——. "Class Racism," trans. Chris Turner, in Étienne Balibar and Immanuel Wallerstein, *Race, Nation, Class: Ambiguous Identities*. London: Verso, 1991.

——. "Is there a 'Neo-Racism,'" trans. Chris Turner, in Étienne Balibar and Immanuel Wallerstein, *Race, Nation, Class: Ambiguous Identities*. London: Verso, 1991.

——. "Rights of Man and Rights of the Citizen: The Modern Dialectic of Equality and Freedom," in *Masses, Classes, Ideas: Studies on Politics and Philosophy before and after Marx*. Trans. James Swenson. New York: Routledge, 1994.

——. "What is a Politics of the Rights of Man?" in *Masses, Classes, Ideas: Studies on Politics and Philosophy before and after Marx*. Trans. James Swenson. New York: Routledge, 1994.

——. *The Philosophy of Marx*. Trans. Chris Turner. New York: Verso, 1995.

——. "Possessive Individualism Reversed: From Locke to Derrida." *Constellations*, Volume 9, Number 3, 2002.

——. "Violence, Ideality, and Cruelty," trans. James Swenson, in *Politics and the Other Scene*. New York: Verso, 2002.

——. *L'Europe, L'Amérique, La guerre: Réflexions sur la médiation européen*. Paris: La Découverte, 2003.

——. *We, the People of Europe? Reflections on Transnational Citizenship*. Trans. James Swenson. Princeton: Princeton Uiniversity, 2004.

Gramsci, Antonio. "The Study of Philosophy and of Historical Materialism" in *Selections from the Prison Notebooks of Antonio Gramsci*, Ed. and Trans. Quintin Hoare and Geoffrey Nowell Smith. New York: International, 1971.

Heller, Agnes. *Everyday Life*. Trans. G. L. Campbell. New York: Routledge, 1984.

Jameson, Fredric. *Late Marxism: Adorno, or the Persistence of the Dialectic*. New York: Verso, 1990.

Marx, Karl. *The Eighteenth Brumaire of Louis Bonaparte*. New York: International, 1963.

——. *The Economic and Philosophic Manuscripts of 1844*. Trans. Dirk Struik. New York: International, 1964.

——. *Capital: A Critique of Political Economy, Volume I*. Trans. Ben Fowkes. New York: Penguin, 1977.

Marx, Karl and Engels, Friederich. *The German Ideology*. Ed. R. Pascal. New York: International Publishers, 1939.

Seltzer, Mark. "Serial Killers (1)," *Differences: A Journal of Feminist Cultural Studies* 5.1, 1993.

Sohn-Rethel, Alfred. *Intellectual and Manual Labor: A Critique of Epistemology*. Atlantic Highlands: Humanities Press, 1978.

Virno, Paolo. *A Grammar of the Multitude: For an Analysis of Contemporary Forms of Life*. Trans. Isabella Bertoletti et al. New York: Semiotexte, 2004.

International Studies in Philosophy 37:2

Feeling Justice: The Reorientation of Possessive Desire in Spinoza

Hasana Sharp

In asserting that the desire to possess what we cannot exclusively and permanently have lies at the root of human misery, Spinoza's *Ethics* discloses a problem that requires a political response.[1] Although the final part of the *Ethics* appears to be the least practical of Spinoza's writings, it nonetheless foregrounds the tangible problem of our desire for possession, our desire to have what gives us joy.[2] Moreover, it proposes a remedial practice by means of which this problematic desire might generate satisfaction and strength rather than frustration and suffering. The "remedy for the affects" demands a reorientation of one's possessive desire corollary to the fundamentally affective and affirmative understanding of justice propounded in Spinoza's political writings. The cure for the possessive lovesickness portrayed in the *Ethics*, I aim to show, entails institutions of justice insofar as they operate upon our proprietary desires.

Although love and desire are associated with joy, pleasure, strength, power, and ultimately the sovereign good in Spinoza's philosophy, they typically solicit violent and sad passions as well, which undermine the fortitude of individual as much as political bodies. Joyful and affirmative passions can provoke maladies of the mind (*animi ægritudinis*) and bad fortune in life, because we love those things that deny, by their very nature, our possessing them completely.[3] We typically love and desire things that are changeable, perishable, and otherwise hostile to their exclusive, indefinite ownership. Our love and desire is infinite, yet their objects typically remain finite, unable to accommodate our inexhaustible desire. The finitude of the thing itself will always eventually frustrate our effort to have a given object, be it a person, a precious piece of land, or the esteem of one's fellow citizens.

Notably, however, Spinoza does not find the source of suffering in the limitless nature of our possessive desire. We suffer because our desire cannot be fulfilled by the finite objects we love. The final part of Spinoza's *Ethics* prescribes a "remedy for the affects," a solution to the violence suffered by the lovesick mind (*animi flucuatio*), whose joyful love always brings with it either the sadness of loss or the hatefulness of jealousy.[4] The remedy does not consist in a suppression or diminution of our excessive desire to possess what we love. Although we are made sick and feel pain because we love what we cannot have, we are not sick because we want, desperately even, to have it. We can assuage and remedy this misery and bondage by reorienting our irrepressible desire for the consummate possession of what we love toward the one object that can accommodate it.[5] All we really need is a proportional match: Our infinite desire requires an infinite object. Because there is only one infinite object, our affliction can be cured by reorienting our possessive desire toward all of Nature, or God. The conclusion of the *Ethics* finds that the love of "mistresses," money, and glory, to use Spinoza's examples, must become the intellectual love of God.

