

SPINOZA'S CONCEPTION OF LAW: METAPHYSICS AND ETHICS

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The God of the Hebrew Bible is a sovereign lawgiver to the Jewish people. God commands his people to act, or not to act, in certain ways and holds them responsible for their actions, punishing disobedience and rewarding obedience. Within the religious traditions that descend from Judaism, the idea of divine law is conceived of as a set of dictates or commands that God issues to all human beings—commands that establish inescapable obligations, on the basis of which humans are held accountable for their actions. One of Spinoza's primary goals in the *TTP* is to offer a reinterpretation of the idea of divine law, according to which it is understood not as the literal command of a sovereign being, but as a law taught by the "natural light of reason" (III/10/7) and "inferred from the consideration of human nature alone" (III/61/24-25).¹ In the *TTP*, this interpretation is developed against the background of a general analysis of the concept of law that has wide-ranging consequences for Spinoza's philosophy. In what follows I focus on two of these consequences: Spinoza's endeavor to use the notion of law (including divine law) to bridge the divide between the natural and the normative, and the role he assigns to the concept of law in underwriting the systematic unity of his ethical theory.

1 General Analysis of Law

Spinoza presents his fullest analysis of the concept of law in chapter 4 of the *TTP*, "On the divine law." He begins with what I will call his "general account": "The word 'law' in an unqualified

¹ Unless otherwise specified, quotations from the *TTP* are drawn from Jonathan Israel's edition. Quotations from the *Ethics* are drawn from Edwin Curley's edition. I cite Spinoza's text according to Gebhardt volume, page and (where indicated) line numbers, which appear marginally in both editions.

sense [*absolute sumptum*] signifies that, in accordance with which, each individual thing, or all or some things of the same kind, act in one and the same fixed and determinate way [*certa ac determinate ratione agunt*]” (III/57/23-26; trans. modified). The general account highlights the determinacy and regularity of law-governed action, but does not explicitly invoke the notion of necessity, or distinguish between descriptive and prescriptive conceptions of law. These ideas come to the fore when Spinoza goes on to distinguish two bases for law: a law may depend either on natural necessity or on “human decision.” Let us call these, respectively, type-I laws and type-II laws. A type-I law is a law that expresses a natural necessity, or which “necessarily follows from the very nature or definition of a thing.” A type-II law, by contrast, is one that “depends upon human decision [*ab hominum placito*],” and which “men prescribe to themselves and others in order to live more safely and more comfortably, or for other reasons [*ad tutius, & commodius vivendum, vel ob alias causas*]” (III/57/27-31; trans. modified).²

Spinoza’s general account encompasses two very different notions of law. Type-I laws have no normative content: they are descriptive propositions that state how things necessarily act, and that follow necessarily from the nature of a thing. Spinoza gives two examples of laws of this sort. It is a universal law of body that “when one body strikes a smaller body, it only loses as much of its own motion as it communicates to the other.” And, it is a universal law of human nature, that “when a man recalls one thing he immediately remembers another which is

² The phrase *ab* (or *ex*) *hominum placito* presents difficulties. Literally it means “at the pleasure of men,” which is to say, as human beings decide it. The phrase appears in medieval debates about whether linguistic meaning is determined by nature or by imposition. See, e.g., Peter Abelard, *Theologia ‘summi boni’*, III.35: “Priscianus, doctor et scriptor loquendi, in locutionibus maxime usum emulandum esse admonet. Bene equidem, cum locutio significationem non ex natura sed ex placito hominum habeat.” For a full discussion, see Meier-Oeser, *Die Spur Des Zeichens*; Marenbon, *The Philosophy of Peter Abelard*, 176-184.

similar or which he had seen along with the first thing” (III/57-58).³ Type-II laws are distinguished from these laws, in part, by the fact that they do not follow necessarily from the nature of a thing. If it is a law “that men give up their right which they receive from nature... and commit themselves to a particular rule of life” (III/58/4-6), this law does not follow from human nature alone. By virtue of being human, an individual does not necessarily act in a cooperative manner, though he may prescribe to himself and others that they *should* act in this way. Such a requirement would be an example of a type-II law, which depends upon a human decision and involves normative content. In contrast to type-I laws, type-II laws are practical or action-guiding. Their logical form is that of hypothetical imperatives: they dictate how one ought to act, for the sake of a given end.

On the face of it, the account of type-II laws comes closest to capturing our ordinary notion of law. Laws have normative content, and they are action-guiding. Nevertheless, Spinoza holds that type-I laws are metaphysically basic and represent the meaning of ‘law’ in its strictest sense. Given its dependence upon human decision, he says, a type-II law is “more properly called a decree [*jus*]” (III/57/29).⁴ He acknowledges that this may appear to reverse the correct order of understanding. The word ‘law’ seems (*videtur*) to be applied metaphorically to natural things. Commonly (*communiter*), the word is understood to signify nothing but “a command which men may or may not follow, since a law constrains human powers within certain limits

³ The relativization of type-I laws to kinds or species may prompt concerns about the status of such kinds in Spinoza’s philosophy. The universal laws of body present no special problem, since any body is a mode of the attribute of Extension (and similarly for universal laws of mind). The “laws of human nature” are less easily explained, for Spinoza sometimes uses this phrase in a way that does not refer (as it does here) to actions that follow necessarily from the nature of any human being. I return to this point in section 2.

⁴ One might quibble with this rendering of *jus*, which Spinoza (like his predecessors) uses very broadly. As I discuss in the next section, his analysis of natural right (*jus naturale*) in *TTP* 16 grounds this right in a natural necessity.

which they naturally exceed, and does not command anything beyond their scope” (III/58/28-33). Yet, for Spinoza, this notion of law is a secondary one, which presupposes the more basic sense of law as the expression of a natural necessity, or a regularity that follows necessarily from the nature or definition of a thing.⁵

Spinoza elaborates his analysis with a further set of observations about how the idea of law commonly functions in political and religious contexts. Taking the operative notion of law to be “a rule for living [*ratio vivendi*] which a man prescribes to himself or others for some purpose,” legislators are able (wisely, Spinoza says) to disengage the rule from its true purpose, which is grasped by only a few, and to attach it to “another purpose very different from the one which necessarily follows from the nature of laws” (III/58-59). Obedience to the law is now associated with reward and punishment by an authority, as a result of which “the essence of law is taken to be a rule of life prescribed to men by the command of another; and consequently those who obey the laws are said to live under law and are regarded as subjects of it” (III/59/8-11). Spinoza leaves no doubt that he regards this as a superficial understanding of law. One who gives other individuals their due because he is commanded to do so, and fears the consequences of disobedience, cannot be called “just.” That title is reserved for the person who acts in the required manner, “because he knows the true rationale of laws and understands their necessity.”

