

Article

Truth and Justice in Spinoza's *Theological–Political Treatise* and the *Ethics*

André Kistler

Faculty of Law, University of Zurich, 8001 Zurich, Switzerland; andre.kistler@uzh.ch

Abstract: Spinoza's philosophy argues for the freedom of individuals as singular beings in the state. This freedom is not perfect yet immanent. Freedom—according to the *Ethics*—is a consequence of true knowledge and virtue, which must be able to develop and can only be realised gradually. The state and the laws establish the framework that makes this freedom possible. Freedom and true knowledge are basic concepts of the metaphysical system. Justice, however, appears as a legal and political concept in Spinoza's thought, which the philosopher did not discuss in depth. Nevertheless, the concept of justice has a specific significance in the philosophical context in which it occurs in the *TTP*—especially in the wisdom of *King Solomon*—and in the *Ethics*. Justice, on the one hand, strengthens harmony, security, and freedom. On the other hand, the *freedom to philosophise* forms a condition for justice to develop according to reason. The knowledge that justice has a importance in Spinoza's thought is consistent with the complexity of his philosophy and makes its understanding more complete.

Keywords: truth; justice; Spinoza; freedom; immanence; normativity; history of philosophy of law and society

1. Introduction

Baruch (Benedictus) de Spinoza (1632–1677) is one of the most important philosophers in the history of philosophy. Spinoza develops the conception of the immanence of freedom in the *Ethics Demonstrated in Geometric Order* (*Ethica more geometrico demonstrata*, hereafter *Ethics*). God or the substance has perfect freedom. In contrast, human freedom is neither perfect nor can it be presupposed. Freedom consists in a life that flows from true knowledge and virtue and is guided by reason. In the transcendental conception of Immanuel Kant (1724–1804), freedom and morality are presupposed as normative concepts, embracing autonomy and moral imperatives a priori in the noumenal world, which is distinguished from the phenomenal world. In Spinoza's view, human beings—as modi of God or the substance—are an integral part of nature. Thus, freedom must be developed and explained with regard to natural and historical conditions and a conception of causality, in which experience is explained from its causes. In this sense, freedom and true knowledge are basic concepts in Spinoza's work.¹

Spinoza's conception of the immanence of freedom in the *Ethics* forms the basis for his political philosophy (Spinoza [1677] 1988, E 4p37s1 and E 4p37s2) present in the *Theological–Political Treatise* (*Tractatus Theologico–Politicus*, hereafter *TTP*) as well as the *Political Treatise* (*Tractatus Politicus*, hereafter *TP*). Freedom is only possible in a state where common laws exist. In Spinoza's account of the state, laws are therefore essential. The philosopher does not discuss the concept of justice in depth. However, viewed from the background of his core philosophical concepts, justice has an importance in his philosophical thought.

¹ For Spinoza's philosophy of the immanence of freedom, see Section 2. For Kant's transcendental conception of freedom and human nature, see (Kant [1781] 1998, B vii–B xlv); (Kant [1785] 1996, AK 4:446–4:449, AK 4:453–4:455); (Kant [1797] 1996, AK 6:221–6:222, AK 6:417–6:419). English translations of Spinoza's work are from Curley.



Citation: Kistler, André. 2023. Truth and Justice in Spinoza's *Theological–Political Treatise* and the *Ethics*. *Laws* 12: 39. <https://doi.org/10.3390/laws12030039>

Academic Editor: Patricia Easteal

Received: 13 January 2023

Revised: 8 February 2023

Accepted: 8 February 2023

Published: 28 April 2023



Copyright: © 2023 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by/4.0/>).

In Spinoza's historical text, which forms the basis for this interpretation, the concept of justice occurs in a significant place in the *TTP*, especially in the wisdom of *King Solomon*. In the *Ethics*, the concept of justice occurs in the context of *E 4p37*, *E 4p41* and *E 4p45* in a little noticed but substantial passage on the relationship between harmony and love as well as discord and hatred. A more nuanced meaning of justice comes to the fore in these passages.²

Ronald Dworkin (1931–2013) develops a normative philosophy of justice in *Justice for Hedgehogs*, which refers to Aristotle, Plato, David Hume (1711–1776) and Kant.³ Dworkin defends the “unity of value” and—in contrast to Spinoza's conception in the *Ethics*—the “metaphysical independence of value” in moral theory or moral epistemology.⁴ Dworkin's basic principle is to live well in an ethical sense and include other individuals in actions in a moral sense.⁵ However, the philosophies of Spinoza and Dworkin have parallels with regard to the concepts of freedom, justice and democracy. They not only share the principles of freedom, justice and a *cooperative* or “*partnership-based*” conception of democracy in general but, more specifically, a conception of freedom and justice that is not perfect but is to be understood from intellectual, ethical, or moral and political foundations, which are crucial for the understanding of these conceptions.⁶

Furthermore, Spinoza and Dworkin have in common that they both argue against *scepticism* and assume truth as a possibility for knowledge. For Spinoza, the intelligibility of nature and human existence forms the basis of true knowledge and is founded in God or the substance. True knowledge as well as “blessedness”, i.e., the love and knowledge of God, is central (Spinoza [1677] 1988, *E 5p24*, *E 5p33*, *E 5p42*).⁷ Dworkin, on the other hand, discusses a moral theory of knowledge or moral epistemology. According to the “metaphysical independence of value”, the truth of moral concepts can only be attained through moral interpretation (Dworkin 2011, pp. 9–11). The interpretation of moral concepts is supported by “responsibility”, which includes intellectual and argumentative “integrity”. The truth of moral concepts is given when the various concepts are integrated into a coherent “network”, which holds them together (Dworkin 2011, pp. 99–102; here p. 101).

