

## SPINOZA AND THE PARADOX OF POLITICAL FREEDOM

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One of the most recurrent problems in early modern political philosophy consists in the contrast between political power and individual freedom – between the pre-eminence of sovereignty and the pre-eminence of individual rights limiting sovereignty. This contrast constitutes the ‘Paradox of Sovereignty’: it basically consists in stating that limited power is actually more powerful than unlimited power (Krasner, 1999: 3; and Holmes, 1995: 131). The contrast is between sovereignty, insofar as it is synonymous with absolute power, or rather power to do anything that is politically possible to do; and individual freedom, insofar as it is synonymous with a certain personal sphere of action inside which political powers cannot intervene.

However, this same paradox can be formulated from the other side of the dichotomy between sovereignty and individual rights. From the perspective of individual political freedom, it can be called a ‘Paradox of Freedom’ insofar as the formation of political authority depends upon a paradigm of *obedience* to someone (whether natural or artificial), in order to maintain that

very same individual freedom. The individual, in order to fully have a right of his own, must somehow be under the right of another. The argument tends to develop in the following way: Individuals are free only if they participate in the making of a political community, which requires obedience to a sovereign; the sovereign, in turn, can only be and remain a sovereign insofar as he is obeyed; and obedience is more and more assured the freer individuals are in the making of their political community. The paradox is that freedom can only be achieved by obedience, which is usually regarded as the contrary of freedom.

Nevertheless, the ‘Paradox of Freedom’ can be overcome if obedience stops being understood as synonymous with a certain absence of freedom, and if instead the relation between obedience and freedom can somehow be turned into a politically compatible one. But the moment that obedience and freedom become compatible, the element which is a necessary condition for there to be political freedom becomes exactly the same element which is usually considered a necessary condition for there to be political serfdom: obedience. How, then, is one to discern between freedom and non-freedom, between political freedom and political serfdom, if both are to be related to the same element of obedience? If two men obey one same authority, how can the one who is free be distinguished from the one who is a slave? Can

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they be distinguished at all? Where does political freedom stand in all this?

The following argument will try to show that Spinoza tackles this problem directly in both his political treatises, and from two different viewpoints: firstly, from the viewpoint of individual freedom; and secondly, from the viewpoint of the State. Overall, both approaches in both treatises seem to end up expressing one same theoretical vision of what political freedom is, albeit through different formulations: in the *TTP*, by using four different criteria for measuring that which can be termed ‘internal obedience’ and that which can be termed political efficacy; and in the *TP*, by using the conceptual pair *sui juris* / *alterius juris* as a combination on multiple levels rather than as an exclusive opposition.<sup>1</sup>

This paper comprises four sections. The first two sections will approach freedom as it is presented in the *TTP* – first, from the viewpoint of the individual, then from the viewpoint of the State. The last two sections will approach freedom as it is presented in the *TP* – again, from the viewpoint of the individual and then from the viewpoint of the State. Ultimately, it will be made clear how Spinoza’s solution combines a set of different criteria for assessing political freedom, both from the viewpoint of the individual citizen and of the State, thus presenting a complex scale for measuring freedom in degrees.

#### **THE TWO CRITERIA OF FREEDOM FROM THE VIEWPOINT OF THE INDIVIDUAL IN THE *TTP***

Spinoza addresses the ‘Paradox of Freedom’ in the *TTP*. In chapter XVI, after having spent several pages describing the formation of

political societies and the constitutive obedience created through the individual transferences of power, he poses this question: are we thus ‘turning subjects into slaves’ (*TTP* XVI/201)? His answer will be provided in the remaining chapters. What he seems to indicate is that obedience ‘does take away liberty in some sense’ (*TTP* XVI/201), but that does not mean that obedience necessarily implies an absence (even if only a relative absence) of freedom. The only way to make obedience and freedom not only compatible, but also to make the latter somehow dependent upon the former is by considering the existence of different kinds of obedience which will be associated with different kinds of freedom or non-freedom. In other words, obedience is necessary in order to make a free citizen and also to determine whether someone is a slave. The difference between freedom and bondage, in this sense, will then be determined by the kind of obedience.

