

Reading the Hebrew Bible with Canaanite Eyes: Spinoza on Land, Migration, and Conquest

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“Land ... is such a comprehensive symbol in the Old Testament that it could be ranked next to God in importance.”

–Norman C. Habel¹

“... [T]hroughout their history, the Jews have navigated between the contesting values of displacement and arrival, uprootedness and land.”

–Peter E. Gordon²

“... [O]ne’s perspective on the Exodus story takes on a new different complexion when read with the eyes of the ‘Canaanites’ ...”

–Michael Prior³

Abstract: This article explores Spinoza’s discussion of the ancient Israelite conquest of Canaan. Although modern archaeology has cast doubt that this conquest ever occurred, it turns out that the ideology associated with even an imagined conquest is only one of several possible biblical land ideologies. Moreover, taking Spinoza’s theory of natural right seriously would require holding the position that the Canaanites, or any indigenous people, had, and still have, the right to resist invaders. There is an *aporia* in Spinoza’s political thought, though: the problem of “foreigners.” Despite the biblical embrace of immigrants in response to the experience of (at least some) Israelites enduring servitude in Egypt – and the relative precariousness of the Jewish community in the Netherlands – Spinoza disallows citizenship rights for foreigners. Some Spinozist reflections on how to enlarge the scope of civil and political rights follow. The article closes with an overview of Spinoza’s little-known mixed influence on the American radical environmentalist Edward Abbey.

Keywords: Ancient Israel, Canaan, Biblical Land Ideologies, Spinoza’s Political Thought, Edward Abbey, Immigration

In his invaluable “biblical commentary” on the first chapter of the *Tractatus Theologico-Politicus* (TTP), Philippe Cassuto seeks to “situate Spinoza’s thought and work in its biblical context” and argues that without this Biblical “substratum” Spinoza’s ideas would not have attained the “universality” for which they are known.⁴ Moreover, Cassuto concludes,

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1 Habel 1993, p. 6.

2 Gordon 2021, p. 10.

3 Prior 1997, p. 39.

4 Cassuto 1998, p. 231.

... [I]t seems to us that the study of the Bible and other religious texts to which Spinoza invites us is absolutely necessary, even and perhaps especially today, at a time when fundamentalism is ablaze everywhere to obscure our world and our thought. What better weapon could we direct against fundamentalism than our thorough and meticulous knowledge of these texts in order to demonstrate the great ignorance of those who use them to destroy our humanity? The Bible is part of our thinking; it is better to study it in order to attain the universal that Spinoza proposed and not to reject it in a way that would be just as superstitious as its use for bad purposes.⁵

One could take exception to Cassuto's goal of demonstrating the "ignorance" of those who use the Bible for bad or fundamentalist reasons – or, for that matter, those who try to *ignore* the importance of the Bible. For example, it is arguably better to think of biblical studies, whether in connection to Spinoza or not, as a kind of *intervention* that may or may not assist our theological-political projects. But Cassuto's challenge is admirable: can we take the Bible as seriously today as Spinoza did in his own conjuncture in order to enrich and enliven philosophical and political critique?⁶

My goal, however, is not, as Cassuto does, to concentrate on Spinoza's use of Jewish commentators on the Hebrew Scriptures. Rather it is to focus on how Spinoza discusses the Israelite conquest of the land of Canaan. It is worth stressing from the start, of course, that Spinoza relies on the received biblical narrative and accepts at face value what has come to be called the "Conquest Model" of ancient Israelite entry into Canaan and the subsequent defeat of the indigenous population. Unfortunately, as K. L. Noll remarks, this model "has been abandoned by all competent historians today ... because it is incompatible with the archaeological evidence."⁷ This lack of archaeological support doesn't, of course, render the biblical narrative – or Spinoza's reliance on it – useless, however.⁸ For example, Noll continues, "the existence of a Biblical tale narrating a single, unified conquest under the leadership of Moses and Joshua is valuable to the social historian who seeks to

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5 Cassuto 1998, pp. 231-32.

6 I would like to acknowledge the profound influences of the following teachers for my fidelity to the Hebrew Bible and its liberatory capabilities: Max Polley (in college) and Rabbi Melvin Sands and Rolf Knierim (in theological school). I would also like to thank my comrade Wonil Kim, who for three decades has been my mentor regarding the prospects for, and impasses of, biblical theology.

7 Noll 2001, pp. 157-58.

8 Spinoza can doubtless be forgiven for not having had access to archaeological finds in ancient Israel and the larger Near East that both confirm and disconfirm aspects of the received biblical narrative, since "biblical archeology" didn't exist until the nineteenth century! (See Cline 2009, pp. 13-20). For an accessible overview of the challenge that archeology poses for understanding biblical texts and their historical contexts, see Dever 2020. The most in-depth account, however, is Dever 2017.

understand the ethos of a people who liked to tell tales of this kind ... Thus, the biblical conquest is a natural – even predictable – result of folklore; it is not an accurate depiction of Israel’s entry into Canaan.”⁹

More precisely, though, one should identify this folkloric memory of dimly recalled times as serving an *ideological* function to legitimize not just the ancient Israelite ruling class and dominant institutions in contradistinction to perceived Canaanite threats of cultural and religious resurgence.¹⁰ In particular, the folklore provides a defense of how the *land* came to be acquired. More troubling, as Michael Prior has compellingly argued, from a perspective to which we shall return, the Conquest Model has been appropriated over the course of centuries to justify the process of colonization and subjection of indigenous peoples around the world.¹¹

Although, as John J. Collins observes, the “biblical denunciations of the Canaanites cannot be taken at face value ... and tell us more about the purposes of their human authors than the purposes of God,”¹² what persists is not just an archaeological or historical problem of conquest but a distinctly *moral* problem.¹³

Collins has noted that “there is some irony in the way in which these commands of destruction are embedded in the story of the exodus, which served as the great paradigm of liberation in Western history.” Yet, he hastens to add, “the liberation of the Israelites and the subjugation of the Canaanites are two sides of the same coin. Without a land of their own, the liberated Israelites would have nowhere to go, but the land promised to them was not empty and had its own inhabitants. Read from the Canaanite perspective, this is not a liberating story at all.”¹⁴

Yet there is a curious argument – and one that Spinoza could well have known about.¹⁵ As Eric Nelson has shown, “rabbinic commentators

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9 Noll 2001, p. 159. See pp. 159-64 for three alternative models: “Global Infiltration,” “Peasant Revolt,” and Symbiosis” (which Noll himself advocates). Anne E. Killebrew has recently offered a creative synthesis of these models that she calls the “Mixed Multitude” approach (see Killebrew 2005; 2006; 2017; 2018; 2020).

10 For example, the Book of Joshua was likely redacted during the seventh-century reign of King Josiah and supports the latter’s monotheizing agenda from above at the expense of Canaanite polytheism and its appeal from below to ordinary Israelites. See Finkelstein 2001, pp. 94-96.

11 Prior 1997.

12 Collins 2004, p. 13.

13 James Barr (1993, pp. 207-19; 1999, pp. 492-94) rightly noted this, and Michael Prior (1997) developed his concern with a rare combination of scholarly insight, theological acumen, and activist passion.

14 Collins 2004, p. 12.

15 As Steven Nadler points out (pp. 103-8), in the early 1650s Spinoza possibly attended the yeshiva *Keter Torah* one of whose popular teachers was Rabbi Saul Levi Morteira, who emphasized medieval Jewish commentators. Moreover, Spinoza had in his library a two-volume copy of the “Rabbinic Bible” edited by the great Christian Hebraist Johannes Buxtorf and published in 1618-19. This “beautiful edition” (Vulliaud 2012, p. 16) included commentary by Rashi, Ibn Ezra, and others.

and their early-modern readers found in the Hebrew Bible a distinctive theory of property, applied with considerable precision to a range of concrete cases.”¹⁶ Indeed, the great medieval commentator Rashi (Rabbi Schlomo Yitzchaki of Troyes, France, 1040-1105) offered in his remarkable commentary on the Torah¹⁷ a striking interpretation along these lines of Genesis/Bereshit 1:1. Why, he wondered does the Torah not begin with the first commandment given to the Israelites as a nation, namely, in Exodus 12:1 to regard the lunar month of Nisan as “the first of months”? Why does the Torah even include Genesis and the first part of Exodus? Rashi’s answer:

When God began: Said Rabbi Isaac: It was not necessary to begin the Torah except from “This month shall mark for you” (Exod. 12:2), which is the first commandment that the Israelites were commanded. Now for what reason did it begin with “When God began”? Because of [the verse] “He revealed to His people His powerful works, in giving them the heritage of nations” (Ps. 111:6). For if the nations of the world should say to Israel, “You are robbers, for you conquered by force the lands of the seven nations [of Canaan],” they will reply, “The entire earth belongs to the Holy One, blessed be He; He created it and gave it to whomever He deemed proper. When He wished, He took it away from them and gave it to us.”¹⁸

Eric Nelson has carefully unpacked Rashi’s argument:

[F]or Rashi, the whole purpose of the first book and a half of the Pentateuch is to establish a set of propositions about the nature of property in order to vindicate the Israelite claim to the land of Canaan. It must be demonstrated that (1) God is the creator of the earth, and therefore its owner; (2) God gives possession of his land to certain peoples under certain conditions; (3) when those conditions are violated, he may transfer possession to others; ... (4) in this specific case, land was initially given to the Canaanite nations, who then violated the terms of their occupancy; and (5) accordingly, God transferred possession to the Israelites. Modern commentators would no doubt find it hyperbolic to claim that the defense of these propositions is the sole purpose (or even the most important purpose) of Genesis and the first half of Exodus, but Rashi’s insight is nonetheless worth taking seriously. The vision of

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¹⁶ Nelson 2010, p. 64.

¹⁷ On Rashi’s life in its historical context, see Grossman 2014. On the composition and subsequent influence of his *Commentary on the Torah*, see Lawee 2019.

¹⁸ Levy and Levy 2017, p. 3.

property rights that he articulates is indeed at the very center of the Biblical text, and it explains the distinctive land laws to be found within it.¹⁹

Nonetheless, as compelling as Rashi's argument is, by any intellectual – including theological – standard, it remains *unsound*. It is likely the case, as Elazar Touitou has noted,²⁰ that Rashi was intervening in reaction to the First Crusade and trying to undercut Christian exclusivist designs on Jerusalem and the Holy Land. His commentarial strategy can in this regard be appreciated, even admired. Nonetheless, each of the five claims that Nelson presents as underlying Rashi's position is subject to serious dispute. First of all, God could well be the creator but not the "owner" of the earth. This presupposes a divine transcendence that need exhaust the possible ways in which God could create – not least of which Spinoza's conception of *immanent* (as opposed to transitive) causality.²¹

Secondly, what could it possibly mean to say that God "gives possession" of the earth to a specific people? How could one know without begging the question or simply as a justification for land conquest before or after the fact? Moreover, why aren't *all* people, as Spinoza argues, equally elected or chosen by God for some purpose?²² Moreover, as Spinoza, insisted, God (properly understood metaphysically) acts out of necessity not out of the caprice of free will.²³

Thirdly, how could anyone know what it would mean to "violate" the conditions set by God for a land's possessors? Even if violated, why wouldn't the possessors have the chance to redeem themselves? If irredeemable, though, why must they lose the land by undergoing dispossession by invaders?

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19 Nelson 2010, p. 65.

20Touitou 1990, p. 171. See also Sicherman and Gevaryahu 1999. As Levy and Levy write, "In 1096 12,000 Jews were murdered during the People's Crusade, a military expedition to restore Christian access to the Holy Land that swept through the Lorraine region in which Rashi lived. This tragedy prompted Rashi to write a number of penitential prayers (*Selichot*), seven of which still exist" (Levy and Levy 2017, p. xv.).

21 See Spinoza's *locus classicus* of this perspective in E1p18. It goes without saying that Rashi's argument equally fails from the start to persuade self-consciously disbelievers in God or God the creator.

22This is the position Spinoza defends not only in TTP 3, but his critique of election for a specific people or nation is not limited to ancient Israel. In a letter to a former friend and mentee, Albert Burgh, who had dramatically converted to Catholicism, Spinoza argued that "holiness of life is not peculiar to the Roman Church, but is common to all." Moreover, he continued, "whatever distinguishes the Roman Church is completely superfluous, and so has been established only by superstition" (Letter 76; G IV/318). For Spinoza such superstition conflicts with his defense in the TTP of "justice and solidarity" serving as a universal foundation of faith" (TTP 14.11-24). Spinoza's position is essentially that the law of large numbers ensures that there can be found good people in any group, whether ancient Israel or Catholicism – or among the Canaanites.

23 See E1pp29, 32-33.

Fourthly, what independent evidence is there to the effect that a specific people, namely, the Canaanites, “violated the terms of their occupancy”?²⁴ The Bible offers, to say the least, a one-sided account of Canaanite (unspecified) “iniquities.”²⁵ But were *all* Canaanites – especially children and those of lower rank and social power – equally culpable and equally deserving not simply of dispossession of their land but outright *extermination*?²⁶

Finally, to say that the Israelites were “chosen” by God would not really be a problem if it only concerned their historically unprecedentedly high regard for human dignity and egalitarian social structures.²⁷ The problem is precisely what God expected to be done with the *land* of Canaan.²⁸ Should the land be shared fairly between the migrant Israelites and the indigenous Canaanites (the prospect of which the Genesis account of Abraham’s sojourn envisioned)? Or should it become and remain the exclusive domain of the Israelites?

Land Ideologies in the Hebrew Bible

Norman Habel begins his indispensable book *The Land is Mine: Six Biblical Land Ideologies*²⁹ with a definition of a “biblical ideology”:

A biblical ideology, I would argue, is a complex and contested set of ideas, values, symbols, and aspirations being promoted with social and political force in a given literary complex to persuade the

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24 This also raises a key question: Who *were* the Canaanites? As Mary Ellen Buck explains, “the term ‘Canaan’ referred to the land along the coast of the Southern Levant, an area occupied today by Syria, Israel, Palestine, and Jordan. The term ‘Canaanite’ therefore was used to refer to any individual or population residing in this region, beginning as early as the start of the Middle Bronze Age (ca. 1800 BCE) until the final appearance of this term in the Roman Period (ca. 400 CE)” (Buck 2019, p. 3). The biblical invective against Canaanites, then, applies to all the peoples residing in the land of Canaan, whether Canaanites proper, Amorites, Girgashites, Hittites, Hivites, Jebusites, or Perizzites (Deut 7:1; 20:16-18). It strains credulity, though, to think that the members of each and very people were so depraved that they deserved not only to have their land taken away but that they be forever *banned* (whether literally or metaphorically).