The method in the present article consists of a philological, historical, and systematic interpretation of Spinoza's *TTP* and the *Ethics*. The philosophical concept of justice is discussed in the semantic context of the individual historical works as well as in the connection between the *TTP* and the *Ethics*. The goal consists not in the analysis of justice as a philosophical concept as such but in the discussion of the significance of justice by situating it in the context of the *TTP* and the *Ethics*. The argumentation reflects the

² In Spinoza's reception history, his conception of freedom and democracy, on the one hand, and the metaphysical conception of law as power (potentia), on the other hand, are the signature of the ground-breaking *discovery* of Spinoza's political philosophy—in the *TTP*, the *Ethics* and the *TP*—in different academic and political, yet connected, perspectives in the Spinoza studies of Matheron (1969); Moreau (1994); Balibar (1984); Walthers (2003, 2011); or Negri (1981). However, the concept of justice is not central in this scholarship and has only a peripheral presence in its contrasting interpretations and discourses. This situation is still prevalent in more recent studies such as from Della Rocca (2008), James (2012) and Steinberg (2018). The early study of Belaief (1971) is an exception.

³ For the importance of Hume and Kant, see Dworkin (2011, pp. 17, 19). For Aristotle and Plato, see (Dworkin 2011, pp. 15–16, 184–88). For a comparative perspective on the history of philosophy of law, see Senn (2017). For a comparative perspective on Dworkin and Aristotle, see Ibric (2022).

⁴ The “unity of value” is the basic principle of *Justice for Hedgehogs*. It stands for the “indivisibility” of freedom, justice and dignity in moral theory, ethics, and politics. See Dworkin (2011), pp. 1–6, 423. Independence means that “Morality is an independent domain of thought”. Dworkin (2011), p. 99. “These theories [e.g., of moral knowledge, responsibility, moral truth] are drawn from within morality [. . .]. That is what independence means in moral philosophy.” Dworkin (2011, pp. 9–11; here p. 10).

⁵ For the difference between ethics and moral theory, see, Dworkin (2011), pp. 1–2, 13–15, 191.

⁶ For this comparative perspective, see (Dworkin 2011, pp. 4–5, 423). For Spinoza, see Section 2.

⁷ For Spinoza's epistemology and the classes of knowledge of imagination, rational, and intuitive knowledge, see Spinoza (Spinoza [1677] 1988, *E 2p40s2*). Truth basically consists in adequate knowledge, i.e., conceptual thinking that produces adequate ideas. See (Spinoza [1677] 1988, *E 1ax6*, *E 2d4*, *E 2p11c*). For the epistemological concept of Spinoza, see (Renz 2018; 2022, pp. 149–57). For the history of scepticism in the 17th century, see Popkin (2003).

contextual places in which the concept of justice is situated in the two works, based on a close reading of the text.⁸

The article is structured as follows: The basic concept of Spinoza's philosophy as the immanence of freedom is presented in Section 2. Section 3 represents the main part of this article, placing the concept of justice in the historical and philosophical context of the *TTP* and the *Ethics*. Accordingly, in Section 3.1, the concepts of law and justice in Spinoza are addressed. The notion of justice in the universal ethics in the fourth chapter of the *TTP* and especially in the wisdom of *King Solomon* is discussed in Section 3.2. In Section 3.3, the concept of justice is discussed in the political context of harmony and love as well as discord and hatred in the fourth part of the *Ethics*. In Section 3.4, the connection of freedom, true knowledge, and justice is addressed with regard to the practical significance of *libertas philosophandi* in the *TTP*, which is related to the development of harmony according to *E 4p35* and *E 4p37*. Finally, in Section 4, this cycle of freedom, truth and justice is highlighted.

2. The Basic Concept of Spinoza's Philosophy: The Immanence of Freedom

Spinoza began with the writing of the *Ethics* in the early 1660s in the *Republic of the Seven United Provinces* during the stateholderless era of *True Freedom* under the reign of Johan de Witt (1625–1672), which lasted from 1651 to 1672. Johan de Witt asserted the power of the provinces, first and foremost Holland, against the House of Orange, which had provided the stateholder since the revolt against Spain. This political constellation and flourishing trade prompted the Republican government to adopt a calculated tolerance of religion, which was met with fierce opposition from the Calvinist church. The Republic also showed a moderately tolerant attitude toward the new philosophy of René Descartes (1596–1650), which was equally opposed by Reformed theology. Against this background, Spinoza put aside the work on the *Ethics* in 1665 to write the *TTP*, in which he addressed this conflict.⁹

In the *TTP*, Spinoza advocates the *freedom to philosophise* (*libertas philosophandi*), i.e., the freedom of thought and expression, in a democratic republic. Accordingly, Spinoza argues in the *TTP* “that the Republic can grant freedom of philosophizing without harming its peace or piety, and cannot deny it without destroying its peace and piety” (Spinoza [1670] 2016, *TTP* Title).¹⁰ Spinoza consequently separates theology from philosophy (Spinoza [1670] 2016, *TTP* 14). He develops a historical-critical hermeneutics for the interpretation of the Bible, distinguishing its *true meaning* from philosophical *truth* (Spinoza [1670] 2016, *TTP* 7.6–7+7.14–17). The true meaning of the Bible, according to Spinoza, lies in the core message of a *universal religion*, which consists of obedience to God, loving-kindness,

⁸ The concept of justice in Spinoza is the topic of some recent studies. Santos Campos (2016) elaborates the “*immanence of justice as equality*”. This concept articulates a broad understanding of *sum cuique*, which is related to metaphysical, ethical, political, or legal concepts of equality (pp. 127–43; here, p. 140). Lord (2018) develops a concept of “*geometrical equality*” in the philosophy of Spinoza as an expression of *ratio* in its dimensions as reason, relation, and proportion. Despite the formal nature of such a concept, in the state, it is—in perspective—linked with an “*equality of flourishing*” (pp. 61–73; here, pp. 69, 72). Olsthoorn (2016), however, interprets the concept of justice in Spinoza as a purely legalistic concept (pp. 21–22, 25, 31, 35–36). Finally, Sharp (2005) discusses the concept justice in its affective and economical dimensions as an integral part of Spinoza's ethics and politics of affective transformation and freedom. “Institutions of justice [. . .] aim to constitute a milieu in which beings can develop and cultivate an *animi constantia*, a constant and therefore more self-determined mind, acting out of joyful passions” (pp. 114–15; here p. 122). Emphasis added by the author.