⁵ Spinoza may believe that, etymologically, the word ‘law’ is applied metaphorically to natural things, or to “the order of nature itself” (III/162/22). This, however, is consistent with the claim that type-I laws are metaphysically basic, in the sense that the operation of type-II laws is explained in terms of them. Curley (“The State of Nature and Its Law,” 108-9) reaches a different conclusion. He argues that what I have called Spinoza’s general account is only a “provisional” definition; that the word ‘law’ is used only metaphorically when applied to natural things; and that Spinoza’s preferred definition is the one that I have identified with type-II laws: “a rule for living which a man prescribes to himself or others for some purpose” (III/58/33-35). Miller (“Spinoza and the Concept of a Law of Nature”) dissents from Curley’s view but does not develop the distinction between type-I and type-II laws.

Such a person acts “steadfastly [*animo constanti*] and at his own and not another’s command, and therefore is deservedly called just [*justus*]” (III/59/14-16).⁶

Spinoza’s critical remarks on the notion of law as the binding command of a superior make it clear that he sees his own general account—involving the postulation of both type-I and type-II laws—as a revisionary analysis. The principal interpretative problem the account raises is understanding the relationship between these two types of law. Spinoza’s last example highlights the problem. The principle of justice—to give each person his due—seems a prime example of a type-II law: a normative principle that is action-guiding. We know from Spinoza’s analysis that this law is not to be construed simply as the command of a superior (who possesses the means to inflict punishment). As a type-II law, the rule of justice is properly regarded as a law that one prescribes to oneself and others, in order “to live more safely and more comfortably.” Yet the details of Spinoza’s account remain underdeveloped. The just man performs the actions required of him, “because he knows the true rationale of laws and understands their necessity.” This underlines the just person’s grasp of the necessary connection between the practice of justice and the achievement of a safer and more comfortable life. However, it leaves unaddressed the relation between what the just person understands about the basis of type-II laws and his determination (or motivation) to act in accordance with those laws.

⁶ Spinoza offers two distinct accounts of the “just.” Philosophically, it is (as presented here) a quality of character exemplary of virtue. This is the notion described in *Ethics*, IVP18S: “men who are governed by reason—that is, men who, from the guidance of reason, seek their own advantage—want nothing for themselves which they do not desire for other men. Hence they are just, honest, and honorable [*justos, fidos, atque honestos*]” (II/223/17-18). In other contexts, he restricts the notions of just and unjust to a state governed by civil laws, denying that there can be any wrongdoing in the state of nature. See *TTP* 16 (III/196) and *Ethics*, IVP37S2: “in the state of nature nothing is done which can be called just or unjust [*justum, aut injustum*]. But in the civil state, of course, where it is decided by common consent what belongs to this man, and what to that [, things are done which can be called just and unjust]” (II/238-239).

Furthermore, in saying just this, we are no closer to explaining the dependence I have claimed Spinoza assumes of type-II laws on type-I laws.

One thing we do know is that, even if Spinoza is committed to the primacy of type-I laws as statements of metaphysical necessity, he does not believe that we can dispense entirely with type-II laws. This is an important point, because it signals the way in which his philosophy reserves a place for practical, normative laws that depend upon human volition. In *TTP* 4, Spinoza affirms his commitment to the thesis that “all things are determined by the universal laws of nature to exist and act in a fixed and determined manner” (III/58/7-8). Given this, type-I laws must be sufficient to explain everything that happens in nature. Nevertheless, he insists that there remains room for type-II laws, and that they play a critical role in human agency.

Spinoza credits the institution, and binding force (*sanctio*), of type-II laws to particular human decisions, as opposed to the nature of the mind in general (or the “mind, so far as it perceives what is true or false” [III/58/16-17]).⁷ Such laws are not universal principles that can be deduced from the nature of the human mind, but instead depend upon individual human beings prescribing “rules for living” to themselves or others. Once decreed, these laws offer significant practical advantages. Knowing that the world is governed by universal necessary laws does not tell us how we should act in particular situations. Such laws give no direction to our efforts to intervene in the world, and they leave us ignorant of “the actual coordination and connectedness of things” (III/58/23-24), including the determination of our own power by the power of other things. It is precisely in such circumstances that we are aided by type-II laws, which dictate necessary means to desired ends. When we allow ourselves to be commanded by

⁷ On the rationale for translating Spinoza’s *sanctionem istarum legum* as “the binding force of those laws,” see Bentham, *An Introduction to the Principles of Morals and Legislation*, chap. 3, sec. 2.

such laws, we in effect acknowledge our ignorance about how things are “really ordered and connected” (III/58/24-25). We take ourselves to be capable of bringing about the objects we desire by bringing about the necessary means to them. The assumption that we *can* do this may turn out to be mistaken, for other causes may block the efficacy of our actions. Nevertheless, Spinoza observes that “it is better and indeed necessary for the conduct of life, to regard things as possible” (III/58/25-26). This we must do if we are to function as agents, despite its being true that all things (ourselves included) are determined by type-I laws “to exist and act in a fixed and determined manner.”⁸

This gives us further insight into Spinoza’s position. Type-I laws are metaphysically basic, yet type-II laws are crucial to human agency. They guide us in acting in the world, even though they incorporate what is in effect a fiction about our powers: that, independently of how things are “really ordered and connected,” we are capable of effecting the necessary means to desired ends. Spinoza’s general account, articulated in the opening pages of *TTP* 4, takes us this far. To go beyond this, we must consider in greater detail some of the specific laws to which he appeals.

2 The Natural and the Normative

Spinoza’s general account allows for a wide range of laws of varying scope. These include type-I laws that express the determinate mode of acting of all individuals, or of all or some individuals

⁸ Compare *Ethics*, IVD4: “I call... singular things possible, insofar as, while we attend to the causes from which they must be produced, we do not know whether those causes are determined to produce them.” In the present case, the relevant causes are desires to produce effects that may or may not follow from them. Of course, Spinoza also holds that there is nothing truly contingent in nature (IP29). A thing is *called* contingent only because of “a defect in our knowledge.” “[B]ecause the order of causes is hidden from us, it can never seem to us either necessary or impossible. So we call it contingent or possible” (IP33S1).

of a certain kind. A clear example of the first sort of law is what Spinoza calls in *TTP* 16, the “supreme law of nature”: “it is the supreme law of nature that each thing strives to persist in its own state so far as it can [*unaquaeque res in suo statu, quantum in se est, conetur perseverare*], taking no account of another’s circumstance but only of its own” (III/189). The *TTP*’s “supreme law of nature” anticipates a key proposition of the *Ethics*: “Each thing, so far as it can, strives to persevere in its being [*Unaquaeque res, quantum in se est, in suo esse perseverare conatur*]” (IIIP6).⁹ The proposition that follows, *Ethics*, IIIP7, identifies this striving with the “actual essence” of a thing, which implies that it depends upon a power proper to that thing (and not a power belonging to something else). Given this, the import of IIIP6 and of the *TTP*’s supreme law of nature is that, insofar as any thing is determined to act by its own power, it necessarily acts in ways that preserve its existence. This is a paradigm case of a type-I law for Spinoza: a law that “necessarily follows from the very nature or definition of a thing.”