25 However, see Leviticus 18:3 (in reference to sexual practices and child sacrifice to the Canaanite deity Molech) and Deuteronomy 7:2-5 (in reference to religious practices).

26 If we are to take the references to a “ban” [*herem*], for example, in Joshua 6:21-24 (Jericho); 8:26-29 (Ai); 11:11-15 (Hazor) literally and not metaphorically. Even if the reference is only metaphorical hyperbole comparable to rival Ancient Near Eastern conquest narratives, as argued by Younger 2009, it remains a *morally indefensible* metaphor that has been used innumerable times, especially during the early-modern dispossession of indigenous peoples – from Ireland to the Americas. For discussions of the meaning of *herem*, see Stern 1991; Niditch 1993, pp. 28-77; Bergmann, Murray, and Rea 2011; and Moberly 2013a; 2013b, p. 53-74.

27 As argued especially well by Berman 2008.

28 Failure to answer this question adequately is a major shortcoming of attempts to defend a doctrine election like Kaminsky 2003; 2013; 2016.

29 Habel 1995.

implied audience within that text of the truth of a given ideology.³⁰

He goes on to provide a nuanced account of the complex and conflictual nature of biblical ideologies:

Biblical ideologies ... are more than single-minded campaign documents for particular social or political struggles. They are complex patterns of ideas and ideals, many of which may not be systematically integrated but are presented in the text. Moreover, they embrace a cluster of images and symbols that reflect levels of meaning rather than a distortion of reality. It is this complex cluster of images and ideas that is promoted in the biblical text as “the way things should be” in society, whether as nostalgia for the past, a justification of the status quo, a vision for the future, or an intricate combination of these.³¹

In short, Habel reminds us, “most biblical texts push a point. They seek to win over the minds of the implied audience and persuade those who hear the message that the beliefs announced in the texts are authoritative and true.”³²

Habel distinguishes six distinct – and, in many respects, antagonistic – land ideologies in the Hebrew Bible:

- Royal
- Theocratic
- Ancestral Household
- Prophetic
- Agrarian
- Immigrant

Let us consider these ideologies briefly in order. Basic to the *royal* land ideology “are the concepts of the land as the source of wealth, the divine right of the monarch to appropriate that wealth, and the entitlement of the monarch as God's representative to have dominion over the whole earth as an empire.”³³ Representative texts expressing this ideology are 1 Kings 3-10 and Psalms 2, 72. As Habel summarizes this land ideology:

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30 Habel 1995, p. 11. It is worth noting that in a footnote, Habel discounts Karl Marx's view of ideology as “false consciousness” (Habel 1995, p. 11n.11) and unfortunately does not engage with Louis Althusser's attempt to rework a Marxist theory of conflictual ideological practices (on which see Althusser 2014 and Pêcheux 2015).

31 Habel 1995, pp. 12-13

32 Habel 1995, p. 10.

33 Habel 1995, p. 17.

In the royal ideology, the entitlement ... and possession ... of the monarch are not primarily an appropriation of the land claims of the people. Rather, the monarch has a different mandate. The monarch claims all nations of the earth, not just Israel, as personal entitlement. The monarch claims the whole habitable land, not just Canaan, as legitimate possession. Potentially the monarch owns the whole earth ... as a rightful land, an empire.³⁴

What is more,

the people, as a whole, have a right to the land as their entitlement from God. The monarch has a higher entitlement, which extends to the whole earth. The rights of the ancestral families of the land are subsumed under the rights of the monarch to appropriate land needed to increase the wealth of the court. The poor and the Canaanite have no right to land; they can be made slaves of the empire at the will of the monarch.³⁵

The next land ideology is what Habel classifies as *theocratic*, and it is prominent in the Book of Deuteronomy. As Habel puts it, within this land ideology,

YHWH is identified as the owner and ruler over the land in which Israel is to live under the polity or torah outlined in Deuteronomy. This landowner is not, however, a local deity – who might be viewed as the divine ruler over Canaan – with which Israel must deal. The image of YHWH promoted in Deuteronomy is that of a universal monarch who controls vast domains, of which Canaan happens to be one.³⁶

Understood in this light, Habel continues,

the conquest and occupation of Canaan are not merely the extension of a great ruler's empire, but the basis for recognizing that YHWH is the supreme God of the universe.... The land of Canaan is a test case. YHWH's claim to dominion over all lands is to be demonstrated, it seems, by a capacity to deliver the allocated territory of Canaan into the hands of the chosen people. YHWH's identity and authority as ruler are linked to YHWH's capacity to conquer the land allocated to Israel. ... Within the ideological

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34 Habel 1995, p. 25.

35 Habel 1995, p. 32.

36 Habel 1995, p. 37.

framework of YHWH's claim to absolute dominion, the land of Canaan is relentlessly promoted as a gift or grant. In theological terms, this concept is usually interpreted as an expression of unequivocal divine grace. In social and political terms, however, the continuous reminder that the Israelites who invaded the land have not earned the land is designed to create a sense of total indebtedness and dependency on YHWH as the universal ruler and land-giver. Canaan is YHWH's land grant to Israel.³⁷

Divine grace to the Israelites, but assuredly not so for the Canaanites!
Habel elaborates:

What is especially good about Canaan as a land grant is the physical domain for which YHWH, as the one ruling over the land and its fertility, can be given credit. The cult, customs, and polity of the Canaanite peoples are all rejected as alien to the new order to be introduced by YHWH. Because the ruler of all the earth has chosen Israel out of all the peoples of the earth, Israel's cult, customs, and polity must be quite distinct. No exchange of cultural ideas is to be tolerated. The Canaanites and their religious culture are worthless; in fact, the polity of the prior inhabitants is to be viewed as evil....³⁸

In sum,

the ideology of the land as a grant supports the rights of the invading people to occupy the land by divine sanction. A divine promise to Israel's ancestors, a divine demonstration of conquering might, and a divine gift of the good land – all confirm Israel's entitlement to the land. This right, however, is conditional. Israel must obey the laws of the proposed polity for the land or face losing the land.

These land rights are grounded not in some ancient or sacred affinity with the land but in a treaty that prescribes the conditions for holding the land. The Israelites have no natural right to the land, only a promise of tenure if they are a faithful vassal people. Canaan is territory under treaty; the land grant is conditional.

By contrast, the rights of the original Canaanite inhabitants are totally dismissed and their culture negated. They are supposed to be exterminated. ... This ideology ignores the historical reality that much of Canaan's culture persisted in Israel and that many

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37 Habel 1995, pp. 38-39.

38 Habel 1995, pp. 42-43.

of the indigenous people of Canaan became part of the Israelite nation. The vision in Deuteronomy is of a nation purged by trials in the wilderness ... and uncontaminated by the ways – and ideally by any presence—of the indigenous peoples of the land. The Canaanites have no rights to land and apparently no right to justice.³⁹

What Habel calls *ancestral household* land ideology may be found especially in the Book of Joshua. According to this ideology,

in the text, the land of Canaan is explicitly identified as a cluster of royal lands to be distributed by Joshua. When Joshua conquers Canaan, he is said to have taken the monarchs “and their land” (Josh. 10:42). It is specifically “their land” that is allotted to the tribes of Israel (12:7). In this land ideology, the ordinary families of Israel receive the royal lands of Canaan as their entitlements. In the distribution, the royal lands of Canaan are transformed into a land of family lots.⁴⁰

In addition, the divine image associated with this ideology is distinctively militaristic:

YHWH is depicted as a terrifying ally, ready to fight the foes of Israel and dispossess those who hold the land that is to be allocated to chosen families (Josh. dispossess those who hold the land that is to be allocated to chosen families (Josh. 13:6, 23; 10:13). YHWH's capacity as a warrior deity is illustrated in the way Joshua wins battles in the early conquest campaigns (Josh. 6 and 10). YHWH is depicted as a frightening deity employing mighty celestial forces. YHWH hails massive stones down “from heaven” (10:11) and halts the sun in the sky to win a total victory (10:12-14). This portrayal of YHWH in military mode reflects an ideology of terror typical of conquest narratives.

What happens to the Canaanites is dire:

In general, the various conquered peoples of Canaan are put under the ban (*herem*) and dedicated to YHWH; their total destruction is required (Josh. 6:21). YHWH expects Israel to show the Canaanites no mercy and accord them no rights. The terror ideology is relentless. Those Canaanites who survive do so by their own initiative and their total acknowledgment of YHWH as the God of the conquest.⁴¹

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39 Habel 1995, pp. 50-51.

40 Habel 1995, p. 57.

41 Habel 1995, p. 61.

Although the hyperbolic ideal depicted in the Book of Joshua is one of total conquest, the book nonetheless “preserves the reality of Canaanite resistance. The Canaanites are survivors.”⁴² Habel then offers several examples of Canaanite survival tactics:

The modes of resistance demonstrated by the Canaanites include cunning, compromise and acknowledgment of the conquerors’ deity, as in the case of Rahab (Josh. 2), maintaining control of strategic fortified cities (11:13; 15:63; 16:10; 17:12-13), and total commitment to the Israelite cause, as in the case of Caleb (14:6-15).

The book of Joshua’s account of the Gibeonites’ survival is a dramatic resistance story (Josh. 9). The Gibeonites use the techniques of cunning, deceit, and diplomacy typical of resistance narratives. They pretend to be aliens from a distant land and hide their true identity as the enemy within. They make a peace treaty with the Israelite leaders and confirm it in the breaking of moldy bread.⁴³

The fifth land ideology is what Habel calls *prophetic*. One finds this perspective especially in the Book of Jeremiah. It

promotes what might best be described as a symbiotic relationship among YHWH, the land, and the people of Israel. This ideology, espoused by a group demanding allegiance to YHWH alone, promotes a theology designed to negate a revival of Baalism; this doctrine justifies Jeremiah’s pro-Babylonian politics and an ideal vision for restoration of the land in the distant future.⁴⁴

Interestingly, according to this ideology,

Canaan is remembered as an idyllic land and Israel as a faithful partner. Here there are no allusions to the Canaanites, whose ways presumably polluted the land before Israel’s advent. ... According to the book of Jeremiah, it was not the Canaanites who polluted the land, but Israelites embracing Canaanite fertility rites and establishing Baal as the ruler of the land. Baalism had defiled rather than fertilized the land.⁴⁵

What is the upshot of the defilement of the land by the Israelites?

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42 Habel 1995, p. 72.

43 Habel 1995, p. 72.

44 Habel 1995, p. 75.

45 Habel 1995, p. 79, 82.

... [W]hen God's people violate their relationship with YHWH through cultic or social evils, they pollute the sacred land. The land becomes a tragic victim, suffering at the hands of God's people and God's anger. ... In this ideology, YHWH seems as vulnerable as the land. Yet suffering land loss is necessary if Israel is to have a future with YHWH; the land must also be purified and completely emptied again. Even Jeremiah is removed from the land.

The agent of this purging action is Babylon. In the short term, therefore, a pro-Babylonian politics is demanded. The long-term vision looks beyond Babylon, life in exile, and the empty land to a new beginning created by YHWH alone. In that day the ideology of the implied YHWH-alone party will be vindicated. ... This beginning will involve a "new planting" in the land and a "new heart" in the people of the land to re-establish the intimacy and purity of the original land-god-people relationship. Any new order will involve all YHWH's people, from the least to the greatest, knowing YHWH in a personal way that was once reserved for priests and prophets. And the greatest, under YHWH the shepherd, will know how to execute justice in the land and for the land.

This new beginning is planned for the "emptied" land of Canaan. Those privileged to possess this land – and perhaps participate in emptying it – are the elite Israelites in exile.⁴⁶

In the Book of Leviticus and its holiness codes, one can discern, according to Habel, a fifth land ideology, namely, the *agrarian* one that emphasizes the practices of both sabbath and jubilee. Habel summarizes:

In Leviticus 25-27, YHWH is the one who owns the land. No one can alienate any portion of YHWH's land by selling it, exchanging it, or transferring permanent tenure to others. YHWH controls the use of the land, ownership of the land, tenancy on the land, conditions of land usage, and the seven-year cycle of production. In short, YHWH is the owner and the custodian of the land.

If so, the Israelites are ideologically represented as tenants rather than owners of the land they cultivate. This is made explicit by their designation as *gērim* and *tosabim* on YHWH's land (Lev. 25:23). These terms are appropriately rendered in the New Revised Standard Version as "aliens" and "tenants." The Israelite tenants owe allegiance to YHWH as their landowner, patron, and benefactor. As tenants, they apparently have no right to permanent tenure or ownership of the land itself. They hold their traditional lands in trust by virtue of the generosity of their divine patron.⁴⁷

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46 Habel 1995, pp. 95-96.

47 Habel 1995, p. 98.

As Habel notes, there are distinctive economic implications of this land ideology:

YHWH is not an absent ruler in heaven, but a local landowner who walks through the land and establishes a presence there; the land is YHWH's extended sanctuary. The ideal economy is a landed peasant economy governed by the sabbath principle; every seven years and every jubilee year the tenants return the land to their landowner for rest. Failure to uphold this sabbath-based land economy will result in the landowner ejecting the tenants so that the land will enjoy enforced sabbath years.

The projected land economy keeps the land usage in the hands of traditional peasant families and prevents large landholdings or land control by urban rulers or landowners. The proposed ideology does not promote a general principle of sharing the land, but specifies particular individuals as heads of traditional families, having the right to particular sections of God's land.