⁹ For the life of Spinoza, see (Meinsma [1896] 2011; Freudenthal and Walther [1899] 2006; Nadler 2018). For the history of the Dutch Republic in the context of early modern Europe, see (Israel 1995; Frijhoff and Spies 2004; Prak 2023; Senn 2007, chps. 8–9). Spinoza developed his philosophy against the background of humanism, scholasticism, stoicism as well as the new rationalist philosophies of Descartes and Thomas Hobbes' (1588–1679). Spinoza did critically reflect Hobbes' theory of natural law and social contract in the *TTP*. Yet, Spinoza's conception of human freedom, natural law and hence the significance of the social contract—mostly absent in the *TP*—is profoundly different because of his metaphysical and ethical conception. For the differences between Hobbes and Spinoza, see (Matheron 1969, pp. 290–300, 306, 307–314; 1984; Moreau 1994, pp. 407–12; Walther 2003, 2011; Lazzeri 1998; Senn 2017, pp. 82, 85–92; Steinberg 2018, pp. 46–51, 61–63, 216).

¹⁰ For the concept of democracy in Spinoza, see (Spinoza [1670] 2016, *TTP* 16.25, *TTP* 16.33, *TTP* 20.38; Spinoza [1677] 2016, TP 11).

and justice (Spinoza [1670] 2016, TTP 13.9). Philosophy, on the other hand, refers to the *universal history of nature* (Spinoza [1670] 2016, TTP 15.25). Thus, philosophical truth results from the knowledge of reality, i.e., from the individual *natural light* (Spinoza [1670] 2016, TTP 1.2–6, TTP 7.94).

In the *Ethics*, Spinoza develops the concept of freedom within the framework of his metaphysics and epistemology. According to the *Ethics*, God or the substance is the cause of itself and has perfect power (potentia). Accordingly, God or the substance has perfect freedom. Man, as a mode of substance (*natura naturans*), forms a part of nature (*natura naturata*), i.e., of the empirical reality in which he stands, and which shapes the conditions of his natural and historical existence.¹¹ In the fourth part of the *Ethics*, Spinoza develops a “model of human nature” that is consistent with “true freedom” (Spinoza [1677] 1988, E 4 Preface+E 4p73s), which is opposed to the “bondage” by the affects. This freedom cannot be presupposed and cannot be perfect. Man is codetermined by his body and mind, through which he is closely interwoven with the environment through his affects. The essence of man lies in the striving or desire to preserve himself (Spinoza [1677] 1988, E 3p6–7), which is realised only in a life on the basis of true knowledge (Spinoza [1677] 1988, E 4p18s and E 4p24dd). Accordingly, human freedom stems from true knowledge and can only develop through virtue, i.e., acting on the basis of reason, that is consistent with power (potentia) (Spinoza [1677] 1988, E 4p67–73).¹²

For a state, according to Spinoza, harmony (*concordia*), peace and security are crucial. Freedom and justice cannot be presupposed in the state as true knowledge and virtue must be developed by individuals. Furthermore, freedom, justice, and normativity are only possible in the state according to the *TTP*, the *Ethics* and the *TP*: “So the end of the Republic is really freedom” (Spinoza [1670] 2016, TTP 20.12). Freedom is a freedom of individuals that must be granted to them as singular beings in the state. At the same time, this freedom enables citizens to develop rational forms of living together out of *agreement* (Spinoza [1677] 1988, E 4p35). In this context, the freedom that belongs to human beings according to natural law is realised, even if the state cannot be conceived from this freedom. From this perspective, Spinoza develops the concept of natural law in the *TTP*, the *Ethics* and the *TP*.

In the *TTP*, Spinoza’s conception of natural law is oriented towards the freedom of men as equal individuals in a democracy.¹³ In Spinoza’s view, natural law consists of men’s striving to preserve themselves, i.e., to realise their specific human nature. In other words, natural law is an expression of human nature, which comprises affects *and* reason. The philosopher underlines this crucial point in the *TP*: “Whether a man is wise or ignorant, he’s a part of nature” (Spinoza [1677] 2016, TP 2.5). It is from this perspective of freedom and the *potential* development of reason that Spinoza’s main thesis on natural law is to be placed: an individual’s right reaches as far as his power reaches (Spinoza [1670] 2016, TTP 16.2–6; Spinoza [1677] 1988, E 4p37s2; (Spinoza [1677] 2016, TP 2.4). In the—purely hypothetical—state of nature, however, individuals have no stable power and consequently no actual right. According to Spinoza, natural rights effectively exist only in the state in which there are common laws (Spinoza [1677] 2016, TP 2.15).¹⁴ Accordingly, natural law remains in the state and forms the basis and limitation for the power and the right of the sovereign (Spinoza [1670] 2016, TTP 17.1–4; Spinoza [1677] 2016, TP 4.4–5). Natural law does not contain normativity in Spinoza. Normativity emerges from an inner development

¹¹ For the metaphysics in the first part of the *Ethics*, see Schnepf (1996). For a recent discussion, see Melamed (2022). See (Spinoza [1677] 1988, E 1d3+E 1d6+E 1d7; E 1p11; E 1p15; E 1p28+E 1p29s).

¹² For the importance of experience in Spinoza, see (Moreau 1994; Bartuschat 1992; Renz 2018, pp. 1–13, 94–107). For virtue as power, see (Spinoza [1677] 1988, E 4d8, E 4p20d, E 4p24, E 4ap3+E 4ap6).

¹³ For this understanding, see (Spinoza [1670] 2016, TTP Preface §29). “To demonstrate these conclusions, I begin [. . .] with the natural right of each person, which extends as far as each person’s desire and power extend. *By the right of nature no one is bound to live according to another person’s mentality, but each one is the defender of his own freedom.*” (Emphasis added by the author) See (Spinoza [1670] 2016, TTP 16.36+TTP 16.55+TTP 20.38).