The supreme law of nature lacks any prescriptive or normative content. It asserts simply that, necessarily, insofar as each thing acts by its own power, it acts in ways that contribute to its continued existence. One of Spinoza’s main goals in *TTP* 16 is to argue that this law offers the basis for a correct understanding of the notion of “natural right.” Against those who interpret natural right as an inherently normative concept, whose application is limited to rational beings, Spinoza holds that the claims of natural right are grounded in the necessity of the supreme law of nature, as this applies to the actions of any individual whatsoever. Consequently, the scope of any individual’s natural right extends to all of the actions by which it strives to persevere in existence, and not just those that are in accord with reason:

⁹ For consistency’s sake, I have altered Curley’s rendering of *quantum in se est* (“as far as it can by its own power”). The proper translation of this phrase is controversial, and I see little to recommend the interpolation of the word ‘power’ in it.

Here we recognize no difference between human beings and other individual things of nature, nor between those human beings who are endowed with reason and others who do not know true reason, nor between fools or lunatics and the sane. For whatever each thing does by the laws of its nature, that it does with sovereign right, since it is acting as it was determined to by nature and can not do otherwise. (III/189-90)

Spinoza insists that the concept of natural right is to be understood as grounded in a universal type-I law, the supreme law of nature. Consequently, the concept offers no basis for distinguishing between human and non-human individuals, or between humans who act rationally and those who do not. “Each person’s natural right,” he says, “is determined not by sound reason but by desire and power. For it is not the case that all men are naturally determined to behave according to the rules and laws of reason” (III/190/13-15). Again, he comments:

[A]s long as people are deemed to live under the government of nature alone, the person who does not yet know reason or does not yet have a habit of virtue, lives by the laws of appetite alone with the same supreme right as he who directs his life by the laws of reason. That is, just as a wise man [*sapiens*] has a sovereign right to do all things that reason dictates, i.e. [he has] the right of living by the laws of reason, so also the ignorant or intemperate person possesses the sovereign right to [do] everything that desire suggests, i.e., he has the right of living by the laws of appetite. (III/190/3-10)

The argument of *TTP* 16 leans heavily on the idea that from the point of view of the “government of nature”—the order determined by nature’s supreme law—all individuals are in exactly the same position: each strives from its own power to persevere in existence, and its

ability to do so marks the limits of its natural right. What is easily missed in Spinoza's argument, however, is the implicit recognition of another class of *prima facie* normative laws. These are the "laws of reason" by which some, but not all, human beings direct their lives. Spinoza is clear that these laws are set against the universal laws of nature, and that they are concerned specifically with the "true interest" of human beings:

[N]ature is not bound by the laws of human reason which aim only at the true interest and conservation of humans [*non nisi hominum verum utile, & conservationem intendunt*] When therefore we feel that anything in nature is ridiculous, absurd or bad, it is because we know things only in part. We wish everything to be directed in ways familiar to our reason, even though what reason declares to be bad, is not bad with respect to the order and laws of universal nature but only with respect to the laws of our own nature. (III/190-191)

In interpreting this passage, we must be alert to a systematic ambiguity that infects Spinoza's use of the phrase "law of human nature." In some cases he uses the phrase to designate laws that hold of any human being (or any human mind). In others, he uses it to refer to laws that do not satisfy this condition, but rather hold of only some human beings.¹⁰ The "laws of human reason" are examples of the latter sort of law. Although they are described as "laws of our own nature," they do not follow necessarily from the nature of a human being, for Spinoza acknowledges that many human beings are not governed by them; they live by the laws of appetite alone. Given this, the laws of human reason arguably should be classified as type-II laws: rules of living that "men prescribe to themselves and others in order to live more safely and

¹⁰ For the first usage, see *TTP* 4 (III/58/3-4) and *TTP* 16: "it is a universal law of human nature that no one neglects anything that they deem good unless they hope for a greater good or fear a greater loss..." (III/191-192). For the second usage, see *TP* 2.7 (III/279/5-6).

more comfortably.” Supporting this identification is Spinoza’s explicit use of normative language in describing the significance of these laws: “no one can doubt how much more beneficial it is for men to live according to the laws and certain dictates of our reason [*leges, & certa nostrae rationis dictamina*], which as I have said aim at nothing but men’s true interests [*verum hominum utile*]” (III/191/11-13, trans. modified).¹¹

The laws of reason mark the point at which notions of normativity find entry into Spinoza’s ethics. How to understand the force and authority of this normativity remains a problem, to whose solution we find at least some clues in the analysis of *TTP* 4. Most importantly we have Spinoza’s description of type-II laws as (1) hypothetical imperatives, which (2) depend upon “human decision.” The first of these features identifies the laws of reason as expressing necessary means to a given end: a safer and more comfortable life. Spinoza reinforces this point in saying that the laws of human reason “aim only at the true interest and conservation of humans.” The standard account of hypothetical imperatives explains their force in terms of their prescribing rationally necessary means to desired ends. Given that I desire *b*, I ought to do *a*, because I know that *a* is necessary for the production of *b*. If this is the right way to think of Spinoza’s laws of reason, then a satisfactory explanation of their normativity, or the sense in which an agent is bound by these laws, must begin with an account of what makes “a safer and more comfortable life” an end for us.

One possible explanation of this being an end for us is that it is something any human being necessarily desires. According to the supreme law of nature, any individual strives, so far

¹¹ Strictly speaking, the laws of reason include what Spinoza distinguishes in *TTP* 4 as “human law” and “divine law.” Here I am concerned only with the former: rules of living “whose only purpose is to protect life and preserve the state [*ad tutandam vitam, & rempublicam*]” (III/59/24-25). I discuss the import of divine law in section 3.

as it can, to persevere in existence. Hence, any human being must have as an end the preservation of her life, and the laws of reason are binding on her because they express necessary means to that end.¹² This response, however, is unsatisfactory. The ends Spinoza associates with the laws of reason are not limited to self-preservation, and he makes it clear that individuals are able to persevere in existence governed only by the laws of appetite. Indeed, he is adamant that the supreme law of nature is a universal (type-I) law; it applies equally in the case of individuals who live by the laws of appetite and individuals who live by the laws of reason. Although the actions of the former are often shortsighted and lead to effects that may, indirectly, precipitate their demise, the appetites that motivate their actions are strivings to persevere in existence, which in and of themselves cannot destroy their subject. Given this, the supreme law of nature, which entails that we act only in ways that are consistent with the preservation of our existence, offers no basis for the end specific to the laws of reason. By Spinoza's admission, not all human beings are bound by the laws of reason; yet all human beings (and all other individuals) are determined to act in accordance with the supreme law of nature.

Spinoza associates the laws of reason with the pursuit of our "true interest," that is, a safer and more comfortable life—an end that is aspired to by some, but not all, human beings. In elucidating this point we are aided by his statement that an end is nothing more than "a human appetite insofar as it is considered as a principle, or primary cause of some thing" (*Ethics*, IVPref., II/207/3-5). Strictly speaking, the ends that are identified with the "true interests" of human beings are ends only for those who, in fact, desire to lead a safer and more comfortable life. Plausibly, we may suppose that many human beings do desire such a life, and that this desire occupies a central place in their motivational set. Nevertheless, Spinoza accepts that if

¹² Curley, "Spinoza's Moral Philosophy," 371-2.

anyone were to lack this desire, then the pursuit of such a life would not be an end for that person, and the laws of reason would not be binding on him. Individuals motivated solely by momentary impulses of appetite, he writes, are “no more bound [*tenentur*] to live by the laws of a sound mind than a cat is by the laws of a lion’s nature” (III/190/22-23; trans. modified).