The controlling power in this land economy lies with the priests, who are responsible for upholding the sabbath principle; ultimately the priests are the only social group that can progressively accumulate land. The social model implied in this land economy means political power for priests, security for peasants, and dependency for slaves, hired laborers, and immigrant aliens; in short, the reform proposes an agrarian theocracy.⁴⁸

Sixth, and finally, Habel discerns what he calls an *immigrant* land ideology.⁴⁹ Habel assesses the distinctiveness of this ideology in comparison with the previous five. In his estimation, "each of the ideologies discussed in the preceding chapters refers to the doctrine of land promised to the ancestors as a justification for Israel's claim to invade, conquer, dispossess, and settle the land of Canaan."⁵⁰ In sharp contrast, in the immigrant land ideology, there is

no denunciation of Canaanite worship, no condemnation of Canaanite inhabitants, no rejection of Canaanite rulers as oppressors, and no concern about acknowledging a Canaanite deity. The militant ideology of the book of Deuteronomy, which demanded a cleansing of the land of Canaanite religious culture, does not surface in this ideology. Instead, Abraham fosters a way of life

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48 Habel 1995, p. 114.

49 This perspective is clearly the one that Habel himself finds most appealing. In a later reflection, he also regards this ideology as the one that is the most ecologically responsible of the "promised land" biblical texts; see Habel 2009.

50 Habel 1995, p. 115.

in Canaan that mediates blessing and creates peaceful relations with the owners of the land. Abraham, as the head of an ancestral household, here functions as an ambassador of goodwill among equals. ... Abraham does not play the conqueror. Lives and goods are rescued rather than put to the *herem* of total destruction; the booty is redeemed and returned to its owner. The image of Abraham projected here is of a diplomatic leader respecting the rights of these peoples to their property and their land.⁵¹

Nor is Canaan to be conquered. Rather it appears as a generous host country to Abraham, Sarah, and their descendants.

The land of Canaan is presented as a host country inhabited by a range of peoples whose rights and cultures Abraham respects. These rights include their right to own, share, sell, and negotiate the use of land in the host country. The land is also portrayed as charted terrain, marked by the journeys of the ancestors and the sacred sites they established at strategic points in the host country. ...

God, who is revealed to Abraham and promises him land, is present at specific sites in the land to which Abraham migrates. This God is identified as both El, the God worshiped under various names by the peoples of the land, and as YHWH, the God who effected the exodus of Abraham from Ur long before the exodus of Israel from Egypt. This God, as owner of the land, assumes the right to promise it to Abraham, Sarah, and their progeny. ... As an immigrant group, Abraham's household will be good for the country. The blessing power associated with royalty is democratized and vested in Abraham as the head of an ancestral household.

The ideology of the Abraham cycle has Abraham formally recognizing the rights of the host peoples to their various territories. This recognition is established through cultic rites, peaceful negotiation, treaty, and land purchase. Abraham's short-term right to land is that of a welcome immigrant, not an invader. In the long term, Abraham's entitlement is grounded in a land treaty announced by YHWH. Abraham's rights and responsibilities are not those of a monarch or conqueror, but those of the head of an ancestral household. These responsibilities involve acknowledging YHWH as the host deity, teaching justice to the Abraham household, establishing peaceful relations with the peoples of the land, and dealing justly with the land itself.⁵²

.....
51 Habel 1995, p. 127.

52 Habel 1995, pp. 132-33.

We shall return to the lost opportunity posed by the immigrant land ideology when we discuss an *aporia* in Spinoza's thought regarding the political status of "foreigners." Before that, however, let us turn to Spinoza's broader analysis of natural right and citizenship. We shall see that Spinoza reads the Hebrew biblical texts as carefully as anyone before or after him. Nonetheless, his hermeneutical perspective evidenced in the *Tractatus Theologico-Politicus* (TTP) relies on something like the Conquest Model depicted in the Book of Joshua and its associated ancestral land ideology.

Spinoza on Natural Right, Citizenship, and Foreigners

Spinoza's conception of natural right can be stated as succinctly as possible with a simple

equation: "right is coextensive with power." But it is worth paying close attention to how Spinoza justifies this unsettling perspective. As Alexandre Matheron has powerfully argued,⁵³ we can best appreciate the theoretical foundation of Spinoza's politics precisely as his intervention within an early modern debate about natural right. Spinoza takes a received notion of natural right and conceptually turns it inside out.⁵⁴

At the beginning of TTP, chapter 16, Spinoza closely follows what amounts to a Hobbesian treatment of natural right. First, he offers the following claim: the *ius et institutum naturae*, that is to say, objective natural right, consists of the "rules" [*regulae*] or laws of nature in accordance with which individuals exist and operate. Next, he justifies this claim by means of a "two-stage" demonstration.⁵⁵

The first stage concerns the subjective notion of "faculty" [*facultas*] – a concept Spinoza borrowed from the Dutch jurist Hugo Grotius.⁵⁶ However, Grotius's understanding of faculty as *moral* power becomes for Spinoza nothing but *physical* power,⁵⁷ from the level of God to the level of every natural thing. Spinoza begins his argument by invoking God's subjective rights, which Grotius identifies as the basis of property:

.....
53 Matheron 2011, p. 113.

54 Matheron usefully compares Spinoza's procedure with his reconceptualization in the *Ethics* of the traditional conception of God; see Matheron 2011, p. 113).

55 For my reconstruction of Spinoza's argument in TTP 16 I am indebted to Matheron 2011, pp. 119-21 and Curley 1991, esp. pp. 102-103. All translations from Spinoza are based on Spinoza 1985; 2016 but are occasionally modified.

56 Spinoza does not explicitly use *facultas* in chapter 16 but only at the beginning of chapter 20 as a synonym for natural right: Spinoza insists that "the mind cannot be absolutely subject to the right of another, for no one can transfer to another his natural right, that is, his faculty to reason freely and form judgments about everything, nor can one be forced to do so" (G III/239).

57 As Matheron cautions, "physical" power means not just corporeal power but also psychic power, in short, it is "the capacity to produce real effects in nature" (Matheron 2020, p. 281).

1. God has a sovereign right over all things, that is, the right to do whatever God can do,
2. The power of nature as a whole is identical to God's power.
3. Therefore, nature as a whole has the right to do whatever it can do.
4. But the power of nature as a whole is nothing but the power of all the individuals in nature.
5. Therefore, every individual in nature has a right to do whatever it can do.

In the second stage of his demonstration, in continuity with both Grotius and Hobbes, Spinoza moves from subjective rights to the objective law that determines their limits. Here he begins with his concept of the *conatus*, which Spinoza does not fully refine until the *Ethics*:

6. The highest law of nature for each individual, both human and non-human is to strive “as much as it can” [*quantum in se est*] to persevere “in its state,”⁵⁸ taking account only of itself and no other.

The latter half of premise 6 indicates Spinoza's agreement with Grotius and Hobbes that natural law does not require respect for others' rights. Even though subjective rights are a matter of power, no individual has an obligation either to defer to stronger individuals or to refrain from opposing them. As a result, Spinoza agrees with Hobbes that humanity's only ethical norm is that of self-preservation. But the first half of this premise indicates that, unlike Hobbes, Spinoza thinks that the limits natural law assigns to right coincide with those of fact. Spinoza insists on the existence of an objective law that all individuals in nature are determined to follow.

Of course, the limits of right are not narrower than those of fact, since my obligation to use all my power exclusively for self-preservation can never be violated. I cannot in principle perform any action without having the right to do so, even if the action is doomed to failure, even if it would be in my true advantage to refrain from doing so, and even if I wind up weakening or destroying my life. For I always do all I can toward my self-preservation. If I suffer from self-deception in the process, it is because of my own mental weaknesses; but I must never cease to act with all the means at my disposal, “as much as I can.” Since all desires are conative, I can have no illegitimate desires.

Similarly, right cannot exceed the limits of fact. If I am capable of doing something but do not want to do it, then in fact I *cannot* do it. In Spinoza's ontology there are only two modalities of existence: the

.....
58 This is, of course, Spinoza's early “static” sense of *conatus*.

necessary and the *impossible*.⁵⁹ As a result, I do not have the right to do something that I do not desire.

Premise 6 in turn implies that

7. Natural right consists of the complex interaction of (a) the laws governing an individual's internal nature and (b) the laws governing the external causes acting on the individual.

Whence follows Spinoza's initial claim that objective natural right, which limits human subjective rights, consists of the rules or laws of nature in accordance with which individuals exist and operate.

Spinoza's argument in chapter two of the *Tractatus Politicus* (TP) is similar but not confined as narrowly to the Grotian/Hobbesian problematic.⁶⁰ As Spinoza writes,

Every natural thing can be conceived adequately, whether it exists or does not exist. Thus, neither the onset of the existence of natural things nor their perseverance in existence can be deduced from their definition; for their ideal essence is the same after they have begun to exist as it was before they existed. Therefore, neither the onset of their existence nor their perseverance in existence follows from their essence; rather, they need the same power to begin to exist as they do to continue to exist. Whence it follows that the power of natural things, by which they exist, and consequently by which they operate, can be none other than God's external power itself. For if there were some other power that had been created, it could neither preserve itself nor, consequently, preserve natural things; but it would need the same power to persevere in existence as it needed to be created. Therefore, from the fact that the power of natural things, by which they exist and operate, is God's power itself, we can easily understand what the right of nature is. For since God has a right over everything, and God's right is nothing but God's power itself, insofar as it is considered absolutely free, it follows that every natural thing has as much right from nature as it has power to exist and operate; for the power of every natural thing, by which it exists and operates, is none other than God's power itself, which is absolutely free.

And so by the right of nature I understand the laws of nature themselves or the rules in accordance with which all things come to be, that is, nature's power itself. Therefore, the right of nature as a

.....
59 See E1p33s1.

60 Again, I am indebted to Matheron 2011, pp. 121-22.

whole, and consequently the natura right of every individual, extends as far as its power. Hence, everything human beings do by virtue of the laws of their own nature, they do by the sovereign right of nature, and they have as much right over nature as they have power.⁶¹

Spinoza begins his argument in these three dense sections of the TP by identifying the individual *conatus* with God's power and right, and thus more clearly expresses that every natural thing is *Deus quatenus*. The power of every natural thing, that is (as in premise 6 of the earlier argument above), the power by which every natural thing exists and operates in such a way as to persevere in its "existence"⁶² is God's power itself, which, insofar as it is absolutely free (premise 2 above), is identical to God's sovereign right over all things (premise 1 above).

It follows (premise 7 above) that natural right consists of the complex interaction of (a) the laws concerning an individual's internal nature and (b) the laws governing those external causes acting on that individual. Hence, as Spinoza wants to conclude as before, objective natural right consists of the rules or laws of nature in accordance with which individuals exist and operate. Spinoza goes on to specify that nature as a whole has the right to do whatever it can do (premise 3 above) but also that the power of nature as a whole is nothing but the power of all the individuals in nature (premise 4 above) and that everything in nature has a right to do whatever it can do (premise 5 above).

In short, for Spinoza a right is not a moral but a physical quality: it is a power attached to the (human or nonhuman) individual by virtue of which that individual can actually *do* certain things. Moreover, subjective natural rights and objective natural right coincide.⁶³ This implies that right considered as a quality of actions is identical to fact. In all circumstances, human beings simultaneously have the right and obligation to do neither more nor less than what they actually can and want to do.

In keeping with such a view of natural right, we can now better appreciate how Spinoza's argument for a transition from individual natural right to collective civil right hinges on his notion of a "composition"⁶⁴ of forces or an "aggregation"⁶⁵ of powers. For example,

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61 TP 2.2-4; G III/276-7.

62 This is Spinoza's mature "dynamic" sense of *conatus*.

63 Recall Spinoza's formula at the beginning of TTP 4: "that in accordance with which every individual acts and makes use of things in the world, is precisely the laws of its own nature as constrained by external causes."

64 An important, but underappreciated, aspect of Spinoza's project in the *Ethics* is to be found in his analysis of the joining together, assembling, or agreement of parts to form a whole. Spinoza uses such terms as *concatenatio* and *conventio* to express the varieties of ontological, physical, and political composition.

65 To use C. P. Macpherson's apt term (Macpherson 1973, pp.70-76).

If two human beings come together and join forces, then together they can do more, and consequently together they have more right over nature than either alone; and the more there are who join in this way, the more right they will have all together.⁶⁶

This claim recapitulates the one made in chapter five of the TTP to the effect that the natural right of individuals becomes common civil right not through a contractual transfer or *pactum* but instead through a kind of “social physics.”⁶⁷ Spinoza has replaced the concept of a *pactum* with that of consensus and shifted his attention from individual to collective existence. In the next four sections of chapter two of the TP Spinoza goes on to demonstrate how the multitude itself becomes a “constituent power” and common civil right can be regarded as the “justice of the multitude.”⁶⁸ The upshot is that no *imperium* can exist apart from a continuous—but precarious—process of its own legitimation, delegitimation, and relegitimation. The limits of an *imperium*'s *potestas* derive not from “divine right” but only from the ongoing proves of political legitimation *originating* in the multitude's *potential*. There are no transcendent norms or guarantees in Spinoza's political philosophy: the physical constitution, stability, and reproduction of every *imperium* is always subordinate to the radical openness and creativity of the immanent democratizing tendency to be found in the very nature of civil society.

Spinoza proceeds along similar lines when he treats the problem of contractual obligations. In TTP 16 Spinoza considers under what circumstances we are bound by our promises to others. His argument has two parts.⁶⁹

First of all, imagine that I make a promise that, while making it, I intend not to keep. In such a case I am committing a deception: I know from the start that the law of nature now determining me to make the promise will later prevent me from keeping it. However, paradoxically, by this very fact I have *not* really engaged in a deception. As Spinoza remarks in his annotation 32 to chapter 16, this is an instance of what in Roman law was called a *dolus bonus* not a *dolus malus*, that is to say, a “deception with good intention” as opposed to a “deception with malicious intention.”⁷⁰ The person to whom I am making the promise must also know that I am trying to deceive him or her, and so should not be deceived. It is common knowledge that in this kind of situation the

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66 TP 2.13; G III/281.