¹⁴ For differences and parallels between Aristotle and Spinoza, see Manzini (2009).

of the state and society since justice must be brought forth by the individuals in an actual process, which can have different historical forms and can be less or more reflected.¹⁵

3. The Concept of Justice in the *TTP* and the *Ethics*: Significance and Perspectives

3.1. “For the Laws Are the Soul of the State”: Justice as a Legal and Political Concept

In a democratic republic, according to Spinoza, freedom, harmony, and security are central. Justice can only exist in the state, that is, where people have established common laws (Spinoza [1670] 2016, TTP 16.42; Spinoza [1677] 1988, E 4p37s2; Spinoza [1677] 2016, TP 2.23). In a state, the sovereign determines by laws what is just and unjust. Simultaneously, laws articulate natural law by giving it a stable form. Laws have a central importance in the *TTP*, in E 4p37s2 and in the political theory of the *TP*. Accordingly Spinoza concisely states: “For the laws are the soul of the state” (Spinoza [1677] 2016, TP 10.9). In the *TTP*, Spinoza describes: “By *private civil right* we can understand nothing but the freedom each person has to preserve himself in his state, which is determined by the edicts of the supreme ‘power and is defended only by its authority” (Spinoza [1670] 2016, TTP 16.40). The centrality of laws to the realisation of harmony, stability, and individual freedom, brings justice into focus.

Spinoza does not delve into the concept of justice in the *TTP*, the *Ethics* and the *TP*. He uses for the concept of justice the Roman legal definition of *Justinian*, which was transmitted and common in the Dutch Republic: “Justice is a constancy of mind in apportioning to each person what belongs to him according to civil law” (Spinoza [1670] 2016, TTP 16.42).¹⁶ In the state, justice acquires a normative form in which the natural law, i.e., the freedom and equality of human beings, is—potentially—reflected.¹⁷ With regard to injustice, Spinoza states: “Injustice is taking away from someone, under the pretext of right, what belongs to him according to the true interpretation of the laws. Justice and injustice are also called equity and inequity because those who are established to settle disputes are bound to have no regard for persons, but to treat everyone as equals, and to defend the right of each person equally, without envying the rich, or disdaining the poor” (Spinoza [1670] 2016, TTP 16.42).

Spinoza develops the concept of the state and freedom on the basis of metaphysics and epistemology, which is completed by an *historical* and—in modern terms—*psychological* and *sociological* or *politological* perspective on the law and hence the concept of justice. The natural law of an individual human being, i.e., his power to preserve himself, acquires a stable form only in the state. Natural law corresponds to human nature in its affects and intellectual forms of expression. Spinoza, therefore, holds that the laws, which are at the center of the state, must be related to the affects and reason, i.e., the psychological and intellectual dimensions of human nature. Hence, the actions of the sovereign and the laws must be attuned to and respectful of human nature (Spinoza [1670] 2016, TTP 17.1–4; Spinoza [1677] 2016, TP 4.4–5). From this empirical perspective, Spinoza develops a realistic theoretical understanding with regard to the functional conditions of the stability of the state.

3.2. Justice in the “Universal Ethics” of the *TTP*: The Wisdom of King Solomon

The first 15 chapters of the *TTP* are devoted to the interpretation of the Bible. Spinoza develops a historical–critical hermeneutics of the Bible in chapter 7 of the *TTP*, through which he separates theology from philosophy. The core content of the Scripture is the *universal religion* that corresponds to its *true meaning*. The universal religion consists in love and obedience towards God, loving-kindness, and justice (Spinoza [1670] 2016, TTP 13.29). Therefore, justice has a practical significance for religion and piety. In a philosophical sense,

¹⁵ For Spinoza’s account of natural law, see (Matheron 1969, 1984; Moreau 1994; Walther 2003, 2011) For recent studies, see (Della Rocca 2008, chp. 6; James 2012; Steinberg 2018.)

¹⁶ See Justinian, *Institutions*, I.I.I: “Justitia est constans et perpetua voluntas ius suum cuique tribuens.” For the reception of Roman Law in the Dutch Republic, see Straumann (2015).

¹⁷ For the connection of democracy and natural law, see (Spinoza [1670] 2016, TTP 16.36).

however, justice appears in the fourth chapter of the *TTP*, which is dedicated to the *divine law*. The conception of justice has central importance in the context of a “*universal Ethics*” that Spinoza discusses with regard to the wisdom of *King Solomon* (Spinoza [1670] 2016, *TTP* 4.13.¹⁸)

In the fourth chapter of the *TTP*, which is dedicated to the divine law, Spinoza analyses the concept of law in general. He distinguishes the universal natural law, human law and natural divine law according to their respective purposes. Human law basically means “a principle of living man prescribes to himself or to others for some end” (Spinoza [1670] 2016, *TTP* 4.5): “By human law I understand a principle of living which serves only to protect life and the republic; by a divine law, one which aims only at the supreme good, i.e., the true knowledge and love of God” (Spinoza [1670] 2016, *TTP* 4.9). Since people seldom recognize the purpose of legislation, law is most often understood as the “principle of living prescribed to men by the command of others” (Spinoza [1670] 2016, *TTP* 4.6–7): “But the person who gives to each his due because he knows the true reason for the laws and their necessity, that person acts from a constant heart, and by his own decision, not that of another. So he deserves to be called just” (Spinoza [1670] 2016, *TTP* 4.5).

