Necessitating Justice: Hobbes on Free Will and Punishment

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Thomas Hobbes is notable as a philosopher not least for having grounded his political thought on his system of nature. Clearly, he thought that his civil philosophy could be taught with minimal reference to his natural philosophy–*De Cive* is evidence of this view–but the *Leviathan* shows that the spheres of nature (both human and non-human) and politics are connected. Hobbes's theory of punishment is particularly demonstrative of his intent to integrate his investigations of natural and artificial bodies into one system. Some writers have argued that Hobbes's mechanistic materialism may be dispensed with when considering his political ideas (see, for example, Strauss, 1936); but while it may be true that Hobbes is ultimately unsuccessful or misguided in the attempt, certain aspects of his account of punishment cannot be properly understood without reference to his conception of nature. In particular, his emphasis on deterrence as opposed to retribution in Chapter 28 of *Leviathan* is consistent with his understanding of natural liberty in several key respects: his denial of freedom of the will, the compatibility of freedom and necessity, and the notion that liberty applies solely to bodies in motion. By considering the materialist premises underlying his mechanistic conception of punishment, we may discern the secularizing consequences of this conception, and even his view that punishment is a necessary but not sufficient condition of political obedience.

My purpose is not to provide a complete account of punishment in Hobbes's thought. Certain interpretative questions will not be addressed, including the derivation of the sovereign's right to punish, and his definition of liberty in all of its various senses.[1]

Rather, I shall focus on those aspects of freedom, necessity, and the will that pertain to questions concerning moral responsibility, God's relation to the system of nature, and the justice and efficacy of punishment in a deterministic world. These considerations suggest that Hobbes's mechanistic conception of punishment is more sophisticated and nuanced than his detractors

thought, and also more irreligious in its consequences than Hobbes may have intended.

Free Will and Religious Sedition

Hobbes regarded the words "free will" as an example of senseless speech (L: chap. 5, 36).[2] His denial of free will can be thus linked to his project of establishing a rational language of natural and civil philosophy. Such rationality depends on reckoning from definition to consequences. It is essential not only to reason correctly in deriving conclusions, but also to have settled definitions that accurately register our thoughts. As Hobbes explained in the opening chapters of *Leviathan*, all thoughts originate from representations or "fancies" produced in our sense-organs by the pressure caused by the motion of external objects. These fancies may be retained some time after the actual sensory experience and these thoughts may be linked one to another in a mental discourse. All language, Hobbes claimed, is properly constituted of names which represent sense-experience and names which describe other names of these representations. When correctly defined and ordered, these names are constitutive of truth itself (L: chap. 4, 27-28).

Whatever the validity and consistency of Hobbes's empiricist account of language, erroneous speech in his conception clearly includes language contrary to sense-experience. Hobbes wrote that the abuse corresponding to the use of names as "*Markes*, or *Notes* of remembrance" occurs "when men register their thoughts wrong, by the inconstancy of the signification of their words; by which they register for their conceptions, that which they never conceived, and so deceive themselves" (L: chap. 4, 25; emphasis in original). A man is apt, if not careful in his reasoning, to "find himselfe entangled in words, as a bird in lime-twiggs; the more he struggles the more belimed." Hobbes thought that most philosophers hitherto have been

thus ensnared, because their metaphysical conceptions are based on insignificant speech, including the language of a will that is free from external causes. By not beginning with definitions based on material reality nor proceeding geometrically from definition to consequence, philosophers and church doctors have fallen below the ignorant (L: chap. 4, 28). Their errors would be merely ridiculous if it were not the case that their books were taken as authoritative by the learned Europeans of Hobbes's time and had come to infiltrate church doctrine. His famous remark that "words are wise mens counters...[and] the mony of fooles, that value them by the authority of an *Aristotle*, a *Cicero*, or a *Thomas*, or any other Doctor whatsoever" (L: chap. 4, 29; emphasis in original) has both metaphysical and political connotations: ancient philosophy (in Greek and Roman forms) and Scholasticism are nothing but meaningless words which have duped the learned, the churches, and (indirectly) the common people.

In this light, we can observe that free will for Hobbes is an absurdity which has had deleterious social consequences. Church doctors and preachers have championed the doctrine of free will because it promotes the idea of a spiritual substance enabling their control over the minds of the people. Hobbes commented that senseless speech and erroneous reasoning may lead to "contention, and sedition, or contempt" (L: chap. 5, 36). Language was a powerful tool for wresting the people from civil obedience. In his history of the civil wars, Hobbes noted that "[w]hereas Aristotle holdeth the soul of man to be the *first giver of motion* to the body, and consequently to itself; they make use of that in the doctrine of *free will*." This doctrine nicely served both theological and political concerns, he suggested: "But because there must be some ground for the justice of the eternal torment of the