Spinoza distinguishes between different kinds of obedience twice in the *TTP*. At the beginning of chapter XVII, he makes mere factual obedience differ from a psychological acceptance of specific commandments. The distinction is between external obedience and internal obedience: the former is the mere observance through actions or omissions of that which is commanded by whomever might be in the position of authority, and is sufficient for obedience<sup>2</sup>; the latter is an ‘internal action of the mind’ through which one ‘resolves to obey every word of another wholeheartedly’ (*TTP* XVII/209), and measures the intensity of the externally observed obedience. In other words, external obedience is sufficient for obedience; internal obedience determines the

1 Translations from the *Ethics* are from Spinoza, 1994. Translations from the *Tractatus Theologico-Politicus* [*TTP*], the *Tractatus Politicus* [*TP*] and the *Correspondence* [*Ep*] are from Spinoza, 1998. References are to Spinoza, 1925, by page number (included in most modern editions). The standard abbreviations are followed.

2 ‘It is not the reason for being obedient that makes a subject, but obedience as such’ (*TTP*, XVII/209). ‘Obedience as such’ is what one could call *external obedience*.

reasons for actions or omissions. The more an individual ‘resolves to obey every word of another wholeheartedly’ because he understands the necessity of compliance with that which is commanded, the more wholeheartedly will he obey, since the command will reveal reasons for actions or omissions that are actively accepted as such by the individual. He thus might be said to participate intellectually in the normative strength of the commandment to which he obeys.

Spinoza, however, provides another distinction between different kinds of obedience in another passage earlier in chapter XVI. When he confronts the question of whether subjects become slaves because they *obey* in order to acquire *freedom*, Spinoza presents three kinds of freedom illustrated with reference to three different kinds of obedience: that of the slave; that of the child; and that of the political subject. What distinguishes one from the other is their reasons for acting according to another’s commands. What distinguishes them is the different nature of their internal obedience. The slave obeys every word of his master only in view of what is advantageous to the master; the child obeys every word of his parents in view of what is advantageous to him, albeit only the parents know what is more advantageous to their children; and the political subject obeys every word of the sovereign in view of what is ‘useful for the community and consequently also for himself’ (*TTP XVI/201*). Moreover, Spinoza adds that

Anyone who is guided by their own pleasure in this way and cannot see or do what is good for them, is him or herself very much a slave. The only [genuinely] free person is one who lives with his entire mind guided solely by reason. (*TTP XVI/201*).

What these two passages show is that there are two main criteria for determining the political freedom of individuals whenever they

obey: the *epistemological criterion*, according to which an individual is free to the extent that he is guided by reason, and he is a slave to the extent that he is guided by passions; and the *criterion of usefulness*, according to which the individual who obeys another only to the advantage of another does not have the same freedom as that of the individual who obeys another to his own advantage, who in turn does not have the same freedom as that of the individual who obeys another to the advantage of his community and consequently of himself. Both criteria are used in order to infer the kind of internal obedience: external obedience is sufficient in order to produce a subject; but the freedom of the subject can only be determined when these two criteria measure the intensity of his internal obedience.

These two criteria for assessing political freedom from the viewpoint of the individual begin to show Spinoza’s original contribution to solving both political paradoxes – the ‘paradox of sovereignty’ and the ‘paradox of freedom’. The *epistemological criterion* is the one which establishes the conceptual framework of the very notion of freedom because it is the only one that allows the identification of freedom even when there is no obedience at all. When Spinoza claims that acting on obedience ‘does take away liberty in some sense’, he is referring here mainly to an epistemological freedom, since the human individual who is guided by reason (the wise man) knows things in their necessary, rather than contingent, connections, and therefore does not need to be compelled to follow a certain external statement of necessity. That is why Spinoza describes him as living ‘above the law’ [*supra legem*]<sup>3</sup>. In a community composed solely by wise men, there is no need for obedience since laws are nothing but imaginative constructs of what should be deemed necessary (Campos, 2012: 53-67), and

<sup>3</sup> *Ep.* 19/810, a letter dated from 1665, the year in which Spinoza supposedly began working on the *TTP*. In Jacqueline Lagrée’s words, one could say that Spinoza’s wise man is able to overcome the normative realm only through cognitive activities. Cf. Lagrée, 2004 : 192-4.

Love of God is not obedience ... Obedience ... concerns the will of someone who commands, not the necessity and truth of a thing. (*TTP* XVI, annotation 34/ 272).

The problem is that such communities composed exclusively by wise men are apolitical, and are nowhere to be found except in men's imaginations. In fact, political communities are composed mainly of men who are guided by their passions, and wise men live also in such communities. That is why the problem of obedience is relevant also to the wise man. And in this political context shared by both the man who is guided by passions alone and the man who is guided by reason, the *epistemological criterion* is insufficient in order to distinguish between different kinds of internal obedience. This is the point at which the *criterion of usefulness* is added to the *epistemological criterion* in order to produce an original theory of political freedom.