67 Negri 1994a, p. 27.

68 *Ibid.*

69 Matheron 2011, pp. 126-28.

70 G III/263. See Garrett 2010, p. 204.

law of nature not only does not forbid but in fact recommends deception. Spinoza considers Hobbes's problem of a thief but reaches a contrary conclusion. Whereas for Hobbes my promise made to a thief is fully applicable from the moment that I have been freed; whereas for Spinoza it is null and void from the start. This is because I can have no desire to keep such a promise once I have regained my freedom, and this is presumably not difficult for a thief to understand. What is more, if I have made a promise sincerely without deception that I later come to believe would be contrary to my interest to uphold, I have every right to change my mind. Anyone with whom I have made a promise should realize that such an escape clause is implicit in the law of nature. Whether or not I am deceived about what is actually in my interest is irrelevant.

Spinoza offers a second response to Hobbes by way of a striking illustration. Imagine that I have sincerely promised, in exchange for some perceived benefit, to undergo a fast for twenty days.⁷¹ In such a case, breaking my fast is both necessary and legitimate as soon as, but not before, its continuation seems more harmful than useful to me. Whereas for Hobbes such an agreement would be invalid from the start because of the risks I face, for Spinoza it is initially valuable. Only after I have changed my mind does the law of nature release me from my obligation to continue the fast.

In each of these thought experiments, then, the deception of which I am the author, or the error from which I have benefitted, winds up invalidating my promise. *Pace* Hobbes, the possibility that I may be scorned by others or risk being mistreated is beside the point. All that counts is my momentary desire – my promissory obligation lasts exactly as long as my motives behind the action that I have agreed to perform. In particular, the person to whom I have made the promise has no right to complain. Anyone ignorant enough to comply without being assured of my desire to do so is out of luck and cannot later on demand restitution or compensation from me for being a victim of either a mistake or deception. Such ignorance would be not just of fact but of right – and ignorance of the law is no excuse!

The second step of Spinoza's argument in TTP 16 is quite simple. Spinoza agrees that for a promise to obligate anyone, something more must be added to the mere assertion of intention. He insists that "no one can be certain of the good faith of another unless his promise is guaranteed by something else" (G III/193) – but this "something" can only be a *transfer* of right.

Yet the word "right" [*ius*] must be understood correctly. To transfer to another person the right to expect a certain action from me means that I am giving him or her the power to constrain me by fear or hope. In other words, to transfer my right is simply to transfer my power; otherwise,

.....
⁷¹TTP 16.18-19; G III/192.

nothing would happen. In the TTP Spinoza stops at this point and develops his theory of the *pactum* in chapters 16-18 on the basis of the coextension of right and power, of a transfer of right and power.

However, in the TP Spinoza takes up this question where he had left off in TTP 16 and proceeds to ask what exactly is involved in a “transfer of power.”⁷² He enquires into what could be meant by the complete or partial alienation of my property right over my own body once this right has been translated into the language of power.

If I am naturally *sui iuris*, then I own my body (or, at any rate, I have a right to control my own bodily integrity).⁷³ This implies two things. Firstly, I have the right to require that others respect and not harm my body. Secondly, I have the right to require restitution for all the corporal harms that I happen to suffer from others. In other words, if I am *sui iuris*, then I have the physical power to resist every physical aggression and to force others to compensate me for any harms they happen to inflict on me.⁷⁴

Moreover, if I am naturally *sui iuris*, then I direct my own actions. This implies that no one else has the right to command me. In other words, I am in charge of my own actions without having to take account of anyone else’s will, and so I can live as I please.⁷⁵

However, each of us can become *alterius iuris* in two ways.⁷⁶ Firstly, I could be enchained, or disarmed and enclosed.⁷⁷ In this case my master becomes the owner of my body and, as a result, has complete control over it. But this is really not a transfer at all, since the power my master has over me has not been given *by me*; rather the master’s power simply exceeds mine.

Secondly, I can be determined to obey someone else through fear or hope.⁷⁸ A transfer has indeed occurred, since I have freely put my own power at the disposal of the other person. Yet this transfer is so voluntary that it has ceased to be a transfer at all, since, physically speaking, my power remains my own. In addition, the decision that from one moment to

.....
72TP 2.9-12.

73 Matheron (2011, p. 117) suggests that Grotius is the source of what Macpherson called the thesis of “possessive individualism,” or what G. A. Cohen (1995) described as “self-ownership.” However, nothing hinges on the truth of this contentious metaphysical claim about the relationship between mind and body. Arguably, I do not own (or inhabit) my body; rather, as Merleau-Ponty (2012) maintained, I am *embodied*. If Spinoza’s argument were based on a premise of *bodily integrity*, though, it would still work; for I am embodied in a way that *you* are not. Consequently, you have no *prima facie* natural right to interfere with my embodied desires, goals, and actions.

74TP 2.9.

75TP 2.9.

76 For simplicity, I group in pairs the four different ways listed by Spinoza in TP 1.10.

77TP 2.10.

78TP 2.10.

the next offers my power at the service of another is always mine alone. Even if I agree to obey this person at time T1 (or continue to do so at times T2, T3, etc.), I have no obligation to do so forever. Nothing actually passes from me to the other person. Even if my decision has real effects, I have only alienated my power imaginarily. Moreover, these effects vanish as soon as I cease to believe in their cause. It is not even clear how such a situation could last for long between two isolated individuals, call them, Cain and Abel.⁷⁹ It is unlikely that Cain can compel Abel to alienate his power if toward that end Cain has no means beyond those given him by the alienation of Abel's power. Abel will continue to obey only if others also do so. In this collective situation, a common master can inspire fear or hope in each individual thanks to the physical forces whose direction others have left to the master. The fear and hope will again determine each individual to leave the direction of his or her own power to the same master, who will therefore be able again to inspire fear or hope. And so on.

However, even in such a collective situation, the master must continually strive to secure the consent of subjects without any legal guarantee for the future, since the master's right over them is nothing more than the power they allow to be exercised. There is legal alienation to the extent that there is passional alienation, but the former disappears whenever individuals' passions fluctuate. As soon as hope and fear have dissipated, each person again will become legally independent.⁸⁰

The implication for understanding promises is clear. Spinoza concludes that my intention obligates me only as long as it actually *is* my intention. I can regain my power – and my right – whenever I please. In other words, nothing that can be physically alienated can ever be irreversibly alienated. Spinoza pushes the logic of consensualism as far as it will go and winds up transforming this logic into its opposite: what Matheron calls an “instantaneist consensualism.”⁸¹ In short, I remain under no obligation other than a momentary one that results from my own desire and power.

Like any other contract, a “social contract” is, from Spinoza's perspective, nothing but a product of the imagination. Every social contract amounts to nothing more than the “consensus”⁸² that all rulers must continually seek to obtain from their subjects through a variety of means ranging from the varied use of ceremonies and symbols to the threat (or measured use) of repression. The fundamental problem of

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79 To echo G. A. Cohen's own thought experiment of a society of two individuals called Able and Infirm (Cohen 1995, pp. 94-102).

80 TP 2.10.

81 Matheron 2011, p. 129.

82 Matheron 2011, p. 130.

political obligation thus becomes for Spinoza not contractual validity but how best to organize those institutional means of governance employed by a state. This is Spinoza's concern primarily in the TP, because in this work he is less worried about writing in a language adapted to his readers. In sum, Spinoza does not abstractly deny the concept of natural right by rejecting it from the outside. Rather, he undertakes an *immanent critique* of this concept by pushing it to its logical conclusion from within.

* * * *

Let us consider how Spinoza's perspective allows us to read critically the narrative of ancient Israel's "conquest" of Canaan. To be sure, such a conquest was, insofar as the archaeological evidence is concerned, unlikely to have occurred, or at least not to have occurred as recounted. But the historical veracity of the narrative is less important for our purposes here than the following hypothetical questions: *What if the invasion of Canaan by Israel had actually occurred? Would the Canaanites have been justified in resisting that invasion? What about Israel's election, namely, its divinely appointed mission both to leave Egypt and to enter Canaan? Does siding with the Canaanites mean rejecting Israel's "chosenness"? What about the centrality of the land in Israel's covenant with YHWH? Does such a covenant necessitate an exclusive land claim?*

Let us begin with Spinoza's account in the TTP of the Israelites as they found themselves in a *state of nature*, having fled from Egypt:

When they first left Egypt, they were no longer bound by the legislation of any other nation; so they were permitted, as they wished, to enact new laws or to establish new legislation, and to have a state wherever they wished, and to occupy what lands they wished.⁸³

Spinoza later returns to, and reemphasizes, this point at length in a passage that is worth quoting in full:

We've already said in Ch. 5 ... that after the Hebrews escaped from Egypt, they were no longer bound by any law to another nation, but were permitted to institute new laws for themselves, as they pleased, and to occupy whatever lands they wanted to. For after they'd been freed from the intolerable oppression of the Egyptians, and were not attached to any mortal by any contract, they regained their natural right to do anything they could. Each of them could decide again whether he wanted to keep it, or to surrender it and transfer it to someone else.

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83TTP 5.26; G III/75.

When they'd been placed in this natural condition, they decided to transfer their right only to God, not to any mortal. That was Moses' advice and they had the utmost trust in him. Without further delay they all promised equally, in one voice, to obey all God's commands absolutely, and not to recognize any other law except what he would establish as law by Prophetic revelation. And this promise, or transfer of right, to God, was made in the same way as we've conceived it to be done in ordinary society, when men decide to surrender their natural right. For by an explicit covenant and an oath they freely surrendered their natural right and transferred it to God, without being compelled by force or terrified by threats. To make the covenant valid, lasting, and free of any suspicion of deception, God didn't undertake to give anything to them until after they experienced his wonderful power, by which alone they had been preserved, and by which alone they could be preserved in the future (see Exodus 19:4–5). By the very fact that they believed they could be preserved by the power of God alone, they transferred to God all their natural power to preserve themselves, which previously they perhaps had thought they had of themselves. As a result, they transferred all their right.⁸⁴

The form of state that the Israelites selected was – at least initially – a *theocracy*.⁸⁵ As Spinoza describes,

God alone, then, had sovereignty over the Hebrews. By the force of the covenant this [state] alone was rightly called the Kingdom of God, and God was rightly called also the King of the Hebrews. As a result, the enemies of this state [were rightly called] enemies of God, and citizens who wanted to usurp his authority [were rightly held] guilty of treason against God's majesty. And finally, the laws of the state [were rightly called] laws and commands of God.

That's why in this state civil law and Religion (which, as we've shown, consists only in obedience to God) were one and the same thing. The doctrines of Religion were not teachings, but laws and commands. Piety was regarded as justice, and impiety a crime and an injustice. Anyone who failed in Religion ceased to be a citizen. For this alone he was considered an enemy. Anyone who died for Religion was thought to have died for his Country. Absolutely no distinction was made between civil law and Religion.

84TTP 17.26-29; G III/205-206.

85That is to say, the initial period in which there existed a tribal confederation under the leadership of charismatic figures or "judges" [as recounted in the Book of Judges]. On the archaeological, historical, and literary evidence for the subsequent rise of a monarchical system in ancient Israel, see Dever 2020, pp. 69-94. Monarchy, needless to say, was often sharply criticized by ancient Israelites. For a discussion of the "biblical assault on kings and kingship," see Gnuse 2011.

For that reason, this state could be called a Theocracy. Its citizens weren't bound by any law except the one revealed by God. But all these things consisted more in opinion than in fact.⁸⁶

Unfortunately, the implications for the indigenous peoples of Canaan were grave; indeed, they raise the specter of ethnic cleaning and genocide as the precondition for the rise of the Israelite theocracy. Spinoza offers a brief description that depends on the Book of Joshua but ignores the mass slaughter (whether actual or imagined):⁸⁷

Next, an army, formed from the rest of the twelve tribes, was commanded to invade the domain of the Canaanites, to divide it into twelve parts, and to distribute it to the tribes by lots. For this task twelve leaders were chosen, one from each tribe. These leaders, along with Joshua, and the high priest Eleazar, were given the right to divide the lands into twelve equal parts and to distribute them by lot.⁸⁸

What conclusions can we draw from Spinoza's characterization of the establishment of ancient Israel? First of all, it is compatible with his theoretical commitments to the emergence of any civil state. However, this fact alone suggests that if we are to take the narrative at face value, we have to avoid reading it from the standpoint of the Israelites alone. We must, as Michael Prior and others have demanded, also read it "with the eyes of the Canaanites."⁸⁹ This is not simply a matter of *historical* accuracy but, even more importantly, it is an urgent *moral* concern, especially given the recurrent appeal by states to Joshua's narrative to legitimize the conquest of indigenous peoples – not least of which occurred in Spinoza's own conjuncture.⁹⁰

The point is this: the Canaanites had the right to *resist* the Israelite conquest. Indeed, as described in the Book of Joshua, the Canaanites *did* resist. Two especially vivid examples of resistance through deception – cases of *dolus bonus!* – may be found in the Book of Joshua: Rahab (a resident of Jericho who survived the Israelite destruction of the city as

86TTP 17.30-31; G III/206.

87 Doubtless, as Younger's (2009) exacting comparative study has shown, the Book of Joshua has a hyperbolic conquest narrative that is not unlike those of neighboring Near Eastern states.

88TTP 17.45; G III/208.

89 Prior 1977, p. 39; but also see Said 1986.

90 As Joel Baden (2019, pp. 129-48) has indicated, the Exodus figured prominently in Reformation and post-Reformation thought as especially Calvinists sought to reclaim their imagined status as the "New Israelites." One finds this ideological retrieval notably in the seventeenth-century Dutch "Golden Age," in the English Civil War (and Cromwell's invasion of Ireland), and at the outset of English and Dutch invasion/colonization/settlement of the Americas, on which see Cave 1988 and Warrior 2015.

a reward for hiding two men sent as scouts prior to the attack)⁹¹ and the Gibeonites (who pretended not to be Canaanites and so deceived the Israelites into making a treaty with them).⁹²

* * * *

Despite his advocacy of a radically democratic version of classical republicanism, Spinoza notoriously excluded women, servants, and foreigners from citizenship in every kind and form of state. How are we to explain such an *aporia* in Spinoza's thought? The limitation on civic right could be explained in three possible ways: as a prejudice indicative of the historical period in which Spinoza lived,⁹³ as a well-considered judgment based on deeper philosophical principles, or as an awkward combination of the two.