The remedy for political misery, I argue in this paper, includes the establishment and institutions and practices that will produce a reorientation of our possessive desire similar to the program presented in the *Ethics*. Spinoza makes several practical suggestions about the organization of property and economic relations in his *Political Treatise*. Moreover, he defines justice throughout his work as "the constant mind [*animi constantia*] to attribute to each what is his by civil right,"[6] suggesting an intimate connection between imperatives for property relations and justice. Although a particular orientation toward possession appears to be central to Spinoza's prescriptions for the assuagement of the destructive passions, in both the mind and social body, neither Spinoza's claims about property nor his conception of justice have received much commentary.[7] In this paper, I consider Spinoza's understanding of justice as well as his proposals for property and economic organization as integral to his overall project for the maximization of human power and freedom. Because space does not allow me to give a full account of the treatment of possession in both the *Ethics* and the political writings, I have

constrained myself to address the problem of possession as it appears in the political writings, and to diagram its ineluctable relationship to the ethical project as a whole. Although the problem of possession in the *Ethics* is likewise under-explored, I choose to emphasize the practical program shared by the *Ethics* and the political writings in order to suggest that the healing of the intellect must be understood as part of a collective, political project. In other words, the transformation and amelioration of the intellect should not be distinguished from the transformation and amelioration of the political body. Ultimately, I hope to show that the cure for the lovesick mind of the *Ethics* includes the institution of a just society, and a just affective disposition. The "remedy for the affects" found in the concluding part of the *Ethics* entails the feeling of justice.

I

A major function of political organization is the constitution of citizens who comport themselves in a particular way toward property and possessions. If this function is performed effectively and well, the composition of the body politic should serve the effort to remedy our natural tendency toward lovesickness and cultivate the kind of beings who can love and possess inclusively, rather than jealously, anxiously, and fearfully. Because the sovereign good for Spinoza consists in the "acquisition of a nature" that loves so as to be nourished and fortified by "a joy entirely exempt from sadness,"[8] politics must be organized in a way that best supports this project. Love, the greatest and most powerful indication of joy, often includes sadness and fear of loss. Yet, if we learn to experience having, possessing, and our proprietary status differently, we make great strides toward acquiring that joyful, powerful nature, and way of being at the heart of Spinoza's ethical project.

In order for the commonwealth to strive toward constituting in itself and in its citizens a good disposition toward what one has and how one owns, it must act in accordance with the material constitution of human beings. *The Political Treatise* aims to deduce the best organization of the state from the laws of human nature, not as we would like them to be, but as they are, in reality.[9] According to Spinoza, similar opinions, ways of imagining, precise linguistic expression do not result from an innate or spontaneous human homogeneity. These aspects of human existence, necessarily present, belong to our particular corporeal histories and the realm of "imagination" and, therefore, cannot be rendered universal. In contrast, natural laws are such that human beings do share "reason," "interest" or "advantage" (*utile*), and right (*jus*) (which, like many things in Spinoza's thought, is nothing other than power[10]). In fact, rationality, advantage, and right are augmented by virtue of being shared, and hardly exist at all without collective concord of some kind. The task of politics, then, is to establish institutions, practices and ways of life that can become concretely universal, possessed and enjoyed collectively, fortifying the perseverance of both political and other natural bodies.

All human beings remain "necessarily subject to passions" (*TP*, Ch. 1, par. 5), do not spontaneously follow the dictates of reason, and are most often led by "blind desire" (*TP*, Ch. 2, par. 5). Moreover, even the most enlightened and rational leader is vulnerable to passion-induced indiscretions. Spinoza aims, therefore, to devise an organization of the state that would never depend upon the constant good will and rational judgment of a few human beings.

> If it is to endure, its government must be so organized that its ministers cannot be induced to betray their trust or to act basely, whether they are guided by reason or passion. Nor does it matter for the security of the state what motives induce men to administer its affairs properly, provided that its affairs are in fact properly administered. (*TP*, Ch. 1, par. 6)

The structure of the state should be so well-organized that its ministers will contribute to the state's perseverance and well-being, regardless of their ability to consistently judge wisely or put public right before private pleasure. The state should enable or even compel people to act rationally in the interest of the state and its citizens, whether or not their individual minds have acquired the power and virtue necessary to do so. Spinoza does not answer the question of how these institutions would be originally established before people have been "forced to be free," or at least reasonable. Perhaps Spinoza's text itself is the only rational moment necessary. It is theoretically conceivable that a malicious ruler could be persuaded by his claims that this mode of organization is the most enduring form of power and be motivated to establish his institutions accordingly. If Spinoza succeeded at his goal, the malicious motivations would be irrelevant to the successful and even ethical functioning of the commonwealth.