These two criteria function together in order to distinguish between several different degrees of internal obedience. This was not possible when simply measuring external obedience, since it can only be determined in an 'all-or-nothing' fashion rather than according to a scale of different kinds of obedience. Thus, a first glance at those different degrees of obedience might also be regarded, from the viewpoint of the individual, as a scale of different degrees of freedom. A provisional scale might be presented thus:

- (1) The wise man living in a community of wise men (apolitical freedom);
- (2) The subject guided by reason;
- (3) The subject guided by passions;
- (4) The child;
- (5) The slave.

Slavery, in this sense, is not necessarily a conceptual space of non-freedom (synonymous

with bondage), since the two criteria of freedom are necessarily complements rather than alternatives to one another. If the slave leads himself by reason rather than by passions, he can be considered freer (or rather, less bound) than the slave who is guided by passions. Hence, each criterion cannot function in an 'all-or-nothing' fashion, but they are always functioning together in order to produce a scale of different kinds of obedience that is also a scale of different degrees of individual freedom.

A new problem arises, though, which can be traced to Epictetus's famous dilemma: who is the freest man? The slave who guides himself by reason, or the master who is led by the passions? If the *epistemological criterion* takes precedence over the *criterion of usefulness*, then freedom is firstly epistemological and only secondarily political. The wise man guiding himself by reason would be freer whether he lived in the most oppressive of tyrannies or in the most amicable democracy. Epictetus's dilemma would be easy to solve: the rational man would always be freer than the one guided by passions, no matter to whom their actions are directly advantageous. Overall, a Socrates under arrest would always be freer than a passionate politician.

However, if this is the case, the provisional scale of obedience is completely wrong, since the slave guiding himself by reason is freer than the subject guided by the passions. But, if so, what is the status of freedom in politics? In what way can a Socrates under arrest be said to be *politically freer* than a passionate politician? There seem to be several reasons why the simple *epistemological criterion* is insufficient in a political context. Firstly, this is because reducing freedom to a measure of rationality would remove from Spinoza's philosophy any political sense of freedom, which contradicts

the *TTP*'s main point of demonstrating that an absence of freedom to philosophize threatens any State's peace and prosperity. Secondly, it is because mere rational knowledge (specifically, knowledge of what is necessary in the laws) is not sufficient in early modern philosophy for deeming someone to be free, since it is also necessary that such laws cannot be made arbitrarily and also that those who obey them can somehow relate to their process of formation (also in this sense, see James, 2012: 255-258). And thirdly, because Spinoza uses freedom to characterize not only individual subjects, but also political societies (*TTP* XX/250), which implies that political freedom must be something more than mere individual knowledge. Thus, political freedom cannot simply be synonymous with reason, but must have some politically relevant dimension that requires it to be approached also from the viewpoint of the State's relations with its subjects.

#### **THE TWO CRITERIA OF FREEDOM FROM THE VIEWPOINT OF THE STATE IN THE *TTP***

Thus, both criteria for assessing political freedom from the viewpoint of the individual no longer seem sufficient to explain political freedom from the viewpoint of the State. Otherwise, what has been stated so far would not be sufficient to explain the *TTP*'s main thesis, which is included in its long title: that freedom of philosophizing can preserve the State's peace and stability, and that it is not possible to overrule it without endangering the State's peace and stability. Consequently, political freedom in the *TTP* can be fully grasped only when the two viewpoints are joined together cumulatively.<sup>4</sup>

<sup>4</sup> Spinoza seems to follow here Machiavelli's lead, according to which it is possible to be a free man as opposed to a slave only in a free political experience: see Machiavelli, 1996: 129-130.

From the viewpoint of the State, there will also be two criteria for assessing freedom which mirror in the politically institutional realm the two criteria applied originally to individuals. With regard to epistemology, States cannot simply be called to *know* things rationally or by intuitive science<sup>5</sup>, but they can be imputed with ideas and intelligible statements just as if they were *thinking*: these ideas are *political decisions* enacted in normative form. This is where the first criterion of freedom from the viewpoint of the State will develop: in *efficacious decision-making*.

