individuals: the fact that the power of each natural thing just *is* the power of God. Moreover, this key premise finds definite support in the *Ethics*, according to which 'Whatever is, is in God' (E1p15) and thereby expresses 'in a certain and determinate way, God's power, by which God is and acts' (E3p6dem). Thus, although the TTP argument fails even when we take into account the broader metaphysical picture of the *Ethics*, the TP argument does not.

The *Tractatus Politicus*, written at the very end of Spinoza's life, provides us with his final attempt to argue that natural right is coextensive with power. The considerations presented here help us to understand Spinoza's apparent dissatisfaction with his own previous efforts to do so. The revised argument avoids the logical pitfalls of his earlier efforts. It also more clearly reveals the deep roots by which the monistic metaphysics of the *Ethics* feeds into Spinoza's conception of natural right.³²

¹ Thomas Hobbes, *On the Citizen*, ed. and trans. by R. Tuck and M. Silverthorne (Cambridge: Cambridge University Press, 1998).

² Citations of Spinoza's political writings (the TTP and TP) are formatted by chapter and section number, and are drawn from Benedict Spinoza, *The Collected Works of Spinoza*, Volume 2, ed. and trans. by E. Curley (Princeton: Princeton University Press, 2016); these are sometimes followed by volume and page numbers for the Latin text, drawn from Benedict Spinoza, *Opera*, ed. by C. Gebhardt (Heidelberg: Carl Winter Verlag, 1925). Citations of the *Ethics* (E) refer to Benedict Spinoza, *The Collected Works of Spinoza*, Volume 1, ed. and trans. E. Curley (Princeton: Princeton University Press, 1985) and have the usual format: 'd' for definition, 'a' for axiom, 'p' for proposition, 'c' for corollary, 's' for scholium, and 'app' for appendix. E.g., E4p27s2 is *Ethics* part 4, proposition 27, scholium 2. Citations of Spinoza's correspondence (Ep.) refer by letter and page number to Benedict Spinoza, *The Letters*, trans. by S. Shirley, ed. by S. Barbone, L. Rice, and J. Adler (Indianapolis: Hackett, 1995).

³ I typically read *potentia* as 'power' and *potestas* as 'authority', following Steven Barbone, 'Power in the Tractatus Theologico-Politicus' ['Power'], in *Piety, Peace, and the Freedom to Philosophize*, ed. by P. J. Bagley (Dordrecht: Kluwer, 2000), 91-109. His analysis of Spinoza's usage of these terms is to my mind definitive. Notably, Edwin Curley, in his edition of *The Collected Works of Spinoza*, does not follow this reading, and there are some reasons to think Spinoza's usage is not entirely systematic—the uses of *potestas* in chapter 2 of the TP, for instance, are curious. None of the interpretation I offer below hinges on this point. However, in other contexts, the difference between *potentia* and *potestas* is philosophically important, for only *potentia* is explicitly tied by Spinoza to natural right. Hence, some have argued that *potentia* refers to the power of particular individuals, while

potestas refers to the authority to direct the power of individuals, which is wielded by social constructs such as the state; see especially Barbone, ‘Power’, and Douglas den Uyl, *Power, State, and Freedom: An Interpretation of Spinoza’s Political Philosophy* [*Power, State, and Freedom*] (Assen: Van Gorcum, 1983). On their reading, the state has no *potentia*, hence no right of its own. However, others hold a different view: the multitude of citizens comprising the state just *is* another individual, and its *potestas* corresponds to *potentia*—hence to right—of its own; see Antonio Negri, *The Savage Anomaly*, trans. by M. Hardt (Minneapolis: University of Minnesota Press, 1991). For a summary of the debate, see Sandra Field, ‘The state: Spinoza’s institutional turn’, in *Spinoza: Basic Concepts*, ed. by A. Santos Campos (Exeter: Imprint Academic, 2015), 142-54.

⁴ Alexandre Matheron, *Individu et communauté chez Spinoza* [*Individu et communauté*], Nouvelle édition (Paris: Les Éditions de Minuit, 1988), 261. All translations of Matheron are mine; thanks to Sarah Grey for help with them.

⁵ See Edwin Curley, ‘The State of Nature and Its Law in Hobbes and Spinoza’ [‘State of Nature’], *Philosophical Topics* 19 no. 1 (1991), 97-117; and Edwin Curley, ‘Kissinger, Spinoza, and Genghis Khan’, in D. Garrett (ed.), *The Cambridge Companion to Spinoza* (Cambridge: Cambridge University Press, 1996), 315-42.

⁶ Thus I disagree with scholars who treat the TTP and TP passages as expressions of one and the same argument, such as Daniel Frank and Jason Waller, *The Routledge Philosophy Guidebook to Spinoza on Politics* [*Spinoza on Politics*] (New York: Routledge, 2016), 22, who write, ‘Spinoza provides only one explicit argument for this claim [that right is coextensive with power]. ... This argument is presented in both the *Theological-Political Treatise* and in the *Political Treatise*.’