It is clear, however, that Spinoza does not believe in an absolute state of nature, and that he does not imagine there to have been a pre-political mode of human life (*TP*, Ch. 1, par. 7). Thus, a state's organization would have to be transformed from the matters at hand so as to foreclose the tendencies of citizens and rulers to undermine their own power and that of the state by acting in response to divisive, sad passions. The process of transformation is beyond the scope of this paper, and thus the following discussion appears a bit idealist. I take as my point of departure the well-organized state, and proceed to examine the effects of such organization upon the dispositions, minds, and bodies of the constituents.

II

In his discussion of the foundations of monarchy in the *Political Treatise*, Spinoza counsels that land, houses, and farms should not be owned by private individuals but should be held in common, belonging to "public right (*publici juris*)" (*TP*, Ch. 6, par. 12). At the same time, everyone should be constrained to make their living through commercial exchange and trade relations (*TP*, Ch. 7, par. 8). Spinoza imagines that the common ownership of immovable property promotes "peace and harmony," since citizens have an equal investment in its cultivation, conservation, and defense. Moveable property, on the other hand, should be moved as much as possible in order to put citizens into relationship to one another, and to fortify both real conditions and mental conceptions of inter- dependence. Such assertions have provoked at least one philosopher to characterize Spinoza's "economics" as vulgar mercantilism,[11] while another has lauded those same principles as the earliest promotion of democratic capitalism.[12] Spinoza's commercial vision, I propose, corresponds to his ontological claims about human existence, and aims to support and promote acting and thinking in accord with the real movement of Nature. His economics belong to the ethical, political, and even epistemological program contained in all of his writings. The economics, I contend, represent neither a simple-minded incentive-based promotion of peace and social concord, nor a faith in the liberating force of the invisible hand. Spinoza, to borrow a term, envisions a strictly *non-fetishistic* economy.[13]

The commercialism Spinoza promotes aims precisely at the affirmation of inter-human relationships. The economy of trade and exchange puts constituents of the multitude into explicit relationship with each other, foregrounding their mutual inter-dependence, and the way in which their power has more force when collectively deployed. The exchange of goods and services is a brute necessity belonging to human existence. The human body itself constantly engages in relations of exchange with other bodies: "The human body, to be preserved, requires a great many other bodies, by which it is, as it were, continually regenerated" (*Ethics*, II, prop. 13, post. IV). The individual body depends upon a constant dynamic of exchange, composition, and re-composition, in order to exist at all, which takes the form of biological processes such as breathing, as well as social and political practices such as care for infants, the shared cultivation of food, and the construction of shelter. As Spinoza remarks, "we can never bring it about that we require nothing outside ourselves to preserve our being, nor that we live without having dealings with things outside ourselves" (*Ethics*, IV, prop. 18, schol.). He continues to assert that such "dealings" are as necessary for the body's perseverance as for that of the mind. The famous *scholium*, cited above, proceeds to herald the merits of reason as what discloses that human individuals should hope for nothing more than to "compose as it were, as one mind and one body." Spinoza's economic principles correspond to the physical principles put forth in the *Ethics* by which human beings construct a "common advantage (*utile*)" and a collective body that strives in unison to persevere in being and augment its powers to think and act.

Spinoza's economy does not advocate a depersonalized system that puts things into relationship with things, concealing human labor power and the social relationships of production. Capitalism, according to Marx, requires that things appear "miraculated," made by no one and everyone, indifferently available to whoever has the means for their purchase. Things, under capitalism, must be "fetishized" in order for the system to function, in order, that is, for a large majority of the people to be exploited and underpaid for their activity. Capitalism, then, depends upon concealing the collective power and activity necessary for its existence.[14] Capitalism, in other words, requires precisely the kind of metaphysical worldview to which Spinoza objects. Spinoza's substance cannot be understood in abstraction from the constant productive activity of its modes or attributes.[15] It is not ontologically distinct from its singular instantiations, as with the model of a creator God—or the mysterious machinations of the market—separate from and untouched by his creations. The imperative that obligates everyone in a community to engage in exchange relations, and to invest in the common land, belongs to this vision of Nature, constantly varying and renewing itself through the inter- and intra-activity of modes.

The economy of interpersonal involvement and dependence serves to construct, affirm, and fortify bonds within a community, as it aims at the constitution of a collective identification with the larger political body. Spinoza proposes therefore, that a monarchy establish common ownership of the land, and a vibrant local system of exchange, in which everyone participates, and from which everyone benefits. Most important, at first, is that the people within a state generate a common interest, a shared investment, and a lived sense that their security and their strength depend upon one another. In this way, they identify their own perseverance with that of the commonwealth and their neighbors, because "the king's sword or right is in reality the will of the people."[16] The economy should be such that, if people act to cultivate and defend the shared land, it will genuinely increase their power. Likewise, if they enter faithfully into exchange relationships with their fellow citizens, all parts of the political body will be strengthened and pleased at once rather than one or a few of its parts.[17]