If the laws of reason are correctly construed as type-II laws, then they depend, in Spinoza’s words, on “human decision” (*ab hominum placito*). The phrase *ab hominum placito* highlights the point that the existence of such laws does not follow from general facts about human nature but depends in addition upon an agent’s being willing to limit her actions to those specified by the law: actions that are necessary means to a safer and more comfortable life. Spinoza recognizes that even if agents have the desire to live more safely and comfortably, there is no necessity that they will limit their actions in ways that are effective in realizing this end. He is especially concerned with the scenario (made famous by Hobbes) in which individuals are faced with the choice of giving up “the right they received from nature”—their natural right to all things—and committing themselves to “a particular rule of life [*certae rationi vivendi*]” (III/58/4-6), based on the authority of civil law. His conclusion is that the commitment of human beings to live in this way—the way that is rational given the desire for a safer and better life—cannot be derived from human nature alone. That is, it is not a universal necessary truth (a type-I law) that human beings act in this way. Instead, “the binding force [*sanctionem*] of these laws can best be said to depend upon human decision” (III/58/13-15; trans. modified).

Given Spinoza’s unconditional rejection of freedom of the will, we know that the decision leading to the prescription of law to oneself or others should not be construed as a voluntary act that requires an agent’s independence from the causal order of nature. On the contrary, any prescription of law, and an agent’s willingness to comply with that law, must be

understood as the product of desires that are themselves fully determined within the order of nature.¹³ To prescribe a law commanding p (e.g., “Give each person their due”) can mean only that one consistently desires that p be done. If this is so, then we find at least one sense in which type-II laws in general are subordinate to type-I laws. Although the former do not follow necessarily from human nature, holding without exception of all human beings, their prescription is explained by additional law-governed facts about the motivations of particular agents. Some agents are so constituted as to prescribe limits on their own and others’ actions for the sake of a safer and more comfortable life; others are not. In principle, these are facts that could be known about agents, given a sufficiently detailed knowledge of their mental states and the laws of human psychology. In practice, Spinoza sees such knowledge of how things are “really ordered and connected” as falling outside our comprehension. Nevertheless, the decisions on which type-II laws depend are events that occur in a fixed and determinate manner, in accordance with type-I laws.

Spinoza, like Hobbes, is pessimistic about the natural capacity of human beings to regulate their actions in accordance with their “true interests.”¹⁴ For this reason, the political framework of the state is necessary, in order that at least some semblance of those interests be realized. Desiring a safer and more comfortable life, and fearing the consequences of remaining in the state of nature, individuals can be induced to cede their natural right and accept the

¹³ See *Ethics*, IIP2S: “experience itself, no less clearly than reason, teaches that men believe themselves free because they are conscious of their own actions, and ignorant of the causes by which they are determined, that the decisions of the Mind [*Mentis decreta*] are nothing but the appetites themselves, which therefore vary as the disposition of the Body varies. For each one governs everything from his affect; those who are torn by contrary affects do not know what they want, and those who are not moved by any affect are very easily driven here and there” (II/143-144).

¹⁴ E.g., *Political Treatise*, I.5-7; *Ethics*, VP41S.

authority of the state. Thereafter, they live under laws dictated by the state, laws which they obey not because they recognize the necessary connection between the rule of law and their long-term well being, but because they fear the punishment that is threatened for disobedience of civil law.

In Spinoza's view, the person who *lives lawfully* does more than this. Such a person prescribes a rule of living to himself for the sake of a safer and more comfortable life. In this case, Spinoza believes, the lawgiver must comprehend the connection between the end and the means, and desire the means because of the perceived necessity of the law. Describing the person who lives by the rule of justice, he writes: "he who gives other men what is due to them because he knows the true rationale of laws and understands their necessity, acts steadfastly and at his own and not another's command" (III/59/13-16; trans. modified).

To say just this, however, is to leave unclear still the precise sense in which the just (or, more generally, lawful) person *prescribes* law to himself—a law that he subsequently takes to command his actions. Does Spinoza envision a situation in which the lawful person understands the relation between end and means, and then forms a desire for the means because he knows it to be necessary for the end he already desires? This would be a common way of explaining the binding force of self-prescribed "rules of living": I desire a safer and more comfortable life, a life of pleasure, without fear of inordinate pain and premature death; I know that certain ways of acting are conducive to achieving this end; therefore, I know that I should act in those ways, and I am motivated to do so, so that I may attain the life I desire.

Spinoza recognizes that many human beings are bound by the laws of reason in only this sense. They know that by observing apt rules for living they can pursue their own true interest, and because of this they (more or less consistently) desire to act in accord with such rules, as a

means to that end. Yet this is not Spinoza's deepest account of the binding force of the laws of reason, or of the lawful person's motivation to act in accord with such laws. That Spinoza does not have this picture in mind is confirmed by his frequent use of the phrase "dictates of reason" as a substitute for "laws of reason."¹⁵ His references to the virtuous person acting from the "dictate" or "guidance" of reason (*ex dictamine rationis, ex ductu rationis*) indicate that reason itself has practical force for him. Reason is linked to motivation in such a way that a rational agent is directly bound by the laws of reason. Insofar as human beings act from reason, they desire to act in the ways specified by the laws of reason, independently of any consideration of the utility of such laws in relation to the end of a safer and more comfortable life. When we act from reason, Spinoza argues, we necessarily do those things that are most useful to us, as well as those things that are good for human nature, and hence, for each human being.¹⁶ Thus, we consistently act in ways that advance our "true interest," without doing so *because* they have that consequence. The rational person, insofar as she is rational, simply acts in the way that reason determines her to act, knowing reflectively that such action is conducive to her well-being.

On this way of interpreting Spinoza, the laws or dictates of reason are most fundamentally understood not as normative propositions but as statements of causal necessity.¹⁷ As Spinoza emphasizes in the *Ethics*, we do not strive to understand things, or to act virtuously, for the sake of any other end. Rather, we act in this way, because we are *determined* to do so, by

¹⁵ "Dictates of reason" is Spinoza's preferred usage in the *Ethics*. See, eg., IVP18S; IVP35D; IVP37D; IVP50D and C; IVP54S; IVP62; IVP67D.

¹⁶ See *Ethics*, IVP18S; and IVP35D: "Therefore, human beings, insofar as they live by the guidance of reason necessarily do those things only which are necessarily good for human nature [*humanae naturae*], and consequently for each human being, that is (by P31C), which agree with the nature of any human being" (II/233/14; trans. modified).

¹⁷ I defend this conclusion in Rutherford, "Spinoza and the Dictates of Reason."

virtue of our own power, or striving to persevere in existence.¹⁸ From this perspective, the laws of reason match Spinoza's description of type-I laws: laws that "necessarily follow from the very nature or definition of a thing" (III/57/28). The laws of reason specify actions that necessarily follow from the nature of reason. They do not express merely how any rational agent *ought* to act, but how any agent *must* act, insofar as she is determined by reason.