In the *TTP*, Spinoza says clearly that freedom of thought and speech is something most advantageous to the sovereign. But this entails two points: first, that freedom of thought and speech cannot be confused with licentiousness, that is, with an absolute ability to think of everything and of expressing any opinion whatsoever, since seditious opinions to the public peace are to remain inadmissible (*TTP* XX/253-4); and secondly, that when one speaks of individual freedom for assessing a State, one is not really talking about whether sovereigns have a right (or the authority) to compel subjects to follow certain opinions or not, but rather if doing so can be beneficial or damaging to the sovereign (*TTP* XX/251). In Spinoza's own words, 'we have moved on from arguing about right, and are now discussing what is beneficial' (*TTP* XX/251). What concerns Spinoza is that absence of individual freedom is damaging in the long-run for the sovereign, since tyranny intensifies the gap between ruler and subjects, which in turn furthers the subjects' resistance to commands, which in turn weakens the sovereign, which in turn produces social tensions and conflicts that are damaging to peace

<sup>5</sup> In the opposite sense, see Lucchese, 2003; and Blom, 2007.

and political stability. The free State – the one which promotes individual freedom because that is beneficial to its power – is the one that stands in the middle of two contrary political regimes, namely absolute anarchy and absolute tyranny: it is the moderate government.

How can a State become moderate? Spinoza provides the answer in chapter XVII, following the Hebrew State's example. Moderation is achieved by limiting the power attributed to Hebrew leaders and by 'curbing the boundless licentiousness of princes' (*TTP XVII/220*). The idea lying behind this example is that unlimited power is worse and less powerful than limited power. Political power is more stable and prosperous the more it eliminates those conditions that allow arbitrariness of political decisions and the more it accepts the rule of law. Legal certainty is then a condition for a free State. The free State is the one with a moderate government in which there is predictability in decision-making. The exact opposite of a moderate State is one in which people live their whole lives in a 'continual practice of obedience', where no one can desire what is forbidden but only what is prescribed, to the point that slavery is mistaken with freedom (*TTP XVII/224*). In the moderate State, on the other hand, subjects desire only what is prescribed because what is prescribed is only what they desire in the first place. The sovereign has no arbitrariness in the moderate State, since he is limited to prescribing only what subjects are expecting him to prescribe – that is what makes his decisions efficacious. This means that a moderate government, no matter the political regime in question, is always freer than an immoderate State such as a tyranny, for instance.

Hence, political freedom will be found mostly in those States in which there is a more

willing obedience to political decisions. However, Spinoza claims in addition that 'there is nothing that people find less tolerable than to be ruled by their equals and serve them' (*TTP V/73*), which means there is always a gap between rulers and subjects and an asymmetry between ruling and obeying except when citizens believe they are following their own volitions when obeying the laws. The more transcendent-like the relation between the State and its subject is, the more men will believe that they are conforming to another's will instead of their own, which will entail that they will obey laws much less willingly. In other words, political efficacy depends mostly upon the personal generalized belief that subjects participate to some extent in the making of political decisions. This is the criterion of usefulness as it is reproduced in freedom from the viewpoint of the State, thus constituting a fourth criterion of political freedom: *political regimes with majoritarian participations*.

Spinoza proposes to equate political efficacy with individual freedom. His first step is to make the imaginary ontological gap between rulers and subjects fade away by making each individual believe that when he obeys political decisions he is obeying no one but his own will. The most effective political decisions are those laws that become mandatory because individuals are willing to obey them and accept them *qua* obligatory – that is, those in which the law-making process is somehow politically immanent. And that can only be achieved when the subjects who will obey the laws are exactly the same individuals who constitute the law-making process in the first place. In other words, the more democratic-like the State, the more efficacious it will be, since each individual subject will more actively believe to obey the laws

because it is advantageous for the public good and consequently also for himself. Nevertheless, much like what had occurred with the two criteria of political freedom from the viewpoint of the individual, the epistemological-like one will take precedence over the other. Consequently, moderation takes precedence over the specific kind of political regime when measuring a free State. For example, a moderate monarchy will still be freer than a democratic licentiousness.

#### **FREEDOM FROM THE VIEWPOINT OF THE INDIVIDUAL IN THE *TP***

From the viewpoint of the political individual, freedom in the *TP* appears mainly when the pair *sui juris/ alterius juris* is used to describe both consensual and conflictive relations between individuals. Like many other concepts proliferating in modern political theory, this pair is derived from Roman private law and imported into the public realm, in which *sui juris* is synonymous with independence and autonomy, and *alterius juris* is synonymous with dependence and heteronomy. Politically, they establish the difference between acting as one wills and being subject to the power of another; between being a citizen and a slave (Skinner, 1998: 40-42; Steinberg, 2008).

However, Spinoza's uses this pair differently. In the *TP* he says:

every man is *sui juris* to the extent that he can repel all force, take whatever vengeance he pleases for injury done to him, and, in general, live as he chooses to live. (*TP* II/9).