The task, then, is to constitute a political body in accordance with what is really "useful" to human beings, such that the state affirms rather than disavows the conditions of its power. The right of the commonwealth is not a juridical phenomenon. It does not exist merely by virtue of its legal declaration (which is not to say that laws and legal institutions do not have actual material force). The right of a state is the natural, physical force of what it can do, and nothing else. In Spinoza's words, "the right of the state or of the sovereign is nothing more than the right of Nature itself and is determined by the power not of each individual but a people which is guided as if by one mind" (*TP*, ch. 3, par. 2). The power of the commonwealth is in no way dissociated from that of its constituents, which may or may not be avowed by the state in its practices and institutions. It is clear that, for Spinoza, it is both in the interest of the political body and the freedom of its constituents to reflect and affirm the reality of their constituent involvement, both in order to be good and in order to be powerful.

While a monarchical system ought to put its land completely in common and not charge any rent other than taxes, Spinoza does not advocate the same policy for an aristocratic regime. Aristocracies should rent or sell property to their citizens, because, aside from those selected to participate in government, they are like foreigners. By virtue of their political exclusion, citizens will not tend to identify their own conservation and desire with that of the state. "For subjects who have no stake in the state would all be likely to desert their cities in times of danger if they could carry whatever goods they possessed" (*TP*, ch. 8, par. 10). Because aristocracies choose people to participate in the government, certain citizens are definitively excluded, provoking resentment and motivation to cheat and deceive either the government or their fellow citizens. Spinoza joins Hobbes in the conviction that human beings, no matter how well-constructed the commonwealth, do not regard others as more fit to rule than themselves (*TP*, chap. 7, par. 4). They are not capable of regarding others as better judges of their own well-being, and their subordination will not be assumed spontaneously.

Strangely perhaps, in a monarchy, it is easier to construct a common identity than in an aristocracy, because all of the citizens share the same status. There is a king, but the population is not divided into two mutually opposing groups: the included versus the excluded. A monarch is best served by treating his citizens as equally and generously as possible, and allowing them the greatest freedom its constitution allows. Moreover, it can promote more love and trust among its citizens, since, on Spinoza's model, they have absolutely common conditions of flourishing. Certainly, Spinoza thought democracy could best sustain the mutual identification and shared material conditions of thriving and freedom. But aristocracy might be the weakest system, in that it requires two classes of citizens, and thus two modes of joining bodies and minds with the state. Aristocracy must, therefore, resort to selling its land in order to unite its people to its own perseverance in being, something which may risk establishing still further distance between those who purchase the land and

those who cultivate it by political right. Regardless of the kind of regime, however, property and exchange relations are paramount in the effort to constitute a political body led, as much as possible, by one mind.

III

Spinoza constructs his principles concerning property relations toward the establishment of "peace" and "harmony." Peace, it is important to note, does not consist in a merely negative principle, such as the absence of conflict or obedience to the law. Although Spinoza denies its actual possibility, a tyrant might strive to create a system of slaves whereby no one ever violates the law, engages in seditious acts, or kills other people. If the tyrant were to succeed, however, his would not amount to a regime of peace: "For peace is not just the absence of war, but a virtue which comes from strength of mind [*animi fortitudine*]" (*TP*, ch. 5, par. 4). Peace is a virtue, or power, (*Ethics*, IV, def. 8) a positive quality characterized by mental fortitude. Spinoza re-describes peace soon after in the *Political Treatise*, again, not as the absence of war but, he adds, as "the union or harmony of minds [*animorum unione*]," with "minds" rendered, importantly, in the plural (*TP*, ch. 6, par. 4). Peace, then, is a collective power, corresponding to the mutual augmentation of one another's mental and corporeal capacities. Peace consists in the constitution of an internally variegated unity that can act and think as one, that can strive together all the more effectively by virtue of its coordination of diverse powers.

The economics, then, as they aim at peace, aim at the amplification of all parts of the community, and the joy that comes from acting and desiring in concert, having greater ability to affect and be affected as a collective body. Spinoza identifies "peace" as the highest aim of society (*TP*, ch. 5, par. 2). Therefore, one can consider the *Political Treatise* the effort to establish practices that bring "peace of mind" (*acquiescentia*), acquiescence to the collective mind and its body.[18] Acquiescence to, and peace in the political body might consist in affirming oneself as part, as co-author of what it is that the *polis* does, not experiencing its actions as alien, imposed from the outside, but as sources of joy and "self-esteem." The harmony of minds and enjoyment of political peace consists in expanding one's sense of self, and multiplying the ways in which one regards and enjoys one's power of activity. Acquiescence to and experience of peace and joy in the contemplation of one's powers in and of the political body is consistent with the remedy for the mind that one finds in the *Ethics*. I would like to suggest that, since the *Political Treatise* identifies its chief aim as the construction of a strength of mind constitutive of peace, such a collective *acquiescentia* of the mind in and of the community, of the mind in and of Nature, is nothing less that the animating impulse of Spinoza's entire philosophy.