In fact, we can go further than this. For Spinoza, the power of reason, or understanding, *is* the inherent power of the human mind: the power that the mind exerts by itself and which defines its striving for existence, independently of the influence of external things.¹⁹ Thus, the laws of reason are, in a sense, type-I laws of the human mind: laws that describe necessary patterns of activity of the mind, insofar as it acts from its own intrinsic power. With this we can bring clarity to what I earlier described as a systematic ambiguity in Spinoza's use of the phrase "laws of human nature." In one sense, the laws of reason are indeed type-I laws of human nature, because they describe the lawful effects that follow from the power intrinsic to the mind: the power of understanding. In another sense, however, the laws of reason are *not* laws of human nature, because they do not hold universally of human actions, conceived as determinations of the mind's power. This is because in most situations human beings think and feel in ways that are determined not (just) by the mind's own power of acting, but by the effects of external things on the mind. Consequently, their actions cannot be explained by the laws of reason alone.

¹⁸ *Ethics*, IVPP21-26.

¹⁹ See *Ethics*, IVP59D: "Acting from reason is nothing but doing those things which follow from the necessity of our nature, considered in itself alone (by IIP3 and D2)" (II/254/15-17); and IVP35C2: "For the more each one seeks his own advantage, and strives to preserve himself, the more he is endowed with virtue (by P20), or what is the same (by D8), the greater is his power of acting according to the laws of his own nature, i.e. (by IIP3), of living from the guidance of reason" (II/233/27-32).

It is under this circumstance that we can best make sense of the laws of reason as type-II, prescriptive laws. Human beings are, without exception, imperfectly rational agents, who only rarely, in Spinoza's view, are determined to act from the dictates of reason. Yet even when they are not determined in this way, they feel the pull of reason in them: they *desire* to act as reason would determine them to act, even if they do not ultimately follow through on those actions. Furthermore, insofar as they are rational, they are able to understand reflectively how the actions determined by reason contribute to the end of a safer and more comfortable life. Consequently, however they end up acting, rational agents understand the benefits of acting according to the laws of reason and they feel the force of reason within themselves. Hence, they consistently desire, or prescribe, to themselves patterns of action that they anticipate will lead to their desired ends. Desiring the things that reason determines them to want, they take those ways of acting as a "law" that commands their action. To the extent that they "obey" this law, they do nothing but act in that way in which reason determines them to act.

Of course, not all human beings are moved by reason even to this extent. In the case of individuals who are led by the laws of appetite alone, another account is needed, one which emphasizes the role of law as a command issued by a superior, who is capable of enforcing the command through the threat of punishment. Spinoza observes that in politics and religion this is often the only conception of law that matters. Nevertheless, he does not believe that it is the conception by which we can best understand the function of law within the life of a reflective rational agent.

Spinoza develops his general account of law in *TTP* 4 as a prelude to addressing the topic of divine law. Traditional views of divine law equate it with the word, dictate or command of a sovereign being, who rules over humans with the power and authority of an absolute monarch. God commands humans to act in specific ways, and holds them responsible for their actions, rewarding obedience and punishing disobedience. In this way, God demonstrates his justice, by ruling humanity according to law, as well as his mercy, in forgiving and reconciling to him those who violate his commands.

Spinoza regards such views as deeply confused: “God is described as a legislator or a prince, and as just, merciful etc., only because of the limited understanding of the common people and their lack of knowledge” (III/65/28-30). He allows that there is a sense in which the Hebrew people received through Moses a revelation of divine law, and that by virtue of their reception of this law they can be described as “chosen” by God (III/45). Nevertheless, Spinoza’s interpretation of these traditional beliefs casts them in a very different light than they are usually seen. To speak of God revealing his will through prophecy is to express oneself on the basis of a “childish understanding [*puerili captu*]” (III/45/24) of God.²⁰ The sense in which the Hebrew people have been chosen relates neither to their superior wisdom nor their superior virtue. With respect to the former, their comprehension of reality, “they had entirely commonplace notions of God and

²⁰ In *TTP* 1, Spinoza defines “prophecy or revelation” as “certain knowledge about something revealed to men by God” (II/15/5-6). In the most general sense even natural knowledge can be called “prophecy,” for “what we know by the natural light of reason depends on knowledge of God and his eternal decrees alone” (ibid., 18-20). As conveyed by the Bible, prophecy is knowledge revealed by God to men that “exceeds the limits of natural knowledge,” and hence is not known through reason. Such knowledge is revealed in words or images, which are “either true and independent of the imagination of the prophet who heard or saw them, or else imaginary, that is the prophet’s imagination, even when he was awake, was so disposed that it seemed to him that he was clearly hearing words or seeing something” (III/17/11-15). In either case, Spinoza conceives of these as natural events (whether or not they can be fully understood by us) (III/28/11-14).

nature”; with respect to the latter, the attainment of “true life” (*verae vitae*), they were “on the same footing as other nations and very few were chosen” (III/48/2-6).

The Hebrew people can be regarded as “chosen” in one sense only: the success and prosperity of the commonwealth built upon their (confused) understanding of divine law. In this they were aided partly by fortune—external causes that favored their collective survival—and partly by the law which commanded their obedience in ways that contributed to the security and prosperity of their state. For this reason, Spinoza insists, the laws propounded in the Hebrew Bible cannot be understood as universal dictates, binding on all human beings. They are laws “revealed and prescribed only to the Jews; for since God chose them alone to form a particular commonwealth and state, they had necessarily to have unique laws as well” (III/48/24-28). In sum, what the Hebrew people have taken as divine law is no more than a specific sort of human law, which they have falsely construed as being directly authorized by God.²¹ As human law, the law of the Bible has been highly efficacious, but this has come at the cost of intellectual error. Biblical law conveys no distinct understanding of God’s nature, and it supports no claim for the unique status of the Jews as the recipients of divine law.

In the *TTP*, Spinoza aims to replace the confused and patently anthropomorphic conception of divine law that the Bible presents with a rigorously defined philosophical conception. In fact, he

²¹ This extends to all “ceremonial laws,” governing diet, sacrifices, and feast-days, and morality propounded as a system of requirements on action, reinforced by the threat of punishment. It is certain, Spinoza writes in *TTP* 5, that these “do not belong to the divine law and hence contribute nothing to blessedness [*beatitudinem*] and virtue. They are relevant only to the election of the Hebrews, that is . . . , only to the temporal happiness of the body and the peace of the state, and therefore could have relevance only as long as that state survived” (III/69/11-16; trans. modified). “Although these Five Books contain much about morality as well as ceremonies, morality is not to be found there as moral teachings universal to all men, but only as instructions uniquely adjusted to the understanding and character of the Hebrew nation, and therefore relevant to the prosperity of their state alone” (III/70/16-21).

ends up defending two distinct accounts of what can reasonably be meant by the expression ‘divine law.’ One account, featured in *TTP* 4, construes divine law as a species of type-II law. Another account, prominent in *TTP* 6, assimilates divine law to type-I laws. I shall begin with this second conception of divine law and then turn to the position defended in *TTP* 4.²²