Let us begin our own investigation into Spinoza's rationale for these exclusions with his claim in TP 6.4 that in a well-ordered monarchy the king's assembly should include representatives of all categories of citizens. Without argument, though, Spinoza proceeds in TP 6.11 to qualify this broad claim when he restricts who exactly can become a citizen. He excludes the following from political life: foreigners, convicted criminals, mutes, the mad, and servants. Similarly, in 8.14 Spinoza proposes that in a well-ordered aristocratic regime the same persons should be deprived of the right to run as candidates for the assembly of patricians.⁹⁴ Lastly, in TP 11.3 Spinoza excludes basically the same inhabitants from citizenship in even the most expansive well-ordered democracy. Although he now adds women and children to his previous list, their exclusion was implicit in the previous two kinds of state. What is interesting, though, is that Spinoza finally argues for this exclusion, and in TP 11.4 does so at some length regarding women.

Matheron has argued that Spinoza's exclusions of women and servants are the most interesting – and troubling – because these two categories constitute the majority of any commonwealth. Let us begin with servants and then move on to “foreigners,” because this latter category is *biblically symptomatic*.⁹⁵

.....
91 Joshua 2:1-24.

92 Joshua 9:1-27. Of course, the unevenness and incompleteness of the “conquest” depicted in Joshua continues to be a key theme in the remaining historical works in the Hebrew Bible, from the Book of Judges to 1 and 2 Samuel and 1 and 2 Kings.

93 Not only was Spinoza's exclusion of women from citizenship conventional for seventeenth-century political theorists, so too was his exclusion of servants. See Haitsma Mulier 1980, pp. 146-7.

94 His failure to mention mutes and the mad is probably an oversight.

95 Of course, the question of women in the Bible is equally symptomatic! But this is not my concern

The case of servants is simpler than that of women. In fact, the main difficulty for us today is to identify precisely who “servants” were in the seventeenth century. The Latin word *servus* had a wide range of possible connotations and had a broader extension than “slave” or “serf.” Consider Hobbes’s usage.⁹⁶

In the Latin version of *Leviathan* 20 *servus* translates “servant,” as distinct from “slave,” which receives no special translation. However, in *De Cive* 8.2 *servi* are considered the broader category of which *ergastuli* (defined in the same way as “slaves” in *Leviathan*) are considered a subcategory. As a result, the extension of Spinoza’s *servi* could be identical to Hobbes’s “servants,” but we need to scrutinize the former’s linguistic practice.

Let us begin with Spinoza’s chapters in the TP on well-ordered monarchical and aristocratic states. Among native adults of sound mind who are “honest” and male, two categories of persons are excluded from holding citizenship. In 6.11 Spinoza designates the first category by the word *famuli*, which can mean “servants,” often in the sense of “domestic workers,” but does not necessarily refer to a slave’s legal status. Next, in 8.14 we find the expression *qui ... servient*, which indicates both “servitude” and in general and slavery in particular.

Spinoza characterizes the second category in the same way in both chapters six and eight. As he elaborates in TP 6.11, this category includes all who “sustain life through some servile occupation” [*servii aliquo officio vitam sustentant*] (G III/3000). Although this expression could be a simple explanation of *famuli*, in chapter eight the word *denique* suggests otherwise. Here we have another category of persons who may or may not “serve” but nonetheless live on the basis of “servile” employment.

Determining the precise identity of these persons requires that one take a position in a dispute over translation from Latin.⁹⁷ Some translators have Spinoza say in TP 8.14 that under the second category are included “innkeepers” [*oenopolae*] and “brewers” [*cerevisarii*]. This turns Spinoza into a kind of “Aristotelian” for whom *servili aliquo officio* would mean those occupations whose “baseness” tends to prevent individuals from attaining basic civic virtues. Spinoza thus seems to exclude from citizenship all those whose livelihood promotes vice. Matheron contends, though, that Spinoza’s Latin unequivocally indicates just the opposite.⁹⁸

here. On the question of women in the Bible, see Clark-Soles 2020. On Spinoza’s philosophical and political attitudes towards women, see Matheron 2020, pp. 272-77.

96 Matheron 2020, pp. 261-62.

97 Matheron 2020, pp. 263-67.

98 Matheron 2020, p. 264

Spinoza has just written in chapter eight that not only was a hereditary patriciate incompatible with an aristocratic state, but that there is no way to prevent patricians from selecting their children or relatives for the supreme assembly. He then adds that the state will not be able to preserve itself if this fact is not recognized in law and if the “rest of the population” [*reliqui*] is not excluded. A long parenthesis indicates at the same time just who these *reliqui* are. The only inhabitants of the commonwealth who can participate in the assembly are those

who of course have been born in the state [*in imperio*], and speak in the native language [*patrio sermone*], do not have a foreign wife, are not dishonored [*infames*],⁹⁹ do not serve [*servient*], and finally [*denique*], no longer live by a servile occupation [*servili aliquo officio vitam sustentant*]¹⁰⁰—among which must also be included innkeepers, brewers, and others [*oenopolae et cerevisiarii et alii*].¹⁰⁰

Spinoza’s intention in this qualification of *reliqui* is clearly that even innkeepers and brewers fulfill the required conditions to participate in the assembly. Whatever people may happen to think about the “morally doubtful” nature of certain professions, their members must still be included among those who do not live on the basis of “servile” employment. Spinoza in this passage is simply trying to emphasize that the expression *servili aliquo officio* has no moral connotation.

Consequently, we see that Spinoza thinks of an occupation as “servile” when, without being the same as the various occupations of those who “serve,” it nonetheless resembles them in some way. It has nothing to do with the nature of the specific activity in which one is engaged, however degrading it may turn out to be. If selling alcohol is not an obstacle, then neither are menial occupations. It is not a question of impoverishment as such, for Spinoza proposes that in a well-ordered monarchical state there will be payment in time of war for those citizens who “sustain life by their daily labor” [*quotidiano opera vitam sustentant*].¹⁰¹ This implies the possible existence of citizens who lack sufficient savings and servants capable of replacing them in their absence, and thus lose all means of subsistence when they cease to work with their own hands on a daily basis. The only basis for exclusion from citizenship, then, is whether or not an individual exists in some state of dependence in relation to an employer.

In Spinoza’s conceptions of well-ordered monarchical and aristocratic states, those who can hope to become citizens (without, of

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99TP 6.11 adds the qualification that this dishonor has to do with committing a “crime” [*scelus*].

100TP 8.14; G III/330.

101TP 6.31; G III/305.

course, this being sufficient under the second of these two regimes) are all independent property owners, both rich and poor and regardless of their profession. Those excluded are all those who are “servants” in the seventeenth-century sense of the word, namely, all *wage-laborers*.¹⁰²

This does not mean that the same situation obtains in a well-ordered democracy. But Spinoza offers a precise, if elliptical, argument in chapter eleven for exclusion. His argument applies to servants in the broad sense, whose exclusion he has had not justified. Spinoza offers no reason in chapter eleven for us to think that he intends *servi* in a democracy to have a narrower extension than “servants” in a monarchy or aristocracy. His justification in chapter eleven to explain the conclusions for which he does not explicitly argue in chapters six and eight makes no sense unless these two groups are the same. Even in a democratic state, then, Spinoza seems to exclude wage-laborers from political life.

As Spinoza writes in 11.3, the only inhabitants of a commonwealth who can aspire to citizenship are those who are bound only by the laws of the state [*imperium*] and thus remain *sui iuris* “in all other respects” [*in reliquis*]. This cannot mean the same as Roman jurists did, or else his explanation would make no sense. It would amount to saying that citizenship should be denied to those whose legal status implies, among other things, that they are not citizens – a case of begging the question if ever there were one! As Spinoza later remarks in 11.4 (regarding the status of women), nothing would then prohibit granting anyone citizenship. Changing positive civil laws would suffice. In the absence of any contrary evidence, this circular reasoning would remain the only one possible. Fortunately, though, there is an alternative explanation that relies on the fact that Spinoza had already carefully explained in chapter two of the TP the key term he uses in chapter eleven, namely, *sui iuris*.

I am *sui iuris* insofar as I can repel anyone who attacks me, avenge to my liking the wrongs that have been caused to me, and live as I please. However, I am *alterius iuris* insofar as I am “under the power of another.”¹⁰³ This means either (a) I am in chains or confined (the particular case of slaves in Hobbes) or else (b) I have been filled with, and fluctuate between, hope or fear.¹⁰⁴ Having already reconceptualized natural right in

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102 Macpherson 1962, p. 282 initiated a still-unfolding controversy with his contention that “the term servant in seventeenth-century England meant anyone who worked for an employer for wages, whether the wages were by piece-rates or time-rates, and whether hired by the day or week or by the year.” Moreover, the designation was assuredly not an endorsement but intended as a harsh criticism of the practice of wage labor. For criticisms of Macpherson, see Thomas 1972 and Morton 1970, pp. 197-219. In support of Macpherson, see Hill (1996, pp. 57-70). Finally, see Macpherson’s (1973, pp. 207-23) response to his critics.

103TP 2.9.

104TP 2.10.

terms of desire and power,¹⁰⁵ Spinoza also retranslates classical Roman legal terminology along these lines. But there is a wide gap between what formal civil laws formally authorize and what the actually existing balance of forces allows to happen. As Spinoza writes in TP 2.15, in the state of nature, in which everyone is permanently afraid of one another, no one can be *sui iuris*. Even in civil society, no one can ever be entirely *sui iuris*, since every individual will at some point confront the collective power of the multitude. But for everything not expressly forbidden by the state – that is to say, “in all other respects” [*in reliquis*] – individual situations can and do vary widely.

Whoever has the actual capability to make decisions whose content is not dictated to them by someone else, remains *sui iuris* in the sphere where common right demands nothing. On the other hand, those who do not have such means are not *sui iuris* under any relationship. Servants in the broadest sense of the word belong to this latter class of persons lacking capability. Since servants lack personal property, their very subsistence is in danger should they displease their employers. This occurs regardless of their status in civil right. Even if the law allows for punishment should a “free” wage-laborer disobey his or her employer (which was not always the case in the seventeenth century), the former will obey because of fear and hope. Because of their personal dependence, servants must always be presumed to behave as if they had no free decision making, even when they publicly express opinions on public matters. As a result, servants cannot share in political power even in a formally democratic regime. They are naturally no less capable than their masters, but given the present socio-historical setting, to count their votes would be to count their masters’ votes several times, and this multiplication of votes would in fact undermine democracy.

Spinoza’s position is that in well-ordered monarchies and aristocracies a continuous process of democratization ensures that the social body is well regulated. Yet even in a democratic state, this process is never an end in itself; for the end of politics is the preservation of the state. This preservation requires institutions that can bring about self-reproduction by determining subjects to accept the decisions of their rulers, and by determining rulers to make decisions acceptable to their subjects.¹⁰⁶ As a result, Spinoza concludes in TP 7.4, these institutions must strive to balance the desires of rulers and ruled alike. Such provisional equilibrium can be obtained either if there exist among the rulers representatives of all the social categories capable of acting according to their own will (in monarchical regimes)¹⁰⁷ or at least if there

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105 The formulation in TP 2.4-5, 8 is recalled in 11.4.

106 See TP 1.6; 5.2; 6.3.

107 See TP 7.4.

are enough of them to extract a rational common denominator from their deliberations (in aristocratic regimes).¹⁰⁸ In democratic regimes, the two methods coincide by definition. If such efforts were to fail, as Spinoza cautions in TP 3.9, 4.4, and 8.12, then the discontent aroused by unpopular policies could generate a faction intent on the seizure of power.

The implication is that extending citizenship to those who are not *sui iuris* would be “pointless,” “ineffective,” and “harmful” to the stability of a commonwealth.¹⁰⁹ *Useless*: servants can never be more than political pawns in the hands of their employers. *Ineffective*: servants who vote at their masters’ behest “would not result in any real enlargement of the popular base of power.”¹¹⁰ But above all *harmful*: just consider the long-term consequences. By giving additional votes to anyone with servants, inequality among independent property owners themselves would arise. Spinoza’s concern is not that this would be “unjust” but that such inequality would undermine social stability.

It is crucial to admit that Spinoza presumes that servants cannot help but succumb to the pressure of their employers. But the absence of such servants would require either a society comprised exclusively of small property holders¹¹¹ or else the collective ownership of goods.¹¹² States can only distribute goods within certain limits. As we have seen above, a state has complete control over the “immovable good” of land and can do with land whatever it wants:¹¹³ neither nationalize it nor divide it equally among subjects. However, a state has much less control over such “movable goods” as money and tools, for subjects can easily conceal these and potentially flee the commonwealth with them. Most important of all, no external authority can extinguish the human desire to own things. As long as human beings are dominated by their passions, they will necessarily desire to appropriate things for themselves;¹¹⁴ and only the particular object of their desire will vary.

.....
108 See TP 8.6.

109 Matheron 2020, p. 270. Recall Spinoza’s adage in TTP 20: “He who seeks to determine everything by law will aggravate vices rather than correct them. What cannot be prohibited must necessarily be permitted, even though after that harm often follows” (G III/243). Recall, too, Spinoza’s contention in TP 10.5 that the enactment of sumptuary laws to prevent corruption would be “in vain” (*frustra*).

110 Matheron 2020, p. 270.

111 What Macpherson 1977, p. 12 aptly called a “one-class” society, as opposed to either “class-divided” or “classless” societies.

112 That is to say, a “classless” society proper.

113 Provided, of course, that by so doing it does not incite popular indignation.

114 E3p12, 13s.

If humanity were ever to become predominantly reasonable, there would no longer be any need for a state.¹¹⁵ In the meantime, though, once commerce exists, it cannot easily be eliminated. As we have seen above, Spinoza contends in TP 7.8 that commerce best unites human beings dominated by passions, whereas land divides them. Hence, states should promote commerce as much as possible. Yet commerce has its costs.

The losers in market “competition” wind up having to sell their labor power in order to survive.¹¹⁶ Moreover, their employers, striving as all human beings do to impose their own views on others,¹¹⁷ use very means at their disposal to secure and enhance their power over others.