Spinoza's concept of "justice" anticipates the union and peace of minds. Spinoza defines justice in both political treatises as "the constant mind [*animi constantia*] to attribute to each what is his by civil right" (*TTP*, 180; trans. Modified Cf. *TP*, Ch. 2, par. 23). Spinoza is not original in defining justice this way, and refers to it himself as it is "commonly defined" (*TTP*, 49). In context, however, this notion of justice yields a vision of the subject as one who acquires particular mental and corporeal powers by virtue of her relation to the civil body.[19] Not unlike Plato, one sees that justice, like peace, does not consist in a merely negative quality, by which one abstains from taking what belongs to others, despite the desire to do so. Justice is a disposition of the mind—what Plato calls "a quality of the soul"—and its body, an *animi constantia* by which one relates to the possessions of others, and to one's desire to possess things.[20] The acquisition of a constant mind, for Spinoza, would not be a merely altruistic endeavor, but would serve meaningfully to assuage and fortify the mind of the just person. In the *Ethics* one suffers greatly when subject to *animi fluctuatio*, or the vacillation of the mind provoked by the co-presence of love and hate. Such volatility and inconstancy of the mind especially characterizes envy, often born of the desire to have what belongs to another (*Ethics*, III, prop. 35). When one is subject to *animi fluctuatio* she is overwhelmed by her desire to possess and enjoy what belongs to another; she loves what the other has, admires and loves the other for having it, and yet hate and sadness beset the joy that accompanies this love. If the envious person acts out of this vacillation, sad passions determine significantly her actions, and she thereby suffers rather than acts. Thus, the *animi fluctuatio* constitutes a decrease in one's power and freedom. Institutions of justice, however, 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.

The mind becomes constant by means of a practice highly similar to the "remedy" for the affects described in the *Ethics*. Part V prescribes a practice by which one assuages her suffering by relating her affects to the idea of God, infusing those affects with pleasure and joy. Justice prescribes that "one attribute to each what is due to him by civil right." That is, one must relate her sad passions such as envy to an idea of "civil right," or the collective power of the people. Because one does not understand God as an external entity but as a source of one's proper power and being, Spinoza contends, relating affects to the idea of God brings one peace, joy, and self-love. Likewise, if one affirms civil right as constitutive of one's activity and existence rather than as an alien imposition, one is not constrained or oppressed by conferring upon the other her possessions. In a just society, it belongs to one's power not to one's suffering to attribute to the other what is hers. If one conceives the civil right as a power, and love and joy as a real possession, one appropriates to herself her real power rather than denying herself what she wants. Justice (the non-ambivalent, fortified mind) requires both that one consider herself a determinate part of the commonwealth and that one conceive the power of the commonwealth to be essential to her own striving and self-determination. Just as one remedies her affects in the *Ethics* by affirming her power as ineluctably related to God, justice involves the recognition and affirmation of oneself as part of a common body, as a singular and determinate instantiation of its power.

Justice, like the remedy for the affects that gives rise to Intuition, consists in a re-orientation of one's desire for possession. Because "[a]n affect cannot be restrained or taken away except by an affect opposite to, and stronger than, the affect to be restrained," (*Ethics*, IV, prop. 7), the force of justice is affective: justice is an affect. Moreover, it is a more robust affect than those that attend the desire to steal, deceive, and dispossess others. The affect of justice requires that the mind apprehend itself as a constituent and definitive part of "civil right." The mind becomes constant when it gets more pleasure, more joy, and more satisfaction upon the contemplation of its relationship to the collective power of its political body than from the capacity to take finite, desirable things from others. In this way, the just mind does not subordinate its possessive desire, but fulfills it by other, more powerful means. The joy the mind seeks in wanting to unite with a particular object must find greater satisfaction and pleasure in uniting itself to, and acting as, the greater civil power. It must experience itself as passing to a greater perfection, empowered in and by virtue of this body in order to apprehend love of oneself and one's community as a real possession.

"Injustice," on the other hand, "is to deprive a man, under the false appearance of right, of what belongs to him according to a correct interpretation of laws" (*TTP*, 180; trans. Modified). Such a definition of "injustice" suggests that Spinoza is far more concerned with institutional theft than individual property infractions. Injustice violates the accords governing property relations, and does so, importantly, beneath the mask of "right." Thus, the gravity of such injustice is that it changes the appearance of right, and thereby threatens the capacity of citizens to relate their affects to an adequate idea of civil right, and to affirm such right as their own. If they cannot sufficiently grasp and understand the collective body of which they are parts, their ability to recognize and act in accordance with the perseverance and expansion of collective power is undermined.

Spinoza consistently advocates transparency on the part of governing practices and procedures, and, above all, for the greatest possible participation of the citizenry in public decision-making (*TP*, Ch. 7, par. 29; *TTP*, 178). He contends that no one is vulgar by nature, but the ability to reason suffers greatly by systematic secrecy, lies, and political exclusion (*TP*, Ch. 7, par. 27). Spinoza denies that any government could successfully manipulate its people as though they were puppets. He considers it essential for everyone's thriving that they grasp and, if possible, participate in the formation of structures and institutions governing the political body. When institutions sever access to their own functioning, and dispossess people of what belongs to them according to a correct understanding of the laws, institutions undermine the ability of the people to relate their own actions and feelings to an idea of civil right, and thus to act toward the preservation and fortification of themselves within and as the commonwealth, which in turn greatly attenuates the power of the state.