In *TTP* 6, “On miracles,” Spinoza maintains that there is a defensible conception of divine law according to which it is identical with the universal laws of nature. In this chapter he addresses the question of whether it is coherent to suppose the existence of miracles—divinely decreed events—which are exceptions to the laws of nature. He argues that it is not, because the content of God’s decrees is just the necessary order of nature:

But since nothing is necessarily true except by divine decree alone, it most clearly follows that the universal laws of nature are simply God’s decrees and follow from the necessity and perfection of the divine nature. If anything therefore were to happen in nature that contradicted its universal laws, it would also necessarily contradict the decree and understanding and nature of God. Or if anyone were to assert that God does anything contrary to the laws of nature, he would at the same time be compelled to assert that God acts contrary to his own nature, than which nothing is more absurd.... Consequently, nothing happens in nature that

²² Spinoza acknowledges this duality in discussing the meaning of the expression ‘word of God’ in *TTP* 12: “When ‘word of God’ is predicated of a subject which is not God himself, it properly signifies the divine law which we discussed in chapter 4, that is, the religion that is universal or common to the whole human race. On this subject see Isaiah 1.10 etc., where Isaiah teaches the true way of living [*verum vivendi modum*], that does not consist in ceremonies but in charity and integrity of mind [*vero animo*], and calls it interchangeably God’s law and the word of God. It is also used metaphorically for the order of nature itself and fate—since in truth this depends upon the eternal decree of the divine nature and follows it” (III/162/15-24).

contradicts its universal laws; and nothing occurs which does not conform to those laws or follow from them. (III/82-83).

On this way of conceiving of divine law, God's decrees are identical with the determinate and necessary ways in which his power is expressed in nature. "[T]he decree of God, his command, his utterance, his word are nothing other than the very action and order of nature" (III/89-90). God acts necessarily, or in accordance with law, and since "the power of nature is the very power of God" (III/189/20), the laws of nature and divine law are one and the same. In *TTP* 6, Spinoza stresses this point repeatedly:

Since we know that all things are determined and ordained by God, and that the operations of nature follow from the essence of God, and the laws of nature are the eternal laws and volitions of God, we must conclude, unconditionally, that we get a fuller knowledge of God and God's will as we acquire a fuller knowledge of natural things.... (III/85/25-29)²³

There is a legitimate sense, then, in which divine law can be equated with the universal laws of nature—laws that govern all things everywhere in an inviolable manner. On this construal, divine law is represented as a type-I law: a law that "necessarily follows from the very nature or definition of a thing"—that thing being God himself. As Spinoza later expresses the view in the *Ethics*: "all things that happen, happen only through the laws of God's infinite nature" (IP15 Sch; II/60/10-11).²⁴

²³ Spinoza makes the same point in *TTP* 3: "the universal laws of nature according to which all things happen and are determined, are nothing other than the eternal decrees of God and always involve truth and necessity. Whether therefore we say that all things happen according to the laws of nature, or are ordained by the edict and direction of God, we are saying the same thing" (II/46/1-6).

²⁴ With this Spinoza neatly turns the tables on the defender of miracles as supernatural

Yet this is not the only conception of divine law that Spinoza defends. In *TTP* 4, he expands his account of type-II laws to include both human law and divine law:

Since law, accordingly, is nothing other than a rule for living [*ratio vivendi*] which men prescribe to themselves or to others for a purpose, it seems it has to be divided into human and divine. By human law I mean a rule for living whose only purpose is to protect life and preserve the country. By divine law I mean the law which looks only to the supreme good, that is, to the true knowledge and love of God. (III/59/21-26)

The twofold distinction of human and divine law tracks the broad structure of Spinoza's *Ethics* (particularly the division between Parts IV and V) and allows us to see more clearly the theoretical unity of that work. Spinoza distinguishes divine and human law on the basis of their purpose, or end (*finis*). Human law is law that is dictated solely for the purpose of protecting life and preserving the state (*ad tutandam vitam, & rempublicam*), whereas divine law is called "divine," because it is concerned with the attainment of our supreme good (*summum bonum*), which Spinoza identifies with the true knowledge and love of God (*Dei veram cognitionem, & amorem*).

Although both human law and divine law consist of laws of reason, they have distinct roles in Spinoza's philosophy. Human laws promote the attainment of goods (our "true interest"), but not the highest good. Significantly, even human law is granted a larger purpose

events: "If therefore something happened in nature which did not follow from its laws, this would necessarily conflict with the order that God established in nature for ever by the universal laws of nature; it would hence be contrary to nature and its laws and, consequently, it would make us doubt our faith in all things and lead us to atheism" (III/86-87). On this sense of divine law, see also *Ethics*, IP17: "God acts from the laws of his nature alone, and is compelled by no one."

than the preservation of life. Its end includes the preservation of the state, or commonwealth, within which human beings can pursue their talents and prosper. The province of human law, therefore, must include the laws by which a state can be formed and maintained.²⁵ Nevertheless, living according to human law alone is not sufficient for the attainment of our “supreme good.” For this, Spinoza says, we must live by divine law.

Since divine law is defined as the “rule of living” by which we attain our supreme good, its content is fixed by the content of that end. In *TTP* 4, Spinoza deploys a cluster of arguments in defense of his conception of our end as the knowledge and love of God.²⁶ Our highest good and happiness (*beatitudo*) reduce to the knowledge and love of God (III/60/18-20). From this, he says, it immediately follows that the means to this end can be identified with divine law:

The means required by this end of all human actions, which is God himself so far as his idea is in us, may be called the commands of God, because they are prescribed to us, as it were, by God himself so far as he exists in our minds, and therefore the rule of life which looks to this end is best called the divine law.

(III/60)

Given Spinoza’s stated goal of challenging the idea of divine law as the external command of a sovereign being, communicated in Scripture, we must attend to his careful phrasing of his view.

²⁵ See *TTP* 16 and *Ethics*, IVP37S2. It is worth noting that within the category of human law we can distinguish laws that the rational person prescribes to herself for the sake of a safer and more comfortable life (the dictates of reason, as presented in the *Ethics*), and laws that are prescribed to others, for the sake of the same ends (e.g. the ceremonial laws and morality of the Hebrew people). On the latter, see note 21.

²⁶ Whether these arguments are sound within the terms of Spinoza’s philosophy is a question I cannot address here. In brief, Spinoza maintains: (1) our highest good consists in the perfection of our intellect; (2) the perfection of our intellect consists in the knowledge of God and of all things insofar as they depend upon God; (3) our happiness is greatest when we love and enjoy above all else God, the most perfect being (III/59-60).