Spinoza’s account of *King Solomon’s wisdom* in the fourth chapter of the *TTP* states a correlation of ethics and politics. The divine law has, as its purpose, the true knowledge and love of God. The means to realise this end constitute a “*universal Ethics*” that includes the “foundations of the best republic and the principle of living among men” (Spinoza [1670] 2016, *TTP* 4.13). The political and ethical significance of justice in the state is evident in the philosophical wisdom of *Solomon*, whose teachings include—according to Spinoza—the “*true Ethics and Politics*” (Spinoza [1670] 2016, *TTP* 4.45). Thus, *Solomon* based his speeches on reason, that is, on *natural light* (Spinoza [1670] 2016, *TTP* 4.40). In his proverbs, he calls the human mind the source of life and wisdom: “*Understanding is a fountain of life*”, “*The Law of the wise (is) the fountain of life*” (Spinoza [1670] 2016, *TTP* 4.41) and “*God grants wisdom*” (Spinoza [1670] 2016, *TTP* 4.43). Wisdom i.e., the true knowledge and love of God, is also relevant to the state, the laws, and their interpretation (Spinoza [1670] 2016, *TTP* 4.45).

In the *Ethics*, Spinoza develops the correlation between ethics and politics alluded to in the *TTP*. The state is based on laws that are adjusted to the fact that human beings do not live according to the guidance of reason but are mainly determined by the affects. Hence, human beings do not obey out of true knowledge, but out of fear and hope (Spinoza [1677] 1988, E 4p37s2). Freedom and reason, however, can only develop in the state and take the forms of religion, morality or decency and friendship (Spinoza [1677] 1988, E 4p37s1). The ethical and political dimensions are linked in perspective and are mutually dependent. “No life, then, is rational without understanding” (Spinoza [1677] 1988, E 4ap5).

3.3. The Concept of Justice in the Ethics: Between Harmony and Discord, Love and Hatred

Spinoza addresses the state in the *Ethics* in E 4p37s1 and E 4p37s2. Freedom and true knowledge cannot be presupposed in a state, even though reason is the essence of human nature:¹⁹ “Only insofar as men live according to the guidance of reason, must they always agree in nature” (Spinoza [1677] 1988, E 4p35). The state forms the background of a comparative perspective with regard to reason and affects: “Things which are of assistance to the common Society of men, or which bring it about that men live harmoniously, are useful; those, on the other hand, are evil which bring discord to the State” (Spinoza [1677] 1988, E 4p40). Thus, Spinoza discusses which affects are consistent with reason. The affects of joy and love are good insofar as they come from true knowledge, but considered as an affect, they can be excessive. In contrast, the affect of cheerfulness, which is a mild form of joy, is always good (Spinoza [1677] 1988, E 4pp41–44).

The concept of justice occurs in context in the fourth part of the *Ethics* in a place that is little noted but significant. Spinoza focuses on the affect of hatred in E 4p45 and

¹⁸ For the *TTP*, see (Matheron 1971; Laux 1993; Verbeek 2003; James 2012). Emphasis added by the author.

¹⁹ See also (Spinoza [1677] 1988, E 3p6–7+E 4p18s+E 4p24d).

makes a decisive assessment: “Hate can never be good” (Spinoza [1677] 1988, E 4p45). The reason for this, which Spinoza gives in the demonstration of this proposition, is clear: “We strive to destroy the man we hate, [...], i.e., [...] we strive for something that is evil” (Spinoza [1677] 1988, E 4p45d).²⁰ In this context, Spinoza declares that in a state, actions which result from hatred are in violation of justice: “Whatever we want because we have been affected with hate is dishonorable; and [if we live] in a State, it is unjust” (Spinoza [1677] 1988, E 4p45c2).²¹ The passage indicates that justice has a deeper, more nuanced meaning in Spinoza’s thought, i.e., with regard to the conception of laws and political practice, than his definition suggests.²²

Harmony (concordia) in the *Ethics* is linked with justice, i.e., laws that are based on reasonable forms of practice, i.e., which are truth-oriented: “The things that beget harmony are those which are related to justice, fairness, and being honorable. For men find it difficult to bear, not only what is unjust and unfair, but also what is *thought* dishonorable, or that someone rejects the accepted practices of the state. But especially necessary to bring people together in love, are the things which concern Religion and Morality” (Spinoza [1677] 1988, E 4p15). “Harmony is also commonly born out of Fear, but then it is without trust” (Spinoza [1677] 1988, E 4p16).²³ Discord, on the other hand, is linked with injustice and hatred, which are—at the same time—opposed to reason, i.e., actions based on true knowledge.

In summary, according to Spinoza, justice exists only in the state. Justice represents what is just or unjust according to common consent. *For justice must be brought about by human beings.* Spinoza does not normatively justify the emergence and foundation of the state—which is a natural and historical process—but explains it from its immanent causes in terms of a philosophical rationalist *and* empirical basis in a rather *psychological* or *sociological* language. However, Spinoza also clearly states, with respect to the context of *E 4p37s1* and *E 4p37s2*, that freedom and reason, which cannot be presupposed, strengthen harmony and security and have a corresponding effect on the common consent of what justice is.

3.4. Freedom, True Knowledge, and Justice: The Practical Significance of *Libertas Philosophandi*

According to Spinoza, freedom to philosophise (*libertas philosophandi*) in chapter 20 of the *TTP* is a prerequisite for man to preserve himself as an individual and to develop his reason (Spinoza [1670] 2016, TTP 20.1–3). The political concept of freedom of thought and expression concerns political legislation, religion, science or art (Spinoza [1670] 2016, TTP 20.15, TTP 20.26, TTP 20.46).²⁴ The freedom to philosophise is to be granted because it corresponds to human nature and cannot be restricted without endangering peace and security in the state; on the other hand, because it is a virtue, it strengthens peace and freedom. Consequently, this communicative freedom, according to the *TTP*, is necessary

²⁰ See also (Spinoza [1677] 1988, E 4p45c1): “Envy, Mockery, Disdain, Anger, Vengeance, and the rest of the affects which are related to Hate or arise from it, are evil.”

²¹ Emphasis added by the author.

²² For the concept of justice, see Section 3.1.