IV

The commonwealth, then, must, with and as its constituents, create the material conditions and practices whereby minds become constant toward the possessions of others. The constant mind is one

that relates its troubling affects to the idea of the collective power in which it dwells, from which it draws its strength, and whose character it determines in a meaningful way. Rather than acting out of sad passions, such as envy, the mind feels its power increased and affirmed by considering its active determination of its collective body. The economics of mutual empowerment described in the *Political Treatise* support and ground becoming just. The system Spinoza envisions is, contra Hobbes, one in which expansion and strength do not depend upon individual accumulation.[21] On the contrary, it is a system of trading, lending, and exchanging, but not one of storing, hoarding, amassing objects and land, "inclosing" oneself away from others.[22] It is not an economy of scarcity, but one in which the gain of one's neighbor does not diminish one's possessions, power, or pleasure but supports and increases them. Whether or not such an equitable and mutually affirmative economic system is possible is certainly beyond the scope of this theoretical discussion. I am arguing, however, that Spinoza's conviction that complex unities are as necessary for physical survival as they are for the maximization of the power of the mind animates his economic principles and understanding of justice. Collective action and concord in everyday life make possible the affirmation—characteristic of the third and highest kind of knowledge—of our singular strivings as instantiations of a universal common power.[23]

The *Ethics* instructs its students to relate their powerful desires toward the possession of finite things to an idea of God, which begets, with the third kind of knowledge, a love one can truly possess (*Ethics*, V, prop. 20, schol.). The mind no longer suffers from *animi fluctuatio*, the feeling of love accompanied by hate, but achieves the highest human satisfaction, "peace of mind," *animi acquiescentia*, and a joy entirely free of sadness. Political organization, according to Spinoza, ought to orient people toward the same practice, but vis-à-vis a particular political body rather than the whole of Nature. It ought to organize its institutions, practices, economy, and laws such that the sad passions that afflict the mind—dividing the people against one another and thereby undermining their power and freedom—can be resisted with stronger passions, giving rise to justice, *animi constantia*. Might it be the case, then, that the just community functions to remedy the often anti- social and sad passions? If so, which is my contention, the *animi constantia* of the political writings belongs to the same transformative project as the *animi acquiescentia* of the *Ethics*.

It belongs to the nature of political organization to shape our comportment toward possessions and our proprietary desires. The best commonwealths should treat the maladies of the mind that belong to a defective relationship toward one's desire for possession. Politics, in the best circumstances, should be no less than the orientation of our desires such that we no longer aim to dispossess others but to appropriate to ourselves our capacity to determine "civil right," the power of Nature as a political composite individual. Although I have not treated the political organization that would necessarily constitute the maximization of human freedom, absolute democracy, I hope to have established that the capacities that political organization cultivates are not merely those associated with reason and obedience, but with those of a higher satisfaction of mind born of the re-orientation of our possessive desire. A self-transformation, through which the mind would become constant and the minds of the republic would be engaged in an enabling coordination of powers, requires no less than the actual constitution of a collective body "capable of a great many things" (*Ethics*, V, prop. 39).

NOTES

1 Benedict de Spinoza, *A Spinoza Reader: The Ethics and Other Works*, trans. E. Curley (New Jersey: Princeton University Press, 1994). *Ethics*, V, prop. 20, schol.

2 It is often remarked that Spinoza betrays his own commitment to rationality, in Part V of the *Ethics*. For one of the most ardent assertions of this type, see Jonathan Bennett, *A Study of Spinoza's* Ethics, Indianapolis: Hackett, 1984 (pp. 357, 375). My current, larger project aims to give an account of the practical, political content of the final part of the *Ethics* and the similarly maligned "third kind of knowledge."

3 "[S]ickness of the mind and misfortunes take their origin especially from too much love toward a thing which is liable to many variations and which we can never fully possess. For no one is disturbed or anxious concerning anything unless he loves it, nor do wrongs, suspicions, and enmities arise except from love for a thing which no one can really fully possess" (*Ethics*, V, prop. 20, schol.).

4 On "vacillation of mind [*fluctuatio animi*]," see *Ethics*, III, prop. 31.

5 I am hereby in agreement with Heidi Ravven who finds that Spinoza's ethical project consists in a "(re)education," a fulfillment and affirmation, rather than a restriction and negation of desire. My article departs from hers, however, in that I aim to make the ethical project co-extensive with the political establishment of justice (cf. Ravven, p. 73). In so doing, I aim to understand Spinoza's concept of justice precisely as the "peace of mind" that accompanies the affirmation and expansion of possessive desire, which is completely akin to the goals of her project, as I understand them. Heidi Ravven, "Spinoza's Materialist Ethics: The Education of Desire," *International Studies in Philosophy*, XXII.3 (1990).

