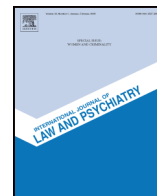




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Spinoza to Freud: The unraveling of a psycho-analytical perspective on moral responsibility and law

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ABSTRACT

The status that Spinoza and Freud assign to law has some convergence, for both embrace the positivity, the mere conventionality and utility, of law and eschew any real or eternal moral norms (that is, they thoroughly reject the Natural Law tradition) that law might capture and embody. In addition, both put forth a biological account of human nature, rather than a theological one or even quasi-theological one, and that biological nature is the springboard in each case for defining the overall purpose of law. In addition, for both, human biology is a source of the sociality, the psychic attachments, that make an emotional union of individuals into a group possible. Nevertheless, it is in the specific elaborations of human biology that we can discern the beginning of a parting of the ways, for in their conceptions of human nature and the nature of nature Freud and Spinoza diverge in significant respects.

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1. Introduction

Spinoza begins his consideration of ethics with the problem of psychic slavery. Human beings are born already in the midst of life, in the midst of history, society, religion, politics, language and culture. We all come into life already engaged in living in a world of others, of institutions, laws, with sophisticated aims, and the temptations of civilization. This beginning in the midst of life represents to Spinoza not only great opportunities but significant problems. It is replete with dangers that he says are fraught with “passivity,” unfreedom, and slavery. Nevertheless Spinoza is no Rousseau romanticizing a natural life of social harmony prior to civilization. His assessment of human nature owes far more to Hobbes than any romantic vision of a time before the corruptive forces of civilization took hold. The advantages of political society he clearly holds far outweigh the limitations: “Men,” he writes, “find solitary life scarcely endurable,” and “discover from experience that they can much more easily meet their needs by mutual help” (Spinoza, 1982, IVp35s, p. 173).” And even more, he argues that, “[t]here is no individual thing in the universe more advantageous to man than a man who lives by the guidance of reason” (Spinoza, 1982, IVp35cor1, p.173). Yet all, or nearly all, are in chains! *The Ethics* is the route to freedom—a freedom whose other side of the coin is virtue. The burden of this paper will be to show how Spinoza makes the case that freedom and a scientific determinist necessity – and even virtue and moral responsibility – are mutually implicative. Moreover, it will also explain why, for Spinoza, organized political community and law are

foundational to the exercise of freedom and personal flourishing. Spinoza’s position we can see as challenging Freud’s conception of the strictly sacrificial character of law as restricting and short-circuiting human happiness as the necessary price of civilization and security. Civilization for Freud comes at the price of the renunciation of happiness (Freud, 1989).

2. The slavery of ignorance

Spinoza titles the fourth part of *The Ethics* “Of Human Bondage, or the Strength of the Emotions,” and begins by defining human bondage as “man’s lack of power to control and check the emotions,” so that he is so vulnerable to fortune that “he is not his own master” (Spinoza, 1982, p.153). To come to grips with his position we must begin by recalling that Spinoza vociferously and repeatedly (and sometimes sardonically) denies that we have free will.

A baby thinks that it freely seeks milk, an angry child that it freely seeks revenge, and a timid man that he freely seeks flight. Again, the drunken man believes that it is from free decision of the mind that he says what he later, when sober, wishes he had not (Spinoza, 1982, IIIp2s, p. 107).

Even the classical Greek problem of seeing the better but doing the worse (*akrasia*) is not to be chalked up to a weakness of will, in Spinoza’s estimation, but instead to conflicting emotions. At a deeper and more basic level of description, what is happening, Spinoza argues, is that when human beings “believe themselves to be free,” it is because “they are conscious of their actions and ignorant of the causes by which

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they are determined” (Spinoza, 1982, IIIp2s, p. 107). (Recent research in psychology has provided evidence in support of exactly this insight and explanation of Spinoza’s.¹) Emotions are the necessary causes of our actions, he holds, and “mental decisions are nothing more than the appetites themselves” (Spinoza, 1982, IIIp2s, p. 107). Actions are the necessary outcomes or expressions of our emotions, desires, and thoughts. In addition, Spinoza regards emotions as expressions and embodiments of a person’s passive or active posture in the world. They include both affective and cognitive components, also expressive of passive or active postures.

Spinoza goes on to inform the reader that our actions derive from the shaping of our minds by our memories. Without memories, he says, we cannot act at all. “We can take no action from mental decision unless memory comes into play,” he writes (Spinoza, 1982, IIIp2s, p. 107–8). Memory, in turn, is determined by its causal antecedents and contexts, for “it is not within the free power of the mind to remember or to forget anything” (Spinoza, 1982, IIIp2s, p. 108). We harbor the illusion that our mental decisions are free rather than what they in fact are, driven by imagination and memory. For those “who believe that they ... do anything from free mental decision are dreaming with their eyes open” (Spinoza, 1982, IIIp2s, p. 108). This is the basis for the human condition that amounts to our slavery. It is a slavery to our own pasts, to our own culture and families of origin and also to our present context, that is, to our corner of the universe. In *The Ethics* Spinoza offers an intellectual program that aspires to transform our myopic and constricted beginnings toward freedom. He promises to open our minds and our hearts. We can discern perhaps in this Freud’s inspiration by Spinoza directly and perhaps also via Nietzsche. But before we get to the good news of freedom, we must come to a better understanding of the memories and also the imaginative and social processes that constitute our bondage.