Divine law is “prescribed to us, as it were, by God himself so far as he exists in our mind [*quasi ab ipso Deo, quatenus in nostra mente existit*]” (III/60/22-23). The double qualification of the sense in which divine law can be regarded as a command of God points us back to the original definition of type-II laws as laws that human beings prescribe to themselves and others for some purpose. Strictly speaking, God does not command anything at all. The command is the prescription of a human being who possesses (as all human beings do) the idea of God.²⁷

The content of divine law is fixed by the rule of living which has for its end (*finem spectat*) the knowledge and love of God (III/60/24). According to Spinoza, “it is for universal ethics [*universalem Ethicam*] to inquire what these means are and what is the rule of life which this goal requires, and how the foundations of the best state and the rules for living among men follow from it” (III/60/24-29). This promissory note is made good in the *Ethics*. What is interesting about Spinoza’s statement of it, is that he presents the rules of human law as a means to the *summum bonum*. This is not to be read, I think, as implying that the rules of living associated with human law cannot be derived from their proper end, the preservation of life and the state; rather, Spinoza suggests that having fixed our ultimate end as the knowledge and love of God, we are also able to derive the principles of human law from it, as a means to that end.²⁸

²⁷ Curley (“The State of Nature and Its Law,” 110) also stresses this point. In *TTP* 4, Spinoza writes: “natural divine law is inferred from the consideration of human nature alone.... For the natural light of reason... requires only what carries the clearest evidence of being a good or a means to our happiness” (III/61-62).

²⁸ In similar fashion, Spinoza interprets the revelation of divine law to include the foundations of morality. In *TTP* 12, he writes that in one sense only have we “received the divine law, uncorrupted. For we see from Scripture itself, and without any difficulty or ambiguity, that the essence of the Law is to love God above all things and one’s neighbor as oneself” (III/165/11-13). See also the Preface to the *TTP*, where he describes the “revealed word of God” as “a pure conception of the divine mind which was revealed to the prophets, namely, to obey God with all one’s mind by practicing justice and charity” (II/10/25-28).

In *TTP* 4, Spinoza says that he will limit himself to speaking of the divine law “in general.” His expressions of the law are highly schematic. Given the content of our end, the “sum of the divine law... and its highest precept is to love God as the highest good” (III/60-61). The crux of the law is that we are to love God not because we fear his punishment or desire his reward; rather, we are to love God from the very fact that we know him, or know that the knowledge and love of God is the highest good (III/60/31-34).²⁹ An interpretation of these remarks can be developed from the account of the laws of reason presented in the previous section. Divine law is the rule of living that human beings prescribe to themselves in order to achieve the knowledge and love of God. Among the “commands” of this law are the dictates of reason that form the basis of human law. Over and above this, however, Spinoza conceives of the way of life determined by divine law as “a rational life [*vita rationalis*]” or “the life of the mind [*Mentis vita*], which is defined by understanding.”³⁰ Thus, divine law requires a life dedicated to the pursuit of understanding, specifically knowledge of God, from which the love of God necessarily follows.³¹

We can speak of divine law as a rule of living that human beings prescribe to themselves for the sake of the knowledge and love of God. Yet, as we have seen, the relevant notion of prescription amounts simply to a consistent desire to act in the way specified by the law. In the case of the laws of reason, this is a desire to act in the way in which we are determined to act by

²⁹ In Annotation 34 to the *TTP*, Spinoza stresses the necessary relation between knowledge of God and love of God: “As for the divine natural law whose highest precept we have said is to love God, I have called it a law in the sense in which philosophers apply the word law to the common rules of nature according to which all things <necessarily> happen. For love of God is not obedience but a virtue necessarily present in someone who rightly knows God” (III/264). The demonstration of this is given in *Ethics*, VP32C.

³⁰ *Ethics*, IVApp5 (II/267/15-17).

³¹ For Spinoza, the relevant knowledge includes both knowledge of God *qua* substance (IVP28) and knowledge of singular things insofar as they follow necessarily from God (VP24; VP27D).

reason, conceived as the mind's inherent power of acting. Spinoza is clear in the *Ethics* that the way of life determined by reason is that specified by divine law. "What we strive for from reason," he writes, "is nothing but understanding" (IVP26). Since the "greatest thing the mind can understand is God, that is... a being absolutely infinite, without which... nothing can either be or be conceived" (IVP28D), insofar as we are led by reason, we strive to perfect the intellect by seeking knowledge of God:

Perfecting the intellect is nothing but understanding God, his attributes, and his actions, which follow from the necessity of his nature. So the ultimate end of the man who is led by reason, that is, his highest desire, by which he strives to moderate all the others, is that by which he is led to conceive adequately both himself and all things which can fall under his understanding. (IVApp4)

To the extent that the affections of the mind are determined solely by its own power of acting, we necessarily pursue knowledge of God. However, not all the affections of the mind are determined in this way. More often they reflect the determination of the mind's power by the actions of external things, in which case we desire to pursue ends other than the knowledge of God. Under this circumstance, a conflict may ensue in which, among other desires, we feel the pull of reason—feel we *should* answer its call—and know reflectively that to do so would be in our best interest. Whether or not we answer the call of reason, we take ourselves to be "commanded" or "bound" by divine law to act in ways that promote the end of the knowledge and love of God.

Nothing in Spinoza's position commits him to the thesis that all human beings are bound by divine law in this way. Those whose thoughts are limited to confused representations of the imagination lack an adequate conception of God and of the highest good; consequently, they are led by the teachings of religion to believe that the force of divine law lies, for example, in the threat

of eternal punishment. Likewise, the “carnal man” has a “barren [*jejunam*]” conception of God. He has no understanding of the end of divine law, nor is bound by it, for he finds nothing in it “that he can touch or eat or that makes any impression on the flesh in which he takes so much pleasure” (III/61/6-9). In Spinoza’s view, only “those who know that they possess nothing more excellent than understanding and a sound mind, will certainly judge that thought and reasoning are the most solid realities.” Because of this, they are naturally drawn to the highest good, which “consists in philosophical reasoning alone and pure thought [*in sola speculatione, et pura mente consistit*]” (III/61/9-12). Knowing that the best part of themselves is their intellect, they desire to perfect it; and knowing that the intellect is perfected through the knowledge of God, they desire this knowledge above all else and love God for his own sake. This, in summary, is the path Spinoza charts for his readers in the *Ethics*.

4 Reconciling the Two Conceptions of Divine Law

I have argued that Spinoza operates with two distinct conceptions of divine law in the *TTP*: one a principle of natural necessity (a type-I law) and one a “rule of living” (a type-II law). For simplicity’s sake, let us call these divine law_I and divine law_{II}. We are now in a position to understand better the rationale for this distinction, and how the two types of law relate to each other. The short answer, I suggest, is this: (1) everything we do, including our efforts to act in accordance with divine law_{II}, is dictated by divine law_I; and (2) we fulfill the requirements of divine law_{II}, insofar as we endeavor to understand the world as ordered by divine law_I.

It is illuminating to see Spinoza here as responding to the theological tradition, which operates with an analogous dual conception of divine law. There is divine law_I, an original decree by which all things are brought into existence and by which the created world develops

through time; and there is divine law₂, a specific command to human beings, which lays down the range of their responsibilities to God and to other human beings. At the nexus of these two notions of law are traditional worries about divine providence. On the assumption that God is a just ruler, one expects that faithful obedience to divine law₂ should be rewarded in a suitable manner. Yet whether this happens is a function of divine law₁, which has ordained everything that will ever happen in the created world. The faith of the believer is that God has designed the world such that the natural and moral orders intersect in the appropriate ways. The lament of Job, repeated by sufferers throughout the centuries, is that this does not seem to have happened.