* * * *

Let us at last turn to the category of the “foreigner,” as Edwin Curley translates the Latin term *peregrinus* that we find in TP 6.32 and 11.3. To begin with, the same arguments Spinoza uses for excluding servants from citizenship would appear to apply with equal force to foreigners. Yet there is, as I already noted a glaring problem: not only does Spinoza turn out to have a less expansive view of the *migrant* (my preferred translation) that appears in the Hebrew Bible, but he and members of the Jewish community in his birthplace of Amsterdam and throughout the Netherlands would thereby be excluded as a citizen even in a well-formed democratic state!

It is ironic – indeed, *symptomatic* – that Spinoza’s democratic state would have excluded as full citizens the members of the Jewish community who were living essentially as *gērim* in the Netherlands after having fled religious persecution in Spain and Portugal. As Maarten Prak has explained regarding the legal and political status of Jews in the Netherlands,

insofar as tolerant practices existed ... they were the result of pragmatic considerations. Toleration had little chance of prevailing in regions with a low level of urbanisation, in areas where the cities experienced little growth, and in cities where representatives of the citizenry directly influenced the authorities ... However, where cities dominated the social landscape and immigration caused the cities to experience strong growth, and where, moreover, the milieu of wholesale trade held sway—all of which was true of Holland—there

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115TTP 5. See my discussion of a certain Spinozist “communism” in Stolze 2020, pp. 146-52.

116 On the deleterious effects on individual freedom brought about through the forcible *imposition* of market forces and the emergence of capitalism in early modern Europe, see McNally 1993, pp. 5-42 and Wood 2002. For a discussion of the emergence of Dutch capitalism, see Brandon 2016.

117 E3p31cs.

was likely to be a climate of toleration, even though it could never be taken for granted, even in Holland.¹¹⁸

Consider the situation in Amsterdam:

Amsterdam ... offered favourable conditions to Jewish immigrants. Although the town council could not grant them formal religious freedom, it nearly always overlooked this technicality and allowed them to practice their faith undisturbed. Jews were not required to wear outward signs of identification, such as special clothing or badges, since the Union of Utrecht permitted freedom of thought. Of great importance was the fact that in 1637 the city of Amsterdam began to allow those who openly professed the Jewish faith to acquire citizenship—subject to certain conditions, that is, because Jewish citizens were expressly forbidden to practise the guild trades, being expected to confine themselves to wholesale trade. Another restriction was that Jews could not pass their citizenship on to their children, as ordinary citizens could. Nonetheless, Jewish inhabitants of Amsterdam could enhance their social standing considerably by acquiring citizenship.¹¹⁹

Disconcertingly, though, in the TTP Spinoza celebrates love of one's country and hatred of foreigners! For instance, Spinoza observes that in the ancient Israelite theocracy,

... [t]hey considered it disgraceful even for someone to live outside his country, because they believed that their country was the only place they could practice the worship of God they were always bound to. They considered only that land sacred; they thought the others were unclean and profane. That's why, when David was forced to live in exile, he complained to Saul in this manner: If it is men who incite you against me, they are cursed, because they cut me off from walking in the heritage of God, but say: Go, and worship foreign Gods [1 Samuel 26:19]. What's especially notable here is that it was also for this reason that no citizen was condemned to exile. For one who sins deserves punishment, indeed, but not disgrace.

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118 Prak 2005, p. 220. See also Nadler 2018, pp. 12-18.

119 Prak 2005, p. 217. Steven Nadler notes that Jews in the Netherlands "were ... considered *unwelcome* resident aliens in many quarters of the Reformed Church" (Nadler 2018, p. 86) and "were not fully emancipated and given all the rights of full citizenship until 1796" (p. 86n38). It is not quite clear whether or not Spinoza himself was a citizen. Nadler observes that "after his excommunication from the Talmud Torah congregation and his voluntary exile from the city of his birth, Spinoza no longer identified himself as a Jew. He preferred to see himself as just another citizen of the Dutch Republic – and perhaps, as well, of the transnational Republic of Letters" (Nadler 2018, p. xiv.). However, Nadler provides no documentation to support a claim of Spinoza's citizenship—especially outside of Amsterdam, where he lived for the rest of his life (Rjinsburg, Voorburg, the Hague).

So the love of the Hebrews for their country was not a simple love, but piety. Their daily worship so encouraged and fed this piety, and this hatred of other nations, that [these affects] had to become a part of their nature. For the daily worship was not only completely different from that of the other nations (which made them altogether individual and completely separated from the others), but also absolutely contrary to it. That daily condemnation [of foreigners] had to produce a continual hatred; no other hatred could be lodged more firmly in their hearts than this. As is natural, no hatred can be greater or more stubborn than one born of great devotion or piety, and believed to be pious. And they did not lack the usual cause which invariably inflames hatred more and more: its reciprocation. For the other nations were bound to hate them most savagely in return.¹²⁰

In Spinoza's defense, it could be argued that in this passage he is not defending *all* forms of patriotic fervor or "piety," but only those arising in oppressed nations whose people's "hearts" are thereby strengthened "to bear everything with special constancy and virtue." However, as many biblical scholars have argued, this does not conform with the core ethical obligation to "care for the stranger in one's midst." Israel's covenantal relationship with YHWH is absolutely clear on this matter.

There is, as Richard Elliott Friedman has noted, a tension between the violence toward others – Canaanites and Midianites, for example – extolled in the Hebrew Bible and the notably exceptional manner in which *gērim* are regarded.¹²¹ Who are such migrants and why do they matter? According to Walter Brueggemann, they are

displaced people who are displaced because of economic, political, or military disruption. They seek life in a new place where they do not belong, because they are no longer welcome or can no longer sustain themselves in their old place. In the new place, such displaced persons may or may not be welcome, but they are clearly outsiders who constitute an otherness in society that is regularly perceived as an unwelcome threat.¹²²

Moreover, Friedmann argues, the Exodus event brought the ideas and ethical commitments of a group – the Levites – to a nascent Israel and, in the process, the concept of YHWH was merged with El.¹²³

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120 TTP 17.78-81; G III/214-15.

121 Various translated as "sojourner," "(resident) alien," "refugee," "immigrant," or "migrant" (to emphasize group identity in movement). For an important study of the designation *gēr*, see Spina 1983.

122 Brueggemann 2002b, p. 198. See also Spina 1983 and Miller 2000.

123 Friedmann 2017, pp. 49-53.

As Walter Brueggemann has well summarized, there were three features of the often tumultuous social and military background to the Hebrew Bible that relate to the importance of the social category *gēr*. First of all, central to the “the memory and self-consciousness” of ancient Israel was the recognition that its people had themselves once been forced migrants “with all the precariousness that such a condition portended.” Secondly, the cultic life of ancient Israel revolved around “the conviction that YHWH rescued Israel as a community of at-risk slaves and fugitives, and gave a homeland to people who were otherwise aliens and outsiders in a land not their own.” In other words, there existed an intimate connection between the idea of the promise of a homeland and covenantal loyalty to YHWH.¹²⁴ Finally, at the heart of the Torah is a reminder for Israel to welcome strangers into its midst. Outsiders ought to be treated on a moral and legal par with such other vulnerable persons as “widows” and “orphans.” As Brueggemann reiterates, “the Torah provides toward sojourners a practice of generosity and hospitality that is rooted in YHWH’s own inclination toward needy outsiders.”¹²⁵

Walter J. Houston has added an important nuance to the Israelite emphasis on the obligation to care for *gērim*. “Sociologically speaking,” he notes,

in a lineage-based agrarian society the immigrant from another tribe or even the next village is just as much an outsider. ... It may be that this is the original meaning, but that with the urban decline of the lineage-based system and the development of a sense of popular identity ... the word comes to be mainly applied to foreigners. But in their social marginality and economic need there is no difference.¹²⁶

Houston concludes that despite our “limited our knowledge of [ancient Israelite] social conditions is,” a text like Exodus 22:21-27 “makes sense” as a reminder “that the Israelites so recently delivered from oppression as aliens in Egypt should be reminded, twice, of their responsibility for those similarly at their mercy in the land they are to occupy.”¹²⁷

Notwithstanding this biblical injunction to care for *gērim*, however, Spinoza consigns foreigners to a second-class status. Tragically, citizens even in a democratic state may reject immigrants, despite their obvious benefits to the host society. In such an instance, though, a democracy

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124 On the connection between YHWH’s promise of land and subsequent expectation of covenantal loyalty or *hesed* on the part of Israel, see Brueggemann 2002a; 2002b, pp. 120-23.

125 Brueggemann 2002b, p. 198.

126 Houston 2008, p. 108.

127 Houston 2008, pp. 108-9.

cannot long endure. As Matheron observes,

In fact, the natives absolutely will not grant civic rights to those foreigners that flock to a country for its economic prosperity, and who become more and more numerous; for the ambition for domination and envy are satisfied the more we are *distinguished* from others, the more we are privileged with respect to them. ... *We thus refuse immigrants the right to vote*, who remain excluded from the assembly of the people. ... but, after some generations, the descendants of these immigrants are no longer distinguishable from citizens—aside from, precisely, their non-participation in power.... Democracy thus becomes aristocratic: and it naturally becomes this way, spontaneously, by the simple play of economic growth. ... And its undoing is its lack of fidelity to its own internal principle: democracy withers away by being insufficiently democratic.¹²⁸

Dan Taylor has justifiably criticized a tendency toward “visionary idealism” on the part of those who “reach to a more rarefied view of personal liberation which ... doesn’t explain progressive political change in the first place ... [and] doesn’t address the messiness, ambiguity and risk of facing up to the political as pluralistic, uncertain and mired in difference.”¹²⁹ And, we might add mired in *contradiction*. This was as true for Spinoza as for ancient Israel. Indeed, a serious weakness on the part of liberation theologians (and some leftists and Marxists¹³⁰) who have appealed to the Exodus tradition is that they have failed to acknowledge that the Exodus was also an *Eisodus*.¹³¹ “Indeed,” Prior summarizes, “the Exodus-Eisodus motif is not a paradigm for liberation, but for colonial plunder. That is the plain sense of the biblical narrative, and the way the text has been used.”¹³² As a result, it is worth bearing in mind Wonil Kim’s hermeneutical caveat that

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128 Matheron 2020, p. 145.

129 Taylor 2021, p. 235. I think, however, in my own defense of “self-emancipation” in Stolze 2020, pp. 263-92, I tried to make good on what is missing in an earlier published chapter on fortitude (revised and published in Stolze 2020, pp. 153-73), namely, what Taylor calls the “messiness, ambiguity and risk” of the political.

130 For example, see Walzer 1985, along with Said’s (1986) withering critique, and the subsequent exchange of letters between the two (Said and Walzer 1986). Also, Michael Hardt and Antonio Negri use the concept of “exodus” to designate a “democratic movement” that “involves the multitude breaking the ties that link imperial sovereignty to the consent of the subordinated” (Hardt and Negri 2004, p. 91).

131 Prior 1997, p. 280n.13, p. 282n.15.

132 Prior 1997, p. 283.

justice defines liberation and liberation serves justice, not vice versa. For one thing, liberation is required only when justice breaks down. Justice is the goal, liberation the means. Also, liberation unchecked by justice can easily become corrupt and collapse into oppression.... A biblical theology of liberation, therefore, must subject itself to the criterion of the biblical theology of justice.¹³³

No doubt the inferior status of foreigners in Spinoza's own political thought must be in part understood as overdetermined not only by the history of biblical interpretation he inherited but also by the balance of social and political forces in early-modern Europe. But seventeenth-century restrictions on citizenship afford us no excuse for a lack of imagination in the twenty-first-century. So it appears that the only conceivable solution to this dilemma would be to find new forms of identity that do not confine themselves to land or national borders but aim at *cosmopolitan* inclusion – a path, in turns out, that was already trod during the Roman Empire by both rabbinic figures and early Christians like Paul of Tarsus.¹³⁴ This would be a *landless* ethic¹³⁵ or – more positively expressed – what J. Baird Callicott has called an *earth* ethic.¹³⁶ But what would it mean not only to *think* like a planet (to use Callicott's expression) but to *feel* oneself and human and non-human others as inextricably part of it? Let us close with some Spinozist reflections.

* * * *

It is worth recalling that one of Spinoza's preferred ways to name ultimate reality is *natura*.¹³⁷ As Spinoza writes in E2p13l7s, "it is easy for us to conceive that the whole of nature is one Individual, whose parts, that is to say, all bodies, vary in infinite ways, without any mutation of the whole Individual" [*facile concipiemus totam naturam unum esse individuum, cuius partes, hoc est, omnia corpora, infinitis modis variant absque ulla totius individui mutatione*].¹³⁸ Yet, as Pierre Macherey reminds us, this does

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133 Kim 2000, pp. 318-19.

134 On the rabbinic critique of a narrow concern for the land and elaboration of a broader cosmopolitanism that "knows no doubt that one may practice the holy way of life anywhere, anytime," see Jacob Neusner's remarks in a symposium in Davies 1991, p. 108; and Hirshman 2000. On early Christianity, see Patterson 2018.

135 On the biblical conception of landlessness that emerged during the experience of exile, see Smith-Christopher 2002; 2015.

136 See Callicott 2013, in which Spinoza's concept of *conatus* is discussed in the context of a formulating forms of biocentrism (see pp. 217-18, 224).

137 For Spinoza's conception of nature, see Collins 1984.

138 G II/102. Spinoza qualifies in this passage that it is easy to *conceive* the universe as one Individual. He does not argue that we directly *perceive* it in this way. Indeed, Spinoza precisely distinguishes

not mean that nature “conserves itself in a self-identical manner as an arrested form, inalterable, immobile, in the manner of the Forms of the Platonists, because it is an infinity that would thus become problematic.” Rather, following Epicurus, the “whole” of nature “is the ensemble of all that exists, outside of which nothing can be thought,’ and so “in itself [is] inalterable, to the extent that it is irreducible to whatever else would be, other than its own sequence of events,” is “perfectly sufficient unto itself,” and “defines for itself alone all that belongs to its reality.”¹³⁹

As is well known, Spinoza considered human beings to be inextricably part of nature. In instance, in his 1665 letter to the English scientist Henry Oldenburg, Spinoza maintains that “every body, insofar as it exists modified in a definite way, must be considered as a part of the whole universe, must agree with its whole and must cohere with the remaining bodies.”¹⁴⁰ So far so good. But Spinoza had another, more radical, thesis: nature itself is internally riven between an active and a passive aspect. In a note to E1p29 Spinoza explains

what we must understand by *Natura naturans* and *Natura naturata*.
... [B]y *Natura naturans* we must understand what is in itself and is conceived through itself, *or* such attributes of substance that express an eternal and infinite essence; i.e., ... God, insofar as he is considered as a free cause.