Spinoza insists that not only our irrational ideas but even our free and rational ones are products of an going necessity. They, too, are determined (Spinoza, 1982, IIp36, p. 87). Yet the mind has no power of free will to liberate itself. All we have, Spinoza claims, is the mind’s power to reflect upon itself and form more adequate ideas (Spinoza, 1982, p4, p.206). Thinking plays out with the same necessity as bodily causes do. In fact, Spinoza regards thinking and doing, thought and act, as aspects of the same necessary process playing out in each of us and in Nature as a whole.² In addition, Spinoza contends that thought is affective in its very nature. That is because “mind and body are one and the same thing” (albeit understood in two different ways; Spinoza, 1982, IIIp2s, p. 107). As a result, thinking is embodied, and action is the expression of our desire.³ Hence, desire is not just something each being has among other capacities and faculties, but rather it is our basic essence, a striving for survival and self-furthering. In seventeenth century fashion, he calls it our ‘conatus’. “The conatus with which each thing endeavors to persist in its own being is nothing but the actual essence of the thing itself,” he writes (Spinoza, 1982, IIIp7, p. 109). So our basic urge to maintain ourselves, persists, and further ourselves is our essence.⁴

¹ The unconscious character of much of our motivations accounts for the ubiquitous phenomenon psychologists refer to as ‘confabulation’, that is, that our stated reasons for our behavior are after-the-fact reconstructions rather than introspective concurrent reports, as we tend to believe, and they are self-serving rationalization to boot! This is a conclusion that we can draw from a great deal of contemporary brain research. See e.g., Davies’ (2011) treatment of the broad philosophical implications of Jaak Panksepp’s discoveries in affective neuroscience. See Hirstein (2009).

See also, Ravven (2013), and especially, p. 309–365 for a review of the research on confabulation and the unconscious character of motivation.

² Spinoza (1982), “Will and intellect are one and the same thing” IIp49cor, p. 98.

³ Spinoza (1982) writes in III, Definition of the Emotions #1 (p. 142): Desire is the very essence of man in so far as his essence is conceived as determined to any action from any given affection of itself.

⁴ We, and all things in the universe, are made of desire. Even God is more act than entity for “God’s power is his very essence” (E Ip34, p. 56), Spinoza (1982) holds.

It is desire that must be transformed to set us free from the bondage of memories. Yet our desires cannot be transformed via free will because free will is a fiction.⁵ It is, instead, the mind in understanding, Spinoza argues, that can transform our desires and thinking, from passive to active, from enslaved to free. How does this happen and how does it work? It is the mind in thinking, Spinoza argues, that can exercise—and can be taught to exercise—a power that transforms our desires, for the mind, too, is essentially desire.⁶ Because we desire our own preservation and furthering in our thoughts, and not only in our body, we have an arena into which we can intervene. Transforming the way we form ideas and beliefs about the world and ourselves is our route to freedom from the tyranny of desire—and it is also a route to virtue. For Spinoza holds that “nothing [can be said] to be certainly good or evil except what is really conducive to understanding or what can hinder understanding” (Spinoza, 1982, IVp27, p. 169). Why is this so?

Spinoza tells us that there are only two ways that we come to understand our world and our experience, “either insofar as we conceive [things] to exist in relation to a certain time and place, or insofar as we conceive them to ... follow from the necessity of ... nature” (Spinoza, 1982, Vp29s, p. 218). Spinoza is drawing a contrast here between a local perspective and the universal perspective, and between an imaginative cognitive grasp and a rational grasp. The local is also passive while the universal we must discover for ourselves and hence he calls it active. We find the following more detailed description of mental passivity versus mental activity:

The Mind has, not an adequate, but only a confused knowledge, of itself, its own Body, and of external bodies, so long as it perceives things from the *common order of nature*, i.e., so long as it is *determined externally*, from fortuitous encounters with things, to regard this or that, and not so long as it is *determined internally*, from the fact that it regards a number of things at once, to understand their agreements, differences, and oppositions. For so often as it is *disposed internally*, in this or in another way, then it regards things clearly and distinctly. (My emphases; Spinoza, 1982, IIp29s, p. 218).

In passive thinking, the links that fill our causal grasp of self and world are picked up passively by the mind from the ways that the local context—that’s what Spinoza means by ‘the common order of nature’—connects or associates things with each other and ourselves with and within our immediate time and place. Hence the mind’s passivity, its weakness, is its determination by its embeddedness in its immediate *external* circumstances, its narrow context, which write themselves unreflectively upon our mind and fills each of us with the external associations of time and place. And we go on to act from this merely superficial and passive (and we would add today, ‘unconscious’) understanding of who we are. And hence this is the source of our bondage.

The problem is that our knowledge is not adequate to who we really but only partial and confused. It also presents affective (emotional and motivational) problems: for, as Spinoza writes, “man is necessarily always subject to *passive emotions* ... and follows the common order of Nature, and obeys it, and accommodates himself to it as far as the nature of things demands” (Spinoza, 1982, IVp4cor, p. 158). It amounts to a passive acceptance of and even submission to our own corner of the world, our own moment, and an unreflective embodiment of our narrow experiences with all their emotional and motivational tyrannies. Our uncritical acceptance of the local given external world and

⁵ Spinoza (1982) writes that, “a thing which has been determined by God to act in a particular way cannot render itself undetermined” (E Ip27, p.50)—and all things *have* been determined by God in particular ways for “a thing which has been determined to act in a particular way has necessarily been so determined by God; and a thing which has not been determined by God cannot determine itself to act” (E Ip26, p. 50). And of course, we recall that Spinoza repeatedly informs us that by ‘God’ he means Nature.

⁶ “The mind’s conatus, or power, is the very essence of the mind” (Spinoza, 1982, IIIp54dem, p. 136).

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