⁷ One line of interpretation I will not engage with in detail has it that Spinoza simply intends to *define* right as power; a reading along these lines is offered by Etienne Balibar, *Spinoza*

and Politics, trans. P. Snowdon (London: Verso, 1998), 59 & 103. If that is right, the arguments Spinoza offers in the TTP and the TP can only be window-dressing. My presupposition throughout is that Spinoza viewed the coextension of natural right and power as a substantive thesis that required philosophical defense.

⁸ Susan James, *Spinoza on Philosophy, Religion, and Politics: The Theological-Political Treatise* [*Spinoza on Philosophy, Religion, and Politics*] (New York: Oxford University Press, 2012), 240.

⁹ See James, *Spinoza on Philosophy, Religion, and Politics*, 240. James does not discuss why these two propositions in particular (E1p29 and p30) might be salient to Van Velthuysen's rejection of the view 'that this whole universe is God' (Letter 42, G IV/208). However, E1p29 in particular is relevant to Van Velthuysen's rejection of the view 'that all things emanate from God *by an inevitable necessity*' (Letter 42, G IV/208, emphasis added): many scholars recognize that proposition as Spinoza's strongest defense of the view that all things are necessary. See, e.g., Martin Lin, 'Rationalism and Necessitarianism', *Noûs* 46 no. 3 (2012), 418-48.

¹⁰ Matheron, *Individu et communauté*, 290.

¹¹ Matheron, *Individu et communauté*, 290.

¹² Matheron, *Individu et communauté*, 291. For more recent examinations of the relationship between Spinoza's discussion of striving at TTP 16.4-5 and the *conatus* doctrine of the *Ethics*, see Ericka Tucker, 'Multitude', in A. Santos Campos (ed.), *Spinoza: Basic Concepts* (Exeter: Imprint Academic, 2015), 129-141; and Yitzhak Melamed, 'The Metaphysics of the Theological-Political Treatise', in Y. Melamed and M. Rosenthal (eds.), *Spinoza's Theological-Political Treatise* (Cambridge: Cambridge University Press, 2010), 128-142. Tucker's commentary also contains an instructive discussion of the consequences for political theory if Spinoza's account of natural right is correct.

¹³ Matheron provides another account of the argument in his ‘Le «Droit du Plus Fort»: Hobbes contre Spinoza,’ *Revue Philosophique de la France et de l’Étranger* 175 no. 2 (1985), 149-176, which keeps closer to Spinoza’s original framing. Even there, Matheron insists that the metaphysical premises in the argument ‘can be given a very rigorous sense when founded on the ontology of Book I of the *Ethics*’ (169; my translation).

¹⁴ Warren Montag, *Bodies, Masses, Power: Spinoza and His Contemporaries* (New York: Verso, 1999), 64.

¹⁵ Den Uyl, *Power, State, and Freedom*, 5-6, also reads the argument as relying on God’s immanence.

¹⁶ Frank and Waller, *Spinoza on Politics*, 21-24.

¹⁷ Curley, ‘Kissinger, Spinoza, and Genghis Khan’, 320.

¹⁸ Curley provides a more detailed paraphrase and discussion of the argument in ‘The State of Nature’, 102-103. The main problem he identifies with it in that earlier article is what I have labeled (*i*) above—namely, that in the TTP Spinoza ‘does not *argue* for that identity [of the power of nature with the power of God]... And it seems he should have argued for it, not just assumed it’ (105).

¹⁹ On the basis of the disagreement between Spinoza’s approach and that of more traditional theorists of natural right, a number of scholars have suggested that we should take Spinoza’s discussion of natural right to be aimed at debunking the very idea. Justin Steinberg, ‘Spinoza’s curious defense of toleration’, in Y. Melamed and M. Rosenthal (eds.) *Spinoza’s Theological-Political Treatise*, (Cambridge: Cambridge University Press, 2010), 210-230, writes, ‘The whole aim of Spinoza’s analysis of right (*ius*) in Chapter 16 is to eviscerate traditional, normative conceptions of rights’ (217). And Curley, ‘Kissinger, Spinoza, and Genghis Khan’, 322, writes that when Spinoza asserts that right is coextensive with power, he is merely making the negative claim ‘that there is no transcendental standard of justice by

which [one's] actions can be judged to be unjust'; thus Spinoza's discussion of natural right is best understood as debunking the concept. See also Curley, 'The State of Nature', 112.