But by *Natura naturata* I understand whatever follows from the necessity of God's nature, *or* from any of God's attributes, i.e., all the modes of God's attributes insofar as they are considered as things which are in God, and can neither be nor be conceived without God.¹⁴¹

in his theory of knowledge between *perception* and *conception* as follows: “I say ‘concept’ rather than ‘perception,’ because the word ‘perception’ seems to indicate that the soul [*mens*] is acted on by the object. But ‘concept’ seems to express an action of the soul [*soul*]” (E2d3exp). For helpful commentary, see Macherey 2011, pp. 86-88. The point is that one could be quite *mistaken* that the universe as a whole is one Individual, for we are *part* of the very universe whose overall structure we are trying to formulate – through mathematical and physical laws, for example. We *cannot* step outside of this universe in order to discern its unifying structure. Nonetheless, for practical purposes, we can consistently act as if the universe is one Individual; for we can be content with being “led as if by the hand [*quasi manu ducere*] to know the human soul and its supreme beatitude” (E2pref).

139 Macherey 2011, p. 158. According to Macherey, Spinoza rejects the Stoic conception of a universe construed as “a system of ordered determinations, converging in the constitution of a unique and unified being” (p. 158). In this lemma (as well as in Letters 32 and 64), there may be, as Wolfson (1962, pp. 7-8) has argued, an echo of the macrocosm/microcosm analogy in rabbinic thought and medieval Jewish philosophy, especially the opening line of Book I, chapter 72 of Maimonides' *Guide for the Perplexed*: “Know that this Universe, in its entirety, is nothing else but one individual being ...” (Maimonides 2004, p. 198). However, Pierre-François Moreau and Piet Steenbakkens warn that although Maimonides makes use of “a whole series of comparisons between the human individual and the universe (life, organization of the body, existence of a principle, directive faculty, finality, etc.), Spinoza rigorously limits himself to the question of mutations of the whole and parts” (Spinoza 2020, p. 535n104).

140 Letter 32; G IV/173a.

141 G II 71; Spinoza 1985, p. 434. In this note Spinoza critically reprises a distinction he had earlier made in his *Short Treatise*, part I, chapters 8-9; see Spinoza 1985, pp. 91-92.

Here we see dramatic confirmation of Louis Althusser's view that philosophy – unlike science – has no object. Rather, the practice of philosophy involves taking positions, making distinctions, and tracing lines of demarcation.¹⁴² One of the most important philosophical lines of demarcation drawn in the *Ethics* is precisely between nature in an active sense and nature in a passive sense: *natura naturans* as opposed to *natura naturata*. Spinoza borrowed and reworked this distinction from Scholastic thought,¹⁴³ with the result that he arrived at a thoroughly “naturalized” conception of God.¹⁴⁴

* * * *

But why does Spinoza's distinction matter today? There are at least three reasons. First of all, it illustrates a point regarding Althusser's conception of materialism as a “philosophy of the encounter,” namely, that we must continually be on guard to challenge the idealist closure signified by talk of “origins.”¹⁴⁵ But it is worth noting that Althusser himself failed to grasp that the dialectical interplay between naturing and natured nature is fully compatible with the biblical account of creation as a kind of primal *separation* that is precisely not an idealist origin but a materialist beginning.¹⁴⁶ As the eminent biblical scholar Jon Levenson has stressed, in the opening lines of Genesis/Bereshit we learn not about “the production of matter out of nothing, but rather the emergence of a stable community in a benevolent and life-sustaining order.”¹⁴⁷

Secondly, Spinoza's distinction between naturing nature and natured nature enables us to reframe the so-called “mind/body problem” along the lines of *panpsychism*, which demarcates the ontological position that all things simultaneously exhibit *both* mental and physical aspects.¹⁴⁸ As Philip Goff has powerfully argued, panpsychism – and not

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142 For a superb discussion of “Althusser's struggle with the definition of philosophy, see Sotiris 2020, pp. 215-45.

143 See Gueroult 1968, pp. 564-68; Ramond 2016; and the entries for “*natura*,” “*natura naturans*,” and “*natura naturata*” in Bunge et al., pp. 270-74.

144 Collins 1983, pp. 26-49.

145 For an overview, see Sotiris 2020, pp. 84-97.

146 Althusser too hastily concluded that idealists have regularly conceived of the origin of the world out of nothingness – whether or not in the religious sense of God's creative act – whereas materialists (Epicurus and Lucretius are his examples) have been interested in the *beginning* of the world; see Althusser 2017, pp. 29-30.

147 Levenson 1988, p. 12. See also van Wolde 2009, pp. 169-200 for a detailed analysis of the Hebrew verb *bara'* – which connotes not “creating” but “distinguishing/separating.” And see Habel 2011 on the ecological implications of such a reading of Genesis.

148 For a history of panpsychism, see Skrbina 2005 (pp. 87-91 are devoted to Spinoza). For Spinoza, of course, mind and body are, despite an infinity of attributes, the only two known to us. As a result, his

idealism, dualism, or forms of reductive materialism – is the theory of mind that is most compatible with an ecological perspective and is best suited for us to respond adequately to the present climate emergency as we envision new ways of being with human and non-human others in the world.¹⁴⁹ An important task – especially for Marxists – is to conceptualize materialism not in terms of the emergence of thought from matter but instead, in Spinozist fashion, in terms of body and mind as coequal attributes that contribute to the constitution of absolutely infinite substance.

Finally, there is an ethical-political imperative that arises from the naturing/natured distinction; for the whole point of Spinoza's philosophy is to enable us to *become active*.¹⁵⁰ Of course, this doesn't mean rushing around doing as many things as possible and exhausting oneself in the process – the peril of the overcommitted militant! Instead, it means seeking to *understand* the world in order better to *act* within the world to *improve* the world's conditions for as many as possible. In this respect, although Spinoza's distinction is certainly not an argument for a simple "return to nature," perhaps it is compatible with emerging arguments for "degrowth."¹⁵¹ It is not surprising that at the end of his book *Less is More* Jason Hickel invokes Spinoza as a "heretic" of a way not taken in early modern Europe. As Hickel writes, admittedly in simplified terms,

Spinoza's teaching upended the core tenets of religious doctrine, and threatened to pry open difficult moral questions about the exploitation of nature and labour. After all, if nature is ultimately the same substance as God, then humans can hardly claim dominion over it.¹⁵²

Spinoza's distinction between *natura naturans* and *natura naturata* gives us reason urgently to act in the cause of our emancipation, for, despite mounting ecological destruction, there remains the possibility of ecological restoration. However, as Carolyn Merchant reminds us, nature is relatively – sometimes wildly – autonomous from human control.¹⁵³ Consequently, there also looms the prospect that the earth's system

panpsychism is more ontologically robust – for good or ill – than that of contemporary advocates like Goff 2019.

149 Goff 2019, pp. 184-95. Although Sévérac 2019 agrees that Spinoza is not a reductive materialist, he does not consider the "panpsychist" position.

150 Sévérac 2005.

151 See Hickel 2020 and Kallis et al. 2020.

152 Hickel 2020, p. 267

153 Merchant 2016.

will exceed tipping points beyond which a relatively stable climate we have inherited from the Holocene will spiral out of control until it arrives at a warmer Anthropocene set point that would be inhospitable for our species and many others.¹⁵⁴ In Ben Ehrenreich’s terrifying expression, we find ourselves “hurtling toward global suicide.”¹⁵⁵

The upshot is that increasingly chaotic *natured* capitalism must be compelled through global collective action from below to yield to a *naturing* movement that can and must transform the existing state of affairs. More than ever, we must strive to bring about an ecologically sustainable society in which human “freely associated producers”¹⁵⁶ and other species may flourish on the earth of which we are all inextricably a part.

Desert Addendum: Reading with Moabite Eyes,¹⁵⁷ or a Spinozist-Marxist Encounter with Edward Abbey

The American radical environmentalist Edward Abbey included Spinoza in his “gallery of great philosophers.”¹⁵⁸ Edward S. Twining has added that Abbey “mentally dueled with Spinoza through much of his life.”¹⁵⁹ It is not surprising, then, to read the following tribute in his September 1952 journal entry:

You read Spinoza for a long time before you get the feel of that admirable mind: patient, explaining the obvious yet difficult truth to the inert minds of his readers; thorough, repeating again and again the same argument in all possible syllogistic combinations and permutations; kind and gentle, appreciating, understanding and forgiving the lameness, the weakness of the poor minds trying to follow his; firm, too, dealing justly, courteously but mercilessly with his opponents and enemies in all fields, of all shades of learning, in all ways; blessed, aware of, full of love, an intellectual intoxication, a splendid generosity and charity and serenity; an ideal philosopher in almost every way one should be. Almost. (A good man.)¹⁶⁰

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154 Angus 2016 remains indispensable on this point.

155 Ehrenreich 2021.

156 Marx 1990, pp. 171-73.

157 Like the ancient Israelites, the Moabites were Canaanite descendants; but the two kingdoms wound up as rivals on either side of the Jordan River (see Buck 2019, pp. 76-78). Moab is also a town in Utah that serves as a gateway to the Arches National Monument, where in 1956-57 Edward Abbey worked as a seasonal park ranger for the U.S. National Park Service. Abbey drew on notes he had compiled during that period when he drafted his 1968 book *Desert Solitaire*.

158 Abbey 2003, p. 15. For an attempt to ground a deep ecological perspective in Spinoza’s philosophy, see especially De Jonge 2004.

159 Twining 1998, p. 31.

160 Abbey 2003, p. 105.

In his later autobiographical meditation *Desert Solitaire Abbey* mused that

All men are brothers, we like to say, half-wishing sometimes in secret it were not true. But perhaps it is true. And is the evolutionary line from protozoan to Spinoza any less certain? That also may be true. We are obliged, therefore, to spread the news, painful and bitter though it may be for some to hear, that all living things on earth are kindred.¹⁶¹

However, his broad sympathy for Spinoza was not without sharp criticisms. In a 1977 letter to the deep ecologist George Sessions,¹⁶² who had found a Western philosophical system analogous to Asian traditions like Buddhism and Taoism that could “provide us with an adequate and true representation of God/Man/Nature in which each ‘component’ is placed in proper perspective and given due weight.”¹⁶³ This Western tradition was, Sessions contended, none other than *Spinozism*. But Abbey was not convinced:

Whether it's safe to base a comprehensive man & nature philosophy on Spinoza's *Ethics* I am not competent to judge, but you make a good case for it. Of course, I have tried several times to get through Spinoza but never could make it: the language, the style, the method, put me off. I admire the man's stand for freedom of expression and political democracy, as he understood it, but his pantheistic “God” struck me as euphemism – no doubt necessary at the time, if he was to avoid Bruno's fate – and his “intellectual love” for Nature-God does not interest me at all. I suspect that Spinoza was not in love with his God-Nature but rather with his own system of ideas, which, whether true, false or somewhere between (as in all systems), seem to be the product of the mind and the library, not of living engagement with persons, places, things, events, all the infinite variety and particularity of the world we actually know.¹⁶⁴

Abbey admits that he is “a naïve realist, and to hell with it. When I hear the word ‘phenomenology,’ I reach for my revolver.” The problem with Spinoza is that, despite his attempt to “comprehend all, the Whole

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¹⁶¹ Abbey 1990, p. 21.

¹⁶² Abbey 2006, pp. 77-80. Apparently, Abbey is commenting on an article by Sessions on “Spinoza and Jeffers on Man in Nature” (Sessions 1977). Sessions was also a collaborator with other deep ecologists like Arne Naess, who was a specialist on Spinoza. See, for example, Naess 2010.

¹⁶³ Sessions 1977, p. 492.

¹⁶⁴ Abbey 2006, pp. 77-78.

(whatever that is),” he winds up “as subjectivistic as Kant or Hegel and all of their descendants.”¹⁶⁵ After all, Abbey wonders,

What is “intellectual love” but simply the love of intellect?
I love the intellect, too – but I love my friends, my wife, my children, the trees and rocks and animals, clouds and lizards and rattlesnakes, far more so. ...

All is One? I doubt it. One what, anyway? There may not be any Sum of Things at all, and if there is, how can we ever see it, feel it, know it? Who cares, in any case? – even if God exists, I’m not seriously interested, Let Him go His way, I’ll go mine.¹⁶⁶

This is precisely why he

gave up systematic philosophy for – things. Not people, but a few persons I happen to know; not the Universe, but the earth, and not much of that either; not the Forest, but these lightning-blasted yellow-pines sitting up here on this mountain with me (wishing I would leave); not Dogginess, but my dog, and so on.¹⁶⁷

In conclusion, Abbey acknowledges the proper role of philosophy alongside other human endeavors:

... I regard philosophy as being exactly like one of the fine arts, as high an art and high a calling as any other. The power of Spinoza’s work lies in its perfect self-coherence, complete self-consistency, terminological exactitude, mathematical self-sufficiency – not in its pretense at telling us the truth. In its beauty, not its wisdom.¹⁶⁸

Despite his distancing of himself from what he takes to be Spinoza’s project, it is striking that a key element of that project seems to have stuck. As Abbey cautions from the beginning of *Desert Solitaire*, which remains his most defining work,

this is not primarily a book about the desert. In recording my impressions of the natural scene I have striven above all for accuracy, since I believe that there is a kind of poetry, even a kind of truth, in simple fact. But the desert is a vast world, an oceanic world, as deep in its way and complex and various as the sea.

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¹⁶⁵ Abbey 2006, p. 78.

¹⁶⁶ Abbey 2006, p. 79.

¹⁶⁷ Abbey 2006, p. 80.

¹⁶⁸ Abbey 2006, p. 80.