Overall, neither criterion of *sui juris* can actually discard a certain level of dependence and heteronomy – no one is strong enough to repel all force moved against him; vengeance is a sign of bondage to the passion of hate rather than freedom; and no one lives without imitating

someone else's affects at some point. How, then, can *sui juris* be distinguished from *alterius juris*? How can it be a lawful expression of human freedom? Spinoza develops this idea further on:

the mind is fully *sui juris* only to the extent that it can use reason aright. Indeed, since human power should be assessed by strength of mind rather than robustness of body, it follows that those in whom reason is most powerful and who are most guided thereby are most fully *sui juris*. So I call a man altogether free insofar as he is guided by reason, because it is to that extent that he is determined to action by causes that can be adequately understood solely through his own nature, even though he is necessarily determined to action by these causes. (*TP* II/11).

Spinoza says here explicitly that the mind is far more important than the body. There is no autonomy of the attribute of thought with regard to the attribute of extension, but rather a dislocation of the viewpoint from which the formation of relations is assessed. In *E2*, individuals are defined inside a context of physicalism. However, to be *sui juris* in the *TP* appears from the perspective of thought: it is primarily an *epistemological* concept for evaluating human power and only secondarily a physical concept determining what bodies can and cannot do. The mind, rather the body, is the subject for *sui juris*: the mind's understanding determines whether or not it is *sui juris*. Consequently, those three prior criteria for *sui juris* are overcome by a new more powerful criterion, which is not really opposed to the former but rather absorbs and overrules them: the one connecting *sui juris* to the guidance of reason.

Spinoza distinguishes between different degrees of understanding – imagination, reason, and intuitive science. If *sui juris* is connected to a certain kind of understanding, it must also

be expressed through different degrees. That is probably why Spinoza says those that are ‘most fully’ *sui juris* are those that are ‘most guided’ by reason. If some men are more guided by adequate ideas than others, there will also be some men that are more *sui juris* than others. It is in this point of contact between *sui juris* and rational guidance that Spinoza posits individual political freedom: an individual is free if guided by reason. *Sui juris* is synonymous with freedom only when both express adequate kinds of understanding.

How, then, is one guided by reason? By being ‘determined to action by causes that can be adequately understood solely through his own nature, even though he is necessarily determined to action by these causes’ (TP II/11). This is the description of *sui juris* as a degree for measuring human power and as a legal qualification of freedom. Actually, it is also entirely coincident with Spinoza’s conception of virtue (E4d8) and of adequate causality (E3d1). An adequate cause is that ‘whose effect can be clearly and distinctly perceived through it’ (E3d1) – it is causality regarded from the viewpoint of the understanding. In the context of natural power, the measure by which virtue, freedom, and *sui juris* can be assessed correlates with this connection between higher levels of causality and higher levels of adequate understanding. The difference between activity and passivity cannot be reduced to a difference between causing and being caused, but includes mostly the difference between adequate understanding of causality and inadequate understanding of causality.

However, an active individual is not someone who is causal whilst perceiving his own causality with exclusive self-reference. Otherwise, he would be an isolated monad, which contradicts Spinoza’s definition of the individual in the *Ethics* (E2p13def). Even the most active

of men requires the presence of an ‘other’. The active individual, who can be considered *sui juris* in this sense, is not a completely autonomous or independent individual even when he causes adequately. He is rather a ‘becoming-causal’ perceiving the true nature of that causality of which he is a part. The adequate cause does not exclude the presence of an ‘other’, but rather is the cause in which the presence of an ‘other’ can be perceived as a necessary inherence to the cause’s very nature. Consequently, virtue, freedom, action, and *sui juris* necessarily imply relations between different individuals. What they qualify is not an independent self-reference in causality, but rather the connection in human individuals between being causal and understanding their own causality’s immanence. The individual is virtuous, free, or *sui juris*, to the extent that he understands himself as an active participant in the causality that makes him an effect.

Just as there are degrees of knowledge in causality, there are also degrees of being individual *sui juris*. Thus, even the imagination (despite its inadequacy) can participate in being *sui juris*. The imagination, even if accidentally, can indeed produce some levels of human cooperation that allow individuals to ‘repel external force’ or ‘to avenge an injury’. Just as the imagination can produce some effects in the realm of politics that are similar to those that would have been produced by reason (*reasonable* effects instead of *rational* effects<sup>6</sup>), the pair *sui juris* / *alterius juris* will also include degrees in which inadequacy can be somewhat productively similar to adequacy. Since Spinoza says there are four criteria for determining whether or not an individual is *alterius juris* (TP II/10) – two of them describing physical compulsion, and

6 On the distinction between the reasonable and the rational, see Garver, 2010.



the remaining two describing bondage by fear and by hope – those common elements that fear and hope can produce, if reasonable albeit not rational, can also constitute a minimum degree of being *sui juris*.