6 Benedict de Spinoza, *Theological-Political Treatise*, p. 180; translation modified. Cited hereafter as *TTP*.

7 An exception is Alexandre Matheron, *Individu et Communauté Chez Spinoza*, Paris: Presses Universitaires de France, 1968. Steven B. Smith, likewise, remarks repeatedly that Spinoza prefers a commercial society, and thereby affirms the importance of Spinoza's economic remarks. I will discuss my disagreement with Smith's characterization of this commercial society as fundamentally capitalist below. Smith, *Liberalism, and the Question of Jewish Identity*, New Haven: Yale, 1997.

8 *TIE*, § 9. For Spinoza, we are creatures that love, and whether we love cannot be a question. We love necessarily, but often in a way that carries with it sadness, and even the production of our own servitude. The ethical project, then, involves a negotiation with, and operation upon this inevitable fact of our being. Pierre-Francois Moreau claims that this is the lesson of Spinoza's "Short Treatise" (p. 177). Moreau, *Spinoza: l'expérience et l'éternité*, Paris: Presses Universitaires de France, 1994.

9 Benedict de Spinoza, *Political Treatise*, S. Shirley, trans. Indianapolis: Hackett, 2000, ch. 1, par. 4.; Cited hereafter as *TP*.

10 "Each individual thing has the sovereign right to do all that it can do; i.e., the right of the individual is co-extensive with its determinate power" (*TTP*, 173). Individual right, moreover, is nothing but an instantiation of the sovereign right of Nature to do whatever is in its power. Spinoza asserts the same thing about the right of sovereigns and commonwealths, which are likewise natural forces. Any book on Spinoza's politics discusses his notion of right as power. See, for example, Warren Montag, *Bodies, Masses, Power*, London: Verso, 1999. Or, Douglas Den Uyl, *Power, State and Freedom: An Interpretation of Spinoza's Political Philosophy*, Aachen, The Netherlands: Van Gorcum, 1983.

11 The editors of the Hackett edition of the *TP* note that Vico in *Scienza Nuova* (I, 335) disparages Spinoza's commonwealth as "a society of shopkeepers."

12 Steven B. Smith makes this assertion repeatedly throughout *Spinoza, Liberalism, and the Question of Jewish Identity*.

13 The notion of fetishism is, of course, borrowed from Marx. See the famous first chapter of *Capital, vol. 1*. I am indebted to a conversation with Will Roberts for this point.

14 For a detailed analysis of the "mode of appearance" proper to capitalism, see Etienne Balibar, *The Philosophy of Marx*, C. Turner, trans. London: Verso, 1995.

15 On the relationship between substance and its attributes, see "The Problem of the Attributes" by Pierre Macherey, in *The New Spinoza*, Montag and Stolze, eds. Minneapolis: University of Minnesota, 1997, pp. 65–95. On the political implications of Spinoza's general metaphysics, see Warren Montag, "Spinoza: Politics in a World without Transcendence," *Rethinking Marxism* 2.3, 1989: 89–103. For a book length study of the politics of Spinoza's metaphysics, see Antonio Negri, *The Savage Anomaly*, M. Hardt, trans. Minneapolis: University of Minnesota, 1991.

16 *TP*, Ch. 7, par. 27. This imperative is similar to Aristotle's: "If a regime is to be preserved, all parts of the city must wish it to exist and continue on the same basis" (*Politics*, 1270b). Spinoza would add that all parts of the city must participate in the city's functioning as well as the political, deliberative process. Thus, the city must be constructed such that the flourishing of the city would be correctly conceived and felt by the citizens as co-extensive with their own. The city would, therefore, not depend upon the wishing or willing of its parts, but upon their material well-being, power, strength and virtue. I make these claims based upon Spinoza's assertions about how constitutions work, ignoring his caveat at the end of the *TP* that women and servants should neither vote in the supreme council nor rule, since I regard those claims as a violation of his own previously established argument. I have no trouble imagining someone able to make a similar argument about Aristotle's exclusionary polices as well.

17 In the *Ethics*, Spinoza distinguishes between the exclusive and harmful pleasure of *titilatio* and the strengthening inclusive pleasure of *hilaritas*. When only one of a few parts of the body are please, the mind is fixed upon that object and cannot consider the object in the context of its relationships, harming its rational power. Its body is likewise limited and confined to this exclusive experience, unable to consider the rest of its environment. In extreme situations, *titilatio* can provoke madness, and the loss of ability to no where and who one is. *Hilaritas*, on the other hand, increases the power of each part of the body at once, and can only be good. It is an inclusive pleasure that enlarges range experience and thought rather than forecloses it. If I had more space, I would try to show more carefully that Spinoza's economic and political organization aims to foster *hilaritas* of the polis rather than *titilatio*. *Ethics*, IV, props, 42–43.