Language makes a mighty loose net with which to go fishing for simple facts, when facts are infinite. If a man knew enough he could write a whole book about the juniper tree. Not juniper trees in general but that one particular juniper tree which grows from a ledge of naked sandstone near the old entrance to Arches National Monument. What I have tried to do then is something a bit different. Since you cannot get the desert into a book any more than a fisherman can haul up the sea with his nets, I have tried to create a world of words in which the desert figures more as medium than as material. Not imitation but evocation has been the goal.¹⁶⁹

This passage immediately calls to mind Spinoza's famous distinction of three kinds of knowledge.¹⁷⁰ To use Abbey's example of a juniper tree: knowledge of the first kind consists of mere acquaintance with a juniper tree through the senses or imagination; whereas knowledge of the second kind has to do with an adequate biological classification of juniper trees in general and how they differ from other organisms. Finally, though, knowledge of the third kind concerns "not juniper trees in general but that one particular juniper tree." Abbey's relentless pursuit of this third, *intuitive* kind of knowledge doubtless accounts for the remarkable appeal of the book. Consider Abbey's extraordinary description of the arches themselves:

What are the Arches? From my place in front of the housetrailer I can see several of the hundred or more of them which have been discovered in the park. These are natural arches, holes in the rock, windows in stone, no two alike, as varied in form as in dimension. They range in size from holes just big enough to walk through to openings large enough to contain the dome of the Capitol building in Washington, D.C. Some resemble jug handles or flying buttresses, others natural bridges but with this technical distinction: a natural bridge spans a watercourse—a natural arch does not. The arches were formed through hundreds of thousands of years by the weathering of the huge sandstone walls, or fins, in which they are found. Not the work of a cosmic hand, nor sculptured by sand-bearing winds, as many people prefer to believe, the arches came into being and continue to come into being through the modest wedging action of rainwater, melting snow, frost, and ice, aided by gravity. In color they shade from off-white through buff, pink, brown and red, tones which also change with the time of day and the moods of the light, the weather, the sky.¹⁷¹

.....
169 Abbey 1990, p. xii.

170 For a helpful overview of Spinoza's demarcation of three kinds of knowledge, see Steinberg and Viljanen 2021, pp. 58-65.

171 Abbey 1990, p. 5.

Yet this passage is immediately followed by an erotic metaphor:

Standing there, gaping at this monstrous and inhuman spectacle of rock and cloud and sky and space, I feel a ridiculous greed and possessiveness come over me. I want to know it all, possess it all, embrace the entire scene intimately, deeply, totally, as a man desires a beautiful woman. An insane wish? Perhaps not – at least there's nothing else, no one human, to dispute possession with me.¹⁷²

Interestingly, such a feminization of the natural world violates Abbey's own expressed desire to avoid anthropomorphism. As he notes only a page later,

The personification of the natural is exactly the tendency I wish to suppress in myself, to eliminate for good. I am here not only to evade for a while the clamor and filth and confusion of the cultural apparatus but also to confront, immediately and directly if it's possible, the bare bones of existence, the elemental and fundamental, the bedrock which sustains us. I want to be able to look at and into a juniper tree, a piece of quartz, a vulture, a spider, and see it as it is in itself, devoid of all humanly ascribed qualities, anti-Kantian, even the categories of scientific description. To meet God or Medusa face to face, even if it means risking everything human in myself. I dream of a hard and brutal mysticism in which the naked self merges with a nonhuman world and yet somehow survives still intact, individual, separate. Paradox and bedrock.¹⁷³

As is well known, Edward Abbey held profoundly contradictory beliefs. For example: Abbey favored (voluntary) population control, and – despite his sympathy with the IWW¹⁷⁴ and longstanding opposition to U.S. militarism and imperialism¹⁷⁵ – later in his life he nonetheless embraced a kind of nativism and encouraged severe restrictions on immigration.¹⁷⁶ On

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172 Abbey 1990, p. 5.

173 Abbey 1990, p. 6.

174 In a 1988 letter to the journal *Industrial Worker* (Abbey 2006, pp. 251-52), Abbey writes that he has been "a life-long admirer of the IWW and its traditions" (p. 251), despite his sharp disagreement over immigration. He nonetheless enclosed a check to renew his subscription.

175 A sample from the Reagan era: "If we must have one more war let it be a simple and direct encounter between Kremlin and Pentagon, one deft surgical strike removing simultaneously two malignancies from the human body politic. Mankind will not be free until the last general is strangled with the entrails of the last systems-analysist. As my sainted grandmother used to say" (Abbey 1982, p. 88).

176 For a comprehensive introduction to the contradictory tendencies of Abbey's life, ideas, and

this basis, Marxists may be tempted to dismiss Abbey's thought entirely. That would be a mistake, however. The objective for Marxists should be neither to praise nor to bury Abbey but instead to engage in an immanent critique of his thought (his contradictory personal life will remain what it was to his friends and foes alike). The problem, as Sarah Krakoff observes,

is not *just* that he was sexist, racist, and xenophobic. But also that those views were sewn into his brand of so-called radicalism. They constituted the lenses through which he saw the landscape he aimed to protect.

And yet, she admits, Abbey's nature writing is beautiful"; it "has that dual-quality of inspiring you to visit if you have never been, and evoking waves of longing to return if you have."¹⁷⁷ Consequently, it is worth stressing, with Andrea Ross, that "if we sing Abbey's praises, we must equally highlight what he gets wrong: wilderness is not gendered, and it is detrimental to us all to anthropomorphize nature as a feminine and racialized object to rescue or conquer."¹⁷⁸

Along similar lines, in the form of an imagined campfire conversation, *Desert Cabal* Amy Levine offers a rejoinder to Abbey's most famous book, *Desert Solitaire*. Levine pointedly challenges what she calls his "rugged individualism." As she elaborates,

By nature, we are a cabal. A group gathered around. A panoramic vision. A group gathered to conspire, to resist. This is vital to our survival, as institutions fail and tyranny threatens. Believe me when I say that our democracy, with its wide but firm embrace of the last best wild places, has never been so jeopardized. I actually prefer the French term *cabale*. The *e* makes it a female noun, and that rings true about now. While *cabale* means political conspiracy and intrigue, it is imbued with spiritual and mystical meanings, too – and I'd say the divine thing we've been given is nature itself – both ours and the land's.¹⁷⁹

On this *cabbalistic* basis, we might say, Irvine equally interrogates what she regards as Abbey's sexism:

legacy, see Cahalan 2001.

¹⁷⁷ Krakoff 2018.

¹⁷⁸ Ross 2018.

¹⁷⁹ Irvine 2018, p. 78.

Perhaps this is the way of women: we seek not so much solitude as solidarity, intimacy more than privacy. But it's the way of wilderness, too – in a thriving ecosystem, integration matters far more than independence.

There is the adventure that traverses the land, that excites and restores. But there's also an inner landscape – its fiery furnace of the heart, the natural bridges built between beings. So I say to you, go solo, into the desert. Yes, do this and love every minute. But then come back. Come fall in with the *cabale* that has joined together, to save what we know and love. It will take multitudes to slow the avalanche of apathy. And it will take a lot of devotion.¹⁸⁰

Spinozists today should appreciate Irvine's use of the term cabal or *cabale* in her critique of Abbey's individualism;¹⁸¹ for it makes common cause with the reclamation by Antonio Negri and others of Spinoza's concept of the "multitude"¹⁸² and Etienne Balibar's affirmation of Spinoza's "transindividualism."¹⁸³

What is more, for Spinoza substance/nature is not gendered. Superstitious religious traditions have, of course, historically imagined the divine to be masculine, feminine, or androgynous/gynandrous. However, a properly metaphysical understanding of ultimate reality is that it lies beyond gender or, better, is *transgender*. Spinoza's use of the term *causa sui*¹⁸⁴ is precisely of an "it" that resists any temptation to create God in the image of human beings.

Finally, perhaps the most egregious *aporia* in Abbey's thought concerns his opposition to immigration – in particular across the Mexican / U. S. border. Let's look closely at his notorious article "Immigration and Liberal Taboos,"¹⁸⁵ which, even a generous reader must admit, is a noxious

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180 Irvine 2018, p. 81.

181 See Stiles 2019 for a dissenting view regarding Irvine's critique of Abbey.

182 See Negri 1991. For an outstanding collection of critical reflections on the impact of Negri's agenda-shaping book *The Savage Anomaly*, see Moreau and Lavaert 2021.

183 See especially Balibar 2020 and Read 2017.

184 E1d1: "By cause of itself I understand that whose essence involves existence, or that whose nature cannot be conceived except as existing."

185 Rejected for publication by the *NY Times*, published in the *Phoenix Free Press* in 1988, and reprinted in Abbey 1988, pp. 41-45. It would be tiresome and beside the point to detail all the factual errors in Abbey's case against immigration; but see an earlier exchange of letters between Abbey and John M. Crewdson in the *New York Review*; Abbey and Crewdson 1981. It is ironic, as Chris Clarke has noted, that Abbey is (illegally) buried in the Cabeza Prieta National Wildlife Refuge, just west in the same Sonoran Desert ecosystem of the Organ Pipe Cactus National Monument where, as a result of border wall construction, contractors working for the Department of Homeland Security have been damaging indigenous sites, uprooting saguaros and organ pipe cacti, and adversely affecting wildlife. Clarke seems unduly confident that were Abbey alive today "he would have felt the same revulsion many of us feel at the avarice, cruelty, intellectual incuriosity, and ecological rapacity of the current

diatribe against the poor, weak, and vulnerable in the name of the wealthy, privileged, and powerful. Moreover, the article is replete with specious reasoning. The core of Abbey's argument is that

ever-continuing industrial and population growth is not the true road to human happiness, that simple gross quantitative increase of this kind creates only more pain, dislocation, confusion, and misery. ... Especially when these uninvited millions bring with them an alien mode of life which – let us be honest about this – is not appealing to the majority of Americans. Why not? Because we prefer democratic government, for one thing; because we still hope for an open, spacious, uncrowded, and beautiful – yes, beautiful! – society, for another. The alternative, in the squalor, cruelty, and corruption of Latin America, is plain for all to see.¹⁸⁶

But Abbey then gives away his polemical game midway through the article when he admits that the indigenous peoples of the Americas were themselves originally justified in opposing European settler colonialism:

Yes, I know, if the American Indians had enforced such a policy none of us pale-faced honkies would be here. But the Indians were foolish, and divided, and failed to keep our WASP ancestors out. They've regretted it ever since.¹⁸⁷

But it scarcely matters that they failed in the past; what matters in the present is that their descendants retain the right of resistance. Moreover, as Abbey admits, the proximate cause of much of the forced migration across the Mexican border at the time of his complaint was U.S. "meddling" in the internal affairs of "our Hispanic neighbors." Indeed, he urged that the people of these countries be permitted "to carry out the social, political, and moral revolution which is both necessary and inevitable."¹⁸⁸ It is not clear, to say the least, then, why Abbey ever thought that the solution to forced migration was to militarize the border as opposed to withdrawing U.S. support for repressive regimes and proxy armies designed to block the emergence of, or to overthrow existing, popular movements and regimes in Central and South America.¹⁸⁹

[Trump] regime." See Clarke 2019.

¹⁸⁶ Abbey 1988, p. 43.

¹⁸⁷ Abbey 1988, p. 43.

¹⁸⁸ Abbey 1988, p. 44.

¹⁸⁹ This bloody history is compellingly recalled in Chomsky 2021.

At any rate, if one were to take Abbey at his own *anarchist* word, then it should be well understood that

the problem of democracy is the problem of power – how to keep power decentralized, equally distributed, fairly shared. Anarchism means maximum democracy: the maximum possible dispersal of political power, economic power, and force – military power. An anarchist society consists of a voluntary association of self-reliant, self-supporting, autonomous communities.¹⁹⁰

This is precisely why, he continues,

political democracy will not survive in a society that permits a few to accumulate economic power over the many. Or in a society which delegates police power and military power to an elite corps of professionals. Sooner or later the professionals will take over.¹⁹¹

/
Volume 8
Issue 1

It should be obvious that “the professionals” have taken over! The point is to stop them. In sum, it may well be true, as Abbey caustically remarks, that “the conservatives love their cheap labor; the liberals love their cheap cause.”¹⁹² But one would expect an anarchist like Abbey to envision a more democratic alternative than scapegoating forced migrants and closing national borders.

Fortunately, more democratic alternatives continue to be proposed.¹⁹³ Aviva Chomsky, for example, has written,

If we do not want to live in a society divided by status, with large numbers of “illegal” people, what can we do to change the situation? I outline some of the so-called solutions that have been attempted, ranging from deportation to border patrols to legalizations. I argue that current immigration reform proposals do not address the problem of being undocumented in a realistic way, and that only by challenging the contradictions inherent in the category itself – that is, by declaring that no human being is illegal – can the law adequately address human rights and human needs.

When people ask me what I think we should do about immigration reform, I tell them that I think the immigrant rights movement had it right back in the 1980s when we insisted that “no human being is illegal.” If discrimination on the basis of

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190 Abbey 1988, pp. 25-26.

191 Abbey 1988, p. 26.

192 Abbey 1988, p. 42.

193 See, for example, Chomsky 2014 and Mehta 2019.

national origin is illegal, then we need to acknowledge that our immigration laws are illegal. Human rights – including the right to be recognized as a person equal to other people – apply to everyone: no exceptions. Let's admit that our discriminatory laws are unjustifiable. Let's abolish the category "illegal" and give everyone the right to exist. We would solve the problem of illegal immigration with the stroke of a pen.¹⁹⁴

Whether for biblical or secular reasons,¹⁹⁵ whether in ancient Israel, in Spinoza's seventeenth century, in Abbey's 1980s, or at the beginning of the 21st Century – this seems like a reliable moral principle: *Welcome and care for strangers in our midst.*¹⁹⁶

.....
194 Chomsky 2014, pp. 21-22.

195 See Rachels 2002 on how to regard biblical injunctions not simply as appeals to religious *authority*: "If the precepts in the text are not arbitrary, there must be some reason for them.... In the logic of moral reasoning, the reference to the text drops out, and the reason behind the pronouncement (if any) takes its place" (p. 98). See also Collins 2019 on how to identify and cautiously invoke "biblical values."

196 Enns and Myers 2021.

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Volume 8
Issue 1

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Volume 8
Issue 1