The relation between being *sui juris* and *alterius juris* is not one of ‘this-or-that’, but rather one of degrees. In the *TTP*’s terminology, one could say that *alterius juris* refers to internal rather than external obedience. And some degrees of *alterius juris* – especially those involving politically productive passions of hope – do seem to be also a minimum degree of *sui juris*. These degrees are measured by Spinoza’s three kinds of knowledge: the more passionate men are the most bound; the more rational men are the freest. Thus, a man bound by fear is more *alterius juris* than a man bound by hope, and a man bound by hope is less *sui juris* than a man guided by reason. The pair *sui juris/ alterius juris* is not an exclusive opposition, but rather a progressive scale for measuring how powerful an individual is.<sup>7</sup>

To be under the natural right of another does not imply a sacrifice of one’s natural right. On the contrary, since there is no politics without obedience, in order for an individual to have a right of his own he will have to be under another’s natural right at some point. Since *sui juris* seems to entail always some level of heteronomy (*alterius juris*), it cannot be interpreted in the sense of Kantian autonomy or independence.<sup>8</sup> But because heteronomy seems to have different degrees, the notion of *sui juris* divides heteronomy into different degrees in

accordance to the way the latter is perceived. Hence, an individual is *sui juris* if he has a right of his own. The more powerful he is, the more *sui juris* he will be. And the more adequate understanding he has in perceiving his own causality, the freer he is.

#### FREEDOM FROM THE VIEWPOINT OF THE STATE IN THE *TP*

If an individual’s degree of *sui juris* functions mostly as a measure for the connection between that individual’s causality and higher levels of understanding, in what sense can politics matter to it at all? If an individual is free and *sui juris* simply by obeying the law because he understands that it is in his interests to do so, then his freedom is firstly epistemological and only secondarily political. The wise man described in part V of the *Ethics* would be *sui juris* whether he lived in the most oppressive of tyrannies or in the most amicable democracy. Epictetus’s dilemma about whether the freest man is the wise slave or the ignorant master would thus be solved by Spinoza in favour of the former – a Socrates under arrest would always be more *sui juris* than a passionate politician.

Spinoza presents *sui juris* not only from the perspective of an epistemological criterion, but also from a politically oriented criterion of usefulness applicable also to States. In fact, Spinoza uses the pair *sui juris / alterius juris* in the *TP* in reference not just to individuals but also to political societies (*TP* III/12-13). Thus, *sui juris* cannot simply be synonymous with adequate causality, but must have some politically relevant dimension that requires freedom to be approached also from the viewpoint of the State’s relations with its citizens.

States cannot simply be said to understand things through the imagination, reason or

<sup>7</sup> See the clear accounts on different types of individual political freedom (the free man, the hopeful citizen-subject, the fearful citizen-subject, and the slave) in Steinberg, 2009.

<sup>8</sup> In this sense, see Uyl, 2003; and, for the opposite view, Kisner, 2011. *Sui juris* is commonly translated as ‘being one’s own master’.

intuitive science, since rigorously speaking they have no singular minds of their own. Still, Spinoza insists (in the *TP*, at least) that ‘they are guided as if by one mind’ [*una veluti mente ducuntur*]. This means that even though they have no minds of their own, what they actually make and achieve is somewhat similar (and comparable) to what human minds do. Political societies can thus be evaluated by different degrees mirroring the human mind’s different levels of understanding.

This does not imply that political societies can be measured by the levels of understanding by which their rulers know and guide their own personal minds. Much like Machiavelli, Spinoza believes that rulers’ philosophical and scientific wisdom is irrelevant to producing a successful political society, which is why he is so hostile to Plato’s ideal of a philosopher-king (*TP I/1*). In fact, political decisions are not to be evaluated according to their truthfulness or falsity but rather according to their efficacy, which is the ‘truth’ of the political thing. And efficacy is political power’s ability to conserve its own dynamic condition by being the most obeyed that it can possibly be, i.e. politically productive.