18 *Acquiescentia*, translated by Curley as "Self-Esteem," is defined in the *Ethics* as "a joy born of the fact that man considers himself and his power of acting" (IV, prop. 52, dem). It appears again in Part V as "the greatest satisfaction of mind" whereby one passes to "the greatest human perfection," and "is affected with the greatest joy, accompanied (by IIP43) by the idea of himself and his virtue" (V, prop, 27, dem.). Such satisfaction emerges from remedying the unhealthy relationship to possession, and thereby acceding to the third kind of knowledge which "begets a love . . . we truly possess" (V, prop. 20, schol.). I leave *acquiescentia* in the Latin, or translate it "peace of mind," though I am not yet satisfied with any English translation of this term, a neologism of Spinoza's. The French translation is "*apaisement*," which I like by virtue of its etymological relationship to the political term "*paix*." "Appeasement" in English, however, has infelicitous connotations. Although I do not support all of the conclusions, Donald Rutherford has a solid and interesting discussion of the term as it is used in the *Ethics*, "Salvation as a State of Mind: The Place of *Acquiescentia* in Spinoza's *Ethics*," *British Journal for the History of Philosophy*, vol. 7, no. 3, 1999: pp. 447–473.

19 This resolution and fortitude of the mind in relationship to the civil body, however, can only exist if that body is just. The mind could not be constant, or devoid of ambivalence, if the body does not enable the strength and flourishing of its parts.

20 On Plato's view of justice, see, of course, *The Republic*. Although there is not space to explore the relationship to platonic justice, which likewise depends upon the good organization of the city, a clear distinction lies in that fact that for Spinoza the city's various parts would not be pre-ordered according to a strict division of labor. Spinoza is clear that a just social order requires that everyone participate as much as possible in the political, decision-making process as well as mercantile exchange relations.

21 For a classic analysis of Hobbes' possessive individualist economics, see C. B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, 1962.

22 The reference to "inclosure" is an allusion to Locke's discussion of property in Chapter IV of the *Second Treatise on Government*.

23 I realize that this claim is somewhat cryptic. Its justification and elaboration is the task of the dissertation I am presently completing.

REFERENCES

Aristotle. *Politics*. Ed. Stephen Everson. New York: Cambridge University Press, 1996.
Balibar, Étienne. *The Philosophy of Marx*, trans. Chris Turner. London: Verso, 1995.
Bennett, Jonathan. *A Study of Spinoza's* Ethics. Indianapolis: Hackett, 1984.
Den Uyl, Douglas. *Power, State and Freedom: An Interpretation of Spinoza's Political Philosophy*. Aachen, The Netherlands: Van Gorcum, 1983.
Macherey, Pierre. "The Problem of the Attributes." In *The New Spinoza*, ed. Montag and Stolze, 95–95. Minneapolis: University of Minnesota, 1997.
MacPherson, C. B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Oxford University Press, 1962.
Matheron, Alexandre. *Individu et Communauté Chez Spinoza*. Paris: Presses Universitaires de France, 1968.
Montag, Warren. *Bodies, Masses, Power*. London: Verso, 1999.
Montag, Warren. "Spinoza: Politics in a World without Transcendence," *Rethinking Marxism* 2.3, 1989: 89–103.
Moreau, Pierre-François. *Spinoza: l'expérience et l'éternité*. Paris: Presses Universitaires de France, 1994.
Negri, Antonio. *The Savage Anomaly*, trans. M. Hardt. Minneapolis: University of Minnesota.
Ravven, Heidi. "Spinoza's Materialist Ethics: The Education of Desire," *International Studies in Philosophy* XXII.3, 1990: 59–78.
Rutherford, Donald. "Salvation as a State of Mind: The Place of *Acquiescentia* in Spinoza's *Ethics*," *British Journal for the History of Philosophy* 7.3, 1999: 447–473.
Smith, Steven B. *Liberalism, and the Question of Jewish Identity*. New Haven: Yale, 1997.
Spinoza, Benedict de. *Political Treatise*, trans. Samuel Shirley. Indianapolis: Hackett, 2000.
———. *A Spinoza Reader: The Ethics and Other Works*, trans. Edwin Curley. New Jersey: Princeton University Press, 1994.

International Studies in Philosophy 37:2

Border-Populations: Boundary, Memory, and Moral Conscience[1]

Falguni Ashwin Sheth

INTRODUCTION

In December 2002, there was a sudden furor over remarks made by then Senate Majority Leader Trent Lott, who insinuated that segregation might have been a preferred American political condition.[2] Rebuttals emerged from various sources across the political spectrum. The right, the far right, the liberal, and the radical left all rushed to express their dismay at Sen. Lott's callous and politically miscalculated remarks. But there was more: in response to Sen. Lott's comments, the varied political factions—in a rarely seen collective, indeed, univocal agreement—declared that segregation, apartheid, and the second-class status of Black Americans was a relic of an unfortunate American past.

By contrast, there was a simultaneous and focused agenda on the part of the Attorney General's office to round up, question, and detain hundreds of mostly male Muslim immigrants in the United States—under the aegis of the newly created category of "potential" terrorist—for the purposes of "intercepting and obstructing terrorism." This plan, conducted under the auspices of the newly passed PATRIOT ACT, was carried out without extending the benefit of Constitutional protections routinely offered to non-Muslim American citizens (and often indulgently granted to non-citizens during times of relative peace and security) such as writs of *habeas corpus*, and various 14th Amendment rights such as the right to an attorney, due process, and equal protection.[3]