²³ See also (Spinoza [1677] 1988, E 4p47): “Affects of Hope and Fear cannot be good of themselves.” Steinberg (2018) develops a historical and psychological interpretation of Spinoza’s political philosophy. He develops an understanding of Spinoza in the line of *civic humanism* and *dynamic realism*. Steinberg’s interpretation of the continuity of ethics and politics corresponds with a perspective of the immanent development of ethics and politics. Justice is not at the center of his interpretation (p. 54), but laws are linked with the affective and intellectual empowerment of individuals: “The laws of a good state conduce to the power or welfare of all citizens, and so function as surrogates of reason.” (p. 73). “Spinoza defends them [civil liberties] just insofar as they conduce to the aims of peace, security, and empowerment.” (p. 161) “Spinoza advances a complex, psychologically-rich analysis of the relationship between civic participation and empowerment.” (p. 165). For the crucial role of experience, passions, and individuality, see (Moreau 1994).

²⁴ See (Spinoza [1670] 2016, TTP 20.16). “We see, then, how everyone can say and teach what he thinks, without detriment to the right and authority of the supreme ‘powers, i.e., without detriment to the Republic’s peace: viz. if he leaves to them the decision about what’s to be done, and does nothing contrary to their decree (even if he must often act contrary to what he judges—and openly says—is good). He can do this without harm to justice and piety. Indeed, he must do this if he wants to show himself to be just and pious.”

for interindividual agreement to develop in accordance with reason. This freedom has a discursive character, which can be linked to the communicative conception of reason in the *Ethics*, which is an aspect of the foundation of the state (Spinoza [1677] 1988, E 4pp35–37).²⁵

True knowledge is not only relevant to individual virtue but also to the state and law itself. Spinoza discusses the political significance of freedom to philosophise in the *TTP* in depth. He emphasizes the discursive character of freedom, especially with regard to legislation: “For example, if someone shows that a law is contrary to sound reason, and therefore thinks it ought to be repealed, if at the same time he submits his opinion to the judgment of the supreme ‘power (to whom alone it belongs to make and repeal laws), and in the meantime does nothing contrary to what that law prescribes, he truly deserves well of the republic, as one of its best citizens” (Spinoza [1670] 2016, TTP 20.15). Freedom is a prerequisite for the development of true knowledge, i.e., reason, which in its discursive form influences laws and justice.²⁶

Freedom to philosophise, i.e., a free development of thought and expression, is, according to Spinoza, a virtue that is important for the stability of the state, although the philosopher admits that such a freedom can sometimes give rise to certain grievances (Spinoza [1670] 2016, TTP 20.24). However, “*freedom of judgment [. . .] is undoubtedly a virtue*” (Spinoza [1670] 2016, TTP 20.25).²⁷ In this respect, freedom promotes loyalty and fidelity in the state. To restrict the freedom of judgment, primarily harms the loyalty in the state because men cannot develop this virtue, thus weakening harmony (Spinoza [1670] 2016, TTP 20.34–38): “But suppose this freedom could be suppressed, and men so kept in check that they didn’t dare to mutter anything except what the supreme ‘powers prescribe. This would surely never happen in such a way that they didn’t even think anything except what the supreme ‘powers wanted them to. So the necessary consequence would be that every day men would think one thing and say something else. The result? The good faith especially necessary in a Republic would be corrupted” (Spinoza [1670] 2016, TTP 20.27).

In this sense, the *TTP* and the *Ethics* have a common foundation of a philosophy that embraces the conception of an immanence of freedom. Spinoza states consequently in the *TP*, in which he discusses harmony and security with the background of the stability of political institutions: “Peace isn’t the privation of war, but a virtue which arises from strength of mind” (Spinoza [1677] 2016, TP 5.4). “When we say, then, that the best state is one where men pass their lives harmoniously, I mean that they pass *human* life, one defined not merely by the circulation of the blood, and other things common to all animals, but mostly by reason, the true virtue and life of the Mind” (Spinoza [1677] 2016, TP 5.5). Consequently, freedom, true knowledge, and justice are interrelated. Freedom has an impact on laws and, consequently, on justice, which is committed to a discursive form of establishing truth.

4. Conclusions: The Cycle of Freedom, True Knowledge, and Justice

In Spinoza’s political philosophy, a cycle of freedom, true knowledge, and justice comes to the fore, which is based on the reciprocal significance of these concepts. Justice, on

²⁵ For the historical background of a participatory political culture in the Dutch Republic during the 17th century, see (Frijhoff and Spies 2004, p. 83, 220–27; Lærke 2021; Helmers 2018; Secretan 2018). For a comparison between Spinoza’s position and the modern discourse ethics of Jürgen Habermas, see (Senn 1993; Lærke 2021, pp. 235, 238–40).

²⁶ In James (2012), the *Ethics* appears as the foundation for the project of the *TTP*: “For him [Spinoza], striving to create ways of life that are genuinely empowering [. . .] is an immediate and practical project”. (p. 2). James articulates a correlation of the political character of justice and morality with regard to the “Life in a Republic” and highlights the crucial role of the sovereign, which determines normativity: “It may seem that this yields only an impoverished morality [. . .]. But this underestimates the force of normative standards that sovereignty makes possible. Once in circulation, they acquire a life of their own and enabling subjects, as well as sovereigns, to justify their beliefs and actions in moral terms. [. . .] Moral discourse enters into the balance of power between sovereigns and subjects [. . .]. The state does not simply redistribute power that already existed in the state of nature. It also creates new powers, including those of morality and religion.” (pp. 233–48; here, pp. 247–48).

²⁷ Emphasis added by the author.

the one hand, articulates freedom and equality, which man has according to natural law, but which cannot be realised in the state of nature. Freedom of thought and expression, on the other hand, forms a condition for justice to develop according to reason. Spinoza's account of the *immanence of freedom and justice* relies not on normative presumptions. Freedom and justice cannot be presupposed but can emerge by the fact that the laws correspond to a discursive concept of truth, which can only be developed by individuals together with other individuals, creating reasonable connections in the complex structure of society.