Spinoza's reinterpretation of divine law is intended to alleviate this anxiety. As he writes in *TTP* 6:

[I]t was thoroughly obscure to most prophets how the order of nature and human affairs was consistent with the conception of divine providence which they had formed. However, this was always entirely clear to the philosophers who seek to understand things not from miracles but from clear concepts, or at any rate to those [philosophers] who place true happiness in virtue and peace of mind alone, and do not attempt to make nature obey them but rather strive to obey nature themselves. They have certain knowledge that God directs nature not as the particular laws of human nature urge but as its universal laws require and, hence, that God takes account not just of the human race but of nature in its entirety.

(III/88)

Spinoza recognizes that his solution to the problem of providence is by no means original. The basic move of identifying human happiness with the comprehension of the impersonal law of the universe is one he shares with the Stoics—a debt he acknowledges in his own use of the

injunction “follow nature.”³² To resist the necessary order of nature, the order dictated by divine law_I, is in vain. Consequently, we have no option but to accede to that order. The insight of the philosopher is that there is a way of acceding to God’s will that goes beyond mere resignation. To accede because one *understands* the necessary order of things is intrinsically satisfying, both intellectually and affectively. On the path charted by Spinoza, such understanding is constitutive of our highest good. Thus, the best “rule of living,” identified with the content of divine law_{II}, is to live in whatever way is conducive to the attainment of that end.

The command to live according to nature, or to pursue the highest good in the knowledge and love of God, nominally takes the form of an imperative that imposes a normative demand on a rational agent. We are inclined to see it as a call that any human being ought to answer, but which he can also choose to ignore. Yet a critic will observe that it is hard to see how this sort of responsiveness to the normative demands of law can be reconciled with the universal causal determination that follows from Spinoza’s defense of divine law_I. If all is determined by the universal laws of nature, how can human beings be *accountable* to the demands of divine law?

It is here that we find the most radical aspect of Spinoza’s reinterpretation of divine law. In the strictest sense, we are not accountable to anyone—ourselves or God—for whether or not we respond to the apparent demands of divine law. Our susceptibility in this regard is, Spinoza asserts, as much a function of the necessary order of nature as any other action we perform. Within this order, some are disposed to obey divine law and some are disposed to live by the laws of

³² See *Ethics*, IVApp32: “Nevertheless, we shall bear calmly those things which happen to us contrary to what the principle of our advantage demands, if we are conscious that we have done our duty, that the power we have could not have extended itself to the point where we could have avoided those things, and that we are a part of the whole of nature, whose order we follow [*cujus ordinem sequimur*]. . . . Hence, insofar as we understand these things rightly, the striving of the better part of us agrees with the order of the whole of nature [*cum ordine totius naturae convenit*]” (II/277/8-21).

appetite. Spinoza can frame his defense of this point in theological terms as a recognition of the universality of God's decrees: If God has decreed everything, then he has decreed how each of us will respond to the demands of divine law^{II}. This, he suggests in *TTP* 3, is the correct way to understand the concept of divine election: "given that nobody does anything except by the predetermined order of nature, that is, by the eternal decree and direction of God, it follows that no one chooses any way of life [*aliquam vivendi rationem*] for himself nor brings anything about, except via the particular summons of God, who chose this man in preference to others for this task or that way of life" (III/46/17-22).

While Spinoza endeavors to express his views in ways that will be intelligible to adherents of orthodox religion, his underlying message is one in which few believers can take comfort. Normative laws—type-II laws that include both human and divine law—are laws that human beings prescribe to themselves. Yet "prescription," or the laying down of a law for oneself, is an action that is determined by the causal order of nature. Whether one is determined to follow a given "rule of living" is not ultimately within one's power. What Spinoza can claim, and argues for at length in the *Ethics*, is that there are objective reasons for believing that one will be better off—more powerful and better able to sustain one's existence—if one lives according to the guidance of reason, or the demands of human and divine law. But whether one *can* do that, is not something one can know in advance of the attempt to do so.³³

³³ Compare Spinoza's response to Henry Oldenburg in Ep. 75: "this inevitable necessity of things does not do away with either divine or human laws. For moral precepts, whether or not they receive from God himself the form of command or law, are none the less divine and salutary, and whether the good that follows from virtue and the divine love is bestowed on us by God as judge, or whether it emanates from the necessity of the divine nature, it will not on that account be more or less desirable, just as on the other hand, the evils that follow from wicked deeds and passions are not less to be feared because they necessarily follow from them" (*Letters*, 337).

5 Conclusion

The notion of law plays only a limited role in Spinoza's *Ethics*. By contrast, an analysis of the concept of law, and especially divine law, lies at the heart of his earlier masterpiece, the *Theological-Political Treatise*. The significance of this analysis lies largely in the challenge it poses to orthodox theological understandings of divine law as represented in Hebrew Scripture. Against the conception of law as the literal command of a sovereign being who holds human beings accountable for their actions, rewarding obedience and punishing disobedience, Spinoza interprets divine law as, most basically, nothing more than the necessary order by which all things are connected and determined to occur in nature. This law has not been dictated by a ruler who stands in judgment over human beings; it simply *is* the necessary order of nature, within which human thoughts, decisions and actions find their inevitable place.

The brilliance of Spinoza's account of law consists partly in the use to which it is put in rethinking the history of the Hebrew people and their religion from the perspective of philosophical reason. Beyond this, however, Spinoza's account addresses general issues concerning the force of law and the role it plays in human action, in a way that goes beyond anything he says in the *Ethics*. While law has its primary philosophical meaning as a principle of necessity rooted in the natures of God and finite things (type-I laws), Spinoza simultaneously develops an account of law as a normative principle that human beings "prescribe to themselves or to others for the sake of some end" (type-II laws). It is an inescapable feature of human practice that we enjoin ourselves and others to act in specific ways. In some cases, the end for which we are to act is explicitly designated; in others, it is left tacit. Spinoza's analysis sharply distinguishes laws that are prescribed by an external authority and bind their subjects through the threat of punishment (or

promise of reward) from laws that an individual prescribes to herself, as a means to a given end. His account of the latter sort of law is a key innovation of the *TTP*, which illuminates central themes of the *Ethics*, particularly the role assigned to the “dictates of reason.” These I have argued are best understood not as *sui generis* normative principles, but as principles of natural necessity grounded in the inherent power of the human mind. The upshot of this reading is that, although Spinoza is conscious of preserving the place of prescriptive principles in our lives, as a condition of our agency, he is committed to explaining the normative force of these principles in naturalistic terms: wherever there is a type-II which prescribes a particular course of action as being to our benefit, there are type-I laws that explain why we find a given end valuable and why we are (or are not) motivated to pursue what we are able to understand as necessary means to that end.³⁴

³⁴ I am grateful to Yitzhak Melamed and Michael Rosenthal for their helpful comments on an earlier draft of this essay.

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