Instead, what is liable to being compared to human ways of understanding is the connection between the image of a unified political will and the social efficacy of decisions imputed to such an image. In this case, the more these political decisions are effective – that is, followed and believed to have originated in a sort of political will – the more power the State will have, which in turn requires a further empowerment of the individuals composing the multitude, which in turn strengthens that imagined political will by making its decisions more effective, and so on. There is more efficacy the more this political cycle promotes inclusion and consensus rather

than exclusion and conflict, that is, the more it expresses a practical realm of commonality in which individuals become more empowered. Consequently, insofar as political decisions convey a greater or lesser production of the common, they are more or less in accordance with reason – since reason for Spinoza is the mind’s production of common ideas (*E2P40S*) –, even if those who hold office in the State’s institutions were not guided by adequate ideas at all. This is basically the primary sense of a political *sui juris* from the viewpoint of the State: political efficacy of institutional decisions in the production and reinforcement of the common.

Even though distinct from the epistemological sense of *sui juris*, qualifying a State as *sui juris* implies certain characteristics similar to those individual ways of understanding – namely the fact that it can be expressed in different degrees and that its practical results can be ratified by reason. Just as the epistemological criterion of *sui juris* in individuals is greater to the extent that it is more adequate and rational, also the epistemological-like criterion of *sui juris* in States is greater to the extent that it is more reasonable.

States, unlike individuals, can to some extent maintain themselves with closed borders and with no external contacts at all. The fact that a State has its frontiers closed and no diplomatic or commercial relations whatsoever with other communities does not entail that it must immediately cease to exist or that it cannot be conceived at all (*TP III/12*), unlike what happens to individuals. Different generations can follow one another in a closed society, even without the need for societal external regeneration. However, if state *sui juris* designates political decisions’ efficacy in the multitude’s productive itinerary, a State will be more *sui juris* the more political

commonality it is able to help produce. The State that is more *sui juris* will be not the one that is more self-sufficient and self-regenerative (since such States will always function internationally by exclusion, and are always then threatened by the spectre of coming up against all other remaining States) but rather the one which agrees more effectively with other States to abolish the threat of war and to engage in mutual relations of cooperation.

If the greatest political power occurs in peace – that is, in ‘a virtue which comes from strength of mind’, since ‘obedience is the steadfast will to carry out orders enjoined by the general decree of the commonwealth’ (*TP* V/4) –, then it can only exist in international inclusive rather than exclusive relations, since ‘the right to make war belongs to each separate commonwealth, whereas the right to peace belongs not to a single commonwealth but to at least two’ (*TP* III/13). It is true that the more a State engages in international cooperative relations, the less it has the power to declare war unilaterally. Because it must ‘adapt itself to the common will of the allies’ (*TP* III/16), it might appear more *alterius juris* than actually *sui juris*. Thus, a State can be considered *sui juris* when it is self-sufficient and self-regenerative; however, a State’s constituent power is incremented in conditions of international peace, which can only really be achieved when other sovereign powers are taken into account, i.e. when the State is *alterius juris* to some extent. Just like an individual *sui juris*, there also seems to be a compatibility between degrees of *alterius juris* and degrees of *sui juris* in States, especially since two States are more powerful if they ‘choose to afford each other mutual help’ (*TP* III/12). The State which is more *sui juris* is not the one completely self-dependent, but rather the one

which *decides* to depend on others to some extent in order to grow even more powerful.

This extends to any type of political regime. It is not necessary for a State to adopt a specific regime in order to be *sui juris* according to the criterion of efficacy. On the contrary, *sui juris* can qualify monarchies, aristocracies and democracies alike. What the *TP* actually seems to intend is to provide the specific conditions available to these different political structures of power that allow them to become the most *sui juris* they can possibly be. For instance, a monarchy can be an effective organization of empowerment if it renews hope continuously in its citizens, thus augmenting their constant will to obey institutional decrees; or it can be a deficient way to empower individuals if it oppresses them by repeatedly inducing fear, in which case it is rather called a tyranny (which is much less *sui juris* and has a shorter lifespan than a constitutional monarchy). Much like in the *TTP*, moderate government is the key for the political conditions of freedom.

Spinoza mentions the three classic kinds of political regimes – monarchy, aristocracy, and democracy – and claims that they are the only ones available in history (*TP* I/3), despite the fact that he had spent several pages in the *TTP* describing theocracy. Spinoza believes that being *sui juris* operates in degrees even inside the broader types of political regimes, and sometimes those degrees of *sui juris* in States assume a specific terminology. A monarchical regime can, for instance, be a Hobbesian monarchy, a Hebrew theocracy, or a Spinozist constitutional monarchy. Each will represent a different degree of a monarchical state *sui juris*. What the *TP* strives to project is the most powerful structure of state *sui juris* available to the three broader types of political regimes.