Spinoza and Dworkin have in common that they develop freedom and justice from a philosophical conception of *truth*. Dworkin demonstrates this unity with respect to liberty, justice, and dignity in *Justice for Hedgehogs*: “That justice does not threaten—it expands—our liberty. [...] It makes it easier and more likely for each of us to live a good life well. [...] Without dignity our lives are only blinks of duration. But if we manage to lead a good life well, we create something more. [...] We make our lives tiny diamonds in the cosmic sands” (Dworkin 2011, p. 423).²⁸ Spinoza wrote in parallel in the *Ethics*: “A man who is guided by reason is more free in a state” (Spinoza [1677] 1988, E 4p73).²⁹ For Spinoza, freedom is to be understood in the context of an ethical theory that explains man's virtue as an expression of life: “Blessedness is not the reward of virtue, but virtue itself” (Spinoza [1677] 1988, E 5p42). In this sense, a life of true knowledge, through which man develops his freedom and power (potentia), includes a condition or effect comparable to dignity:³⁰ “And of course, what is found so rarely must be hard. [...] But all things excellent are as difficult as they are rare” (Spinoza [1677] 1988, E 5p42s).

The cycle of freedom, true knowledge, and justice can gradually develop with the result that the laws of a state increasingly *respect* the development of individual freedom. Accordingly, the passages discussed reveal a concept of justice, which has a more important ethical and political significance than Spinoza's use of the Roman legal definition suggests: “Justice is a constancy of mind in apportioning to each person what belongs to him according to civil law”.³¹ The fourth chapter of the *TTP* and the wisdom of *King Solomon*, as well as the fourth part of the *Ethics* with *Propositions* 37, 41 and 45 show that justice has a significance in the context of Spinoza's thought, even if he did not discuss the concept in depth: “Whatever we want because we have been affected with hate is dishonorable; and [if we live] in a State, it is unjust.”³² Justice is consistent with harmony (concordia) and love. Injustice coincides with discord and hate. This insight is appropriate to the complexity of Spinoza's thought. It makes the understanding of his philosophy more differentiated and complete.

Spinoza's philosophy in the *TTP* and the *Ethics* is conceptualised from the immanent development and logic of human existence, always from the aspect of its causal foundations and hence explainability of its preconditions and thus realistic perspectives. Here, it can be seen that justice can have a deeper meaning in Spinoza and is consistent with love, true knowledge, and virtue. Justice—in this broader sense—is opposed to hatred. This understanding of justice, however, is not based on a normative conception of natural law and the state. In an immanent perspective that develops natural law and the state on the conceptual basis that man is a part of nature and is subject to affects, the essence of man—freedom, true knowledge, and virtue— must be able to develop and cannot be presupposed. In this sense, it is a realistic conception but a conception of essential human freedom.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

²⁸ Emphasis added by the author.

²⁹ Emphasis added by the author.

³⁰ See (Spinoza [1677] 1988), E 4app3+5+15. For virtue as power, see (Spinoza [1677] 1988, E 3p6–7+E 4d8+E 4p20d+E 4p24+E 4ap3+E 4ap6).

³¹ See Section 3.1. Here, see (Spinoza [1670] 2016, TTP 16.42).

³² See Section 3.3. Here, see (Spinoza [1677] 1988, E 4p45c2).

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: I am grateful to Ursula Renz and Benjamin Straumann for their thoughtful comments and suggestions on a draft of this article.

Conflicts of Interest: The author declares no conflict of interest.