Debunking interpretations of Spinoza's treatment of natural right have also been popular among political theorists making use of Spinoza's framework. Perhaps the most influential theorist who has advanced such a view is Antonio Negri, *The Savage Anomaly*, trans. M. Hardt (Minneapolis: University of Minnesota Press, 1991), who does not think Spinoza's account of natural right is a serious attempt to work within the same tradition as Grotius and Hobbes. As Negri has it:

Spinoza does not really get involved with the doctrine of natural right, except as a tactical retreat, as a momentary separation from the fundamental line of the project—and, in any case, such an attachment would be contradictory with both the subsequent development of Spinoza's thought and the first stage of the *Ethics*. (108)

Negri's point is that if we take the TTP and TP arguments at face value, they appear to conflict with some of Spinoza's most trenchant criticisms of the core ideas of the natural right tradition. In order to read Spinoza as working within the tradition of natural right, we would have to read him as forsaking metaethical views that seem central to the *Ethics*—including his lengthy condemnation of traditional views about 'praise and blame, sin and merit' at E1app, G II/81. Better to suppose that the arguments are not intended as serious forays into doctrine of natural right. I would note, however, that this argument succeeds only on a *moralistic* view of natural right—that is, a view that takes natural right to ground certain rules that would be morally wrong to violate. For a nice discussion of the different ways of construing 'natural right', see Frank and Waller, *Spinoza on Politics*, 17-21.

²⁰ On the audience of the TTP, see Steven Nadler, *A Book Forged in Hell: Spinoza's Scandalous Treatise and the Birth of the Secular Age* (Princeton: Princeton University Press, 2011), 21–25.

²¹ Curley, 'The State of Nature', 107.

²² Hobbes is the exception rather than the rule, citing the Book of Job to justify the view that God's right is grounded in his power; see the epigraph of this article. For further discussion of Spinoza's relationship to the most influential seventeenth-century natural lawyers, see Aaron Garrett, 'Spinoza as Natural Lawyer', *Cardozo Law Review* 25 (2003): 627-41.

²³ To be clear, Spinoza's view is that in the case of particular individuals, essence does not *determine* existence, whereas in the case of substance it does. It is supposed to be possible for a finite individual not to exist even though its essence is still 'comprehended in God's attributes' (E2p8c).

²⁴ Spinoza also uses the term 'freedom' in a looser sense, which allows humans to qualify as free to the extent that they master their passions and follow the guidance of reason. However, it is important to recognize that humans are never free in the same sense as God, or nature (considered absolutely). Given the requirements of the definition at E1d7, I agree with Matthew Kisner's assessment in his *Spinoza on Human Freedom: Reason, Autonomy, and the Good Life* (Cambridge: Cambridge University Press, 2011), 44-45:

It follows from Spinoza's metaphysics that human beings can never be truly free, in the strict sense of the term, since humans, as finite things, are necessarily causally dependent on other things. Consequently, when Spinoza uses the term to describe the goal of his ethics, we should suppose that he is using the term more loosely to refer to the greatest degree of self-determination and freedom available to us.

²⁵ Still, one monist's *modus ponens* is another's *modus tollens*. Curley has argued that we ought not read E1p29s as identifying God with nature specifically because that would conflict with Spinoza's view that God is immutable; see his 'On Bennett's Interpretation of Spinoza's Monism', in Y. Yovel (ed.), *God and Nature in Spinoza's Metaphysics: Papers Presented at the First Jerusalem Conference* (Leiden: Brill, 1991), 35-52. He argues, 'If

[Lemma 7s after E2p13s] shows that the whole of nature changes..., and if God is immutable, then we might take this as evidence that God is not to be identified with the whole of nature' (45). I think what it really shows is that we must distinguish the whole of nature, considered absolutely, from the whole of nature, considered as a compound of dependent beings (a distinction I say more about below).

²⁶ E1p29s develops the distinction between nature conceived as 'what is in itself and is conceived through itself' (*natura naturans*) and nature as 'whatever follows from the necessity of God's nature' (*natura naturata*). The interpretation I have developed here supposes that *natura naturans* is God, the one substance, while *natura naturata* is an infinite mode of that substance.

²⁷ Spinoza also describes this individual as 'the face of the whole universe, which, however much it may vary in infinite ways, nevertheless always remains the same' (Letter 64, G IV/278).

²⁸ Per E1p17c2, 1p20c2, and 1p11s, respectively.

²⁹ For instance, Justin Steinberg suggests that the TP argument relies on a better account of the relationship between God and finite things; see *Spinoza's Political Psychology: The Taming of Fortune and Fear* (Cambridge: Cambridge University Press, 2018), Chapter 2. Curley, 'Kissinger, Spinoza, and Genghis Khan', also suggests this point in passing. And although Frank and Waller take both the TTP and TP passages to express the same argument, they use the TP version when presenting their account of that argument; see their *Spinoza on Politics*, 22-23.

³⁰ His final letter, Ep. 84, conjecturally dated 1676, describes his plan for the *Political Treatise*. According to the letter, he had already completed the first six chapters by that point.

³¹ Here I am following Don Garrett's extensive work on the interpretation of 'in' as denoting a relation of inherence. See especially 'Spinoza's Conatus Argument', in *Nature and Necessity in Spinoza's Philosophy* (New York: Oxford University Press, 2018), 352-390.

³² Thanks to Justin Steinberg, Debra Nails, and Fred Rauscher for constructive suggestions on earlier versions of this paper, in which I was too pessimistic about the prospects for *either* of Spinoza's arguments. I've come around.