It is true that the highest degrees of *sui juris* will be found in those communities in which affective interplay induces a more willing obedience to political decisions (*TP V/4*). And since ‘there is nothing that people find less tolerable than to be ruled by their equals and serve them’ (*TTP V/73*), there is always an asymmetry between ruling and obeying except when citizens believe they are following their own will when obeying the laws. The more transcendent-like the relation between the State and its citizens, the more men will believe that they are conforming to another’s will instead of their own, which entails that they will obey laws much less willingly. In other words, political efficacy depends mostly on the generalized belief that citizens participate to some extent in the making of political decisions.

Like in the *TTP*, Spinoza proposes to equate political efficacy with citizens’ empowerment. The first step is to convert the primary politically constituent affects of fear into stronger and more enduring affects of hope; that is, to make each individual citizen less *alterius juris*. The second step is to remove the image of an ontological gap between rulers and subjects by making each citizen believe that when he obeys political decisions he is obeying his own will. Efficacy depends upon the multitude’s constituent force – the less powerful the multitude, the less effective the institutional political decisions. Hence, the most effective political institutions are those which depend on the multitude’s growing empowerment. For Spinoza, democracy is then the most effective and powerful political regime.

If it is true that each type of political regime has several degrees of being *sui juris*, it must also be true that the three classic types of political regimes constitute between themselves different degrees of state *sui juris*. Insofar as the process

for political decision-making is shared by all the individuals constituting a State’s multitude, efficacy becomes more certain and political commonality more probable. In principle, then, democracies will tend to express a higher degree of *sui juris* than monarchies. However, since each type of political regime is also capable of different degrees of *sui juris*, the distinction between monarchy, aristocracy and democracy is not that clear-cut. It is possible to have a representative democracy in which participation in its actual decision-making process is very restricted and moved only by mutual fear (a democratic state *alterius juris*), and a constitutional monarchy in which participation is more willing and moved mostly by hope (a monarchical state *sui juris*); in such a case, the monarchy will be more *sui juris* than the democracy. But generally, if both have the same intensity of internal affective support, a democracy is capable of achieving more political efficacy than a monarchy, which is why it will be more *sui juris*. Just like in the *TTP*, from the viewpoint of the State, political freedom is subject to two criteria – *efficacious decision-making* and *political regimes with majoritarian participations* –, in which the former takes precedence over the latter.

#### CONCLUDING REMARKS

It is not a coincidence that Spinoza divides political regimes into a classical triptych just as he had divided the different kinds of understanding in the *Ethics* into a triptych. Both end up representing progressive levels of being *sui juris*, whether at the level of the individual or at that of the State. And despite the fact that both triptychs can to some extent be independent of one another – since a wise man can be somewhat *sui juris* in a State which is *alterius juris* –, Spinoza’s concept of *sui juris* seems to depend

upon a combination of both. Thus, individual *sui juris* cannot simply disregard entirely the social conditions in which understanding can become more adequate. So, even from the viewpoint of individual freedom, *sui juris* is not just divided into three epistemological degrees, but into several more, since these degrees must be inserted into a given political context, which in turn is also divided into degrees (political regimes) that are also divided into degrees (more or less efficacious political regimes) – just like in the *TTP*'s treatment of political freedom.

Hence, the wise slave and the ignorant master in Epictetus's dilemma are both simultaneously *sui juris* and *alterius juris*, albeit in different degrees and from different viewpoints. From the viewpoint of being *sui juris*, there is something positive in both, either in the wise slave's knowledgeable intimacy (rationality) or in the ignorant master's public participation (reasonableness).

No man is ever as *sui juris* as he can be, just as no State is ever as *sui juris* as it can be. The complex scale of freedom that combines four different criteria to two different viewpoints is merely an auxiliary tool for measuring individual freedom, starting at the bottom with the passionate man who only knows through the imagination in the most oppressive of tyrannies and culminating in the wisest man who knows through intuitive science in the most open of democracies. This is exactly what Spinoza claims in the *TTP* when he talks about different types of obedience and in the *TP* when he mentions the conceptual pair *sui juris* / *alterius juris*: both texts present a scale for measuring political freedom with the purpose of overcoming the modern paradox between freedom and obedience. The only major difference is that the *TTP* provides an explanation of the criterion of usefulness applied

to the viewpoint of individual freedom not to be found so explicitly in the *TP*, whereas the *TP* provides a much more developed explanation of political freedom from the viewpoint of the State not to be found so explicitly in the *TTP*. Ultimately, however, both treatises are complete and autonomous texts with regard to the subject of political freedom, and they both seem to express one same theoretical vision of what political freedom is.



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