References

- Balibar, Étienne. 1984. *Spinoza et la Politique*. Paris: Presses Universitaires de France.
- Bartuschat, Wolfgang. 1992. *Spinozas Theorie des Menschen*. Hamburg: Meiner.
- Belaief, Gail. 1971. *Spinoza's Philosophy of Law*. The Hague and Paris: Mouton.
- Della Rocca, Michael. 2008. *Spinoza*. London and New York: Routledge.
- Dworkin, Ronald. 2011. *Justice for Hedgehogs*. Cambridge, MA and London: The Belknap Press of Harvard University Press.
- Freudenthal, Jakob, and Manfred Walther. 2006. *Die Lebensgeschichte Spinozas*, 2nd ed. Stuttgart-Bad Cannstatt: Frommann-Holzboog. First published 1899.
- Frijhoff, Willem, and Marijke Spies. 2004. *1650: Hard-Won Unity*. Assen: Royal van Gorcum.
- Helmers, Helmer J. 2018. Popular Participation and Public Debate. In *The Cambridge Companion to the Dutch Golden Age*. Edited by Helmer J. Helmers and Geert H. Janssen. Cambridge: Cambridge University Press, pp. 124–46.
- Ibric, Samra. 2022. *Dworkin und Aristoteles. Über die Ungerechtigkeit. Führt der Fokus auf die Ungerechtigkeit zu „gerechteren“ Gerechtigkeits-theorien?* Zürich, Basel and Genf: Schulthess.
- Israel, Jonathan I. 1995. *The Dutch Republic. Its Rise, Greatness, and Fall, 1477–1806*. Oxford: Clarendon Press.
- James, Susan. 2012. *Spinoza on Philosophy, Religion, and Politics. The Theologico-Political Treatise*. Oxford: Oxford University Press.
- Kant, Immanuel. 1998. Critique of Pure Reason. In *The Cambridge Edition of the Works of Immanuel Kant*. Edited by Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press. First published 1781.
- Kant, Immanuel. 1996. Groundwork of The Metaphysics of Morals. In *The Cambridge Edition of the Works of Immanuel Kant. Practical Philosophy*. Translated and Edited by Mary J. Gregor. General Introduction by Allen Wood. Cambridge: Cambridge University Press. First published 1785.
- Kant, Immanuel. 1996. The Metaphysics of Morals. In *The Cambridge Edition of the Works of Immanuel Kant. Practical Philosophy*. Translated and Edited by Mary J. Gregor. General Introduction by Allen Wood. Cambridge: Cambridge University Press. First published 1797.
- Lærke, Mogens. 2021. *Spinoza and the Freedom of Philosophizing*. Oxford: Oxford University Press.
- Laux, Henri. 1993. *Imagination et Religion chez Spinoza. La Potentia dans L'Histoire*. Paris: Librairie philosophique J. Vrin.
- Lazzeri, Christian. 1998. *Droit, Pouvoir et Liberté. Spinoza Critique de Hobbes*. Paris: Presses Universitaires de France.
- Lord, Beth. 2018. Ratio as the Basis of Spinoza's Concept of Equality. In *Spinoza's Philosophy of Ratio*. Edited by Beth Lord. Edinburgh: Edinburgh University Press, pp. 61–73.
- Manzini, Frédéric. 2009. *Spinoza: Une Lecture d'Aristote*. Paris: Presses Universitaires de France.
- Matheron, Alexandre. 1969. *Individu et Communauté chez Spinoza*. Paris: Les Éditions du Minuit.
- Matheron, Alexandre. 1971. *Le Christ et le Salut des Ignorants chez Spinoza*. Paris: Aubier Montaigne.
- Matheron, Alexandre. 1984. Spinoza et la Problématique Juridique de Grotius. *Philosophie* 4: 69–89.
- Meinsma, K. O. 2011. *Spinoza et son Cercle. Étude Critique Historique sur les Hétérodoxes Hollandais*, 2nd ed. Paris: Librairie Philosophique J. Vrin. First published 1896.
- Melamed, Yitzhak Y. 2022. Spinoza's Metaphysics of Substance. In *The Cambridge Companion to Spinoza*, 2nd ed. Edited by Don Garrett. Cambridge: Cambridge University Press, pp. 61–112.
- Moreau, Pierre-François. 1994. *L'Expérience et l'Éternité chez Spinoza*. Paris: Presses Universitaires de France.
- Nadler, Steven. 2018. *Spinoza. A Life*, 2nd ed. Cambridge: Cambridge University Press.
- Negri, Antonio. 1981. *L'Anomalia Selvaggia. Saggio su Potere et Potenza in Baruch Spinoza*. Milano: Feltrinelli.
- Olsthoorn, Johan. 2016. Spinoza on Human and Divine Justice. *History of Philosophy Quarterly* 33: 21–41.
- Popkin, Richard H. 2003. *The History of Scepticism. From Savonarola to Bayle*. Oxford: Oxford University Press.
- Prak, Maarten. 2023. *The Dutch Republic in the Seventeenth Century*. Cambridge: Cambridge University Press.
- Renz, Ursula. 2018. *The Explainability of Experience. Realism and Subjectivity in Spinoza's Theory of the Human Mind*. Oxford: Oxford University Press.
- Renz, Ursula. 2022. Spinoza's Epistemology. In *The Cambridge Companion to Spinoza*, 2nd ed. Edited by Don Garrett. Cambridge: Cambridge University Press, pp. 141–86.
- Santos Campos, André. 2016. Spinoza on Justice: Understanding the *Suum Cuique*. *Epoché* 21: 127–43. [CrossRef]
- Schneppf, Robert. 1996. *Metaphysik im ersten Teil der Ethik Spinozas*. Würzburg: Königshausen und Neumann.
- Secretan, Catherine. 2018. Espace public. In *Les Pays-Bas au Siècle d'Or: De L'Union d'Utrecht à la Paix d'Utrecht (1579–1713)*. Edited by Catherine Secretan and Willem Frijhoff. Paris: CNRS Éditions, pp. 243–45.

- Senn, Marcel. 1993. Spinoza und die Diskursethik. In *Studia Spinozana. Spinoza and Modernity: Ethics and Politics*. Edited by Étienne Balibar, Helmut Seidel and Manfred Walther. Würzburg: Königshausen und Neumann, vol. 9, pp. 297–331.
- Senn, Marcel. 2007. *Rechtsgeschichte—Ein kulturhistorischer Grundriss*, 4th ed. Zürich, Basel and Genf: Schulthess.
- Senn, Marcel. 2017. *Rechts- und Gesellschaftsphilosophie. Historische Fundamente der europäischen, nordamerikanischen, indischen sowie chinesischen Rechts- und Gesellschaftsphilosophie. Eine Einführung mit Quellenmaterialien*, 2nd ed. Zürich, St. Gallen and Baden-Baden: Dike/Nomos.
- Sharp, Hasana. 2005. Feeling Justice: The Reorientation of Possessive Desire in Spinoza. *International Studies in Philosophy* 37: 113–30. [[CrossRef](#)]
- Spinoza, Benedictus de. 1988. Ethics demonstrated in Geometric Order. In *The Collected Works of Spinoza. Volume I*. Translated and Edited by Edwin Curley. Princeton: Princeton University Press. First published 1677.
- Spinoza, Benedictus de. 2016. Theological–Political Treatise. In *The Collected Works of Spinoza. Volume II*. Translated and Edited by Edwin Curley. Princeton and Oxford: Princeton University Press. First published 1670.
- Spinoza, Benedictus de. 2016. Political Treatise. In *The Collected Works of Spinoza. Volume II*. Translated and Edited by Edwin Curley. Princeton and Oxford: Princeton University Press. First published 1677.
- Steinberg, Justin. 2018. *Spinoza's Political Psychology. The Taming of Fortune and Fear*. Cambridge: Cambridge University Press.
- Straumann, Benjamin. 2015. *Roman Law in the State of Nature. The Classical Foundations of Hugo Grotius' Natural Law*. Cambridge: Cambridge University Press.
- Verbeek, Theo. 2003. *Spinoza's Theologico-Political Treatise. Exploring "the Will of God"*. Aldershot: Ashgate.
- Walther, Manfred. 2003. Natural Law, Civil Law, and International Law in Spinoza. *Cardozo Law Review: Spinoza's Law. Symposium* 25: 657–65.
- Walther, Manfred. 2011. Elementary Features of Spinoza's Political Philosophy (4p37s2). In *Spinoza's Ethics. A Collective Commentary*. Edited by Michael Hampe, Ursula Renz and Robert Schnepf. Leiden and Boston: Brill, pp. 211–32.

Disclaimer/Publisher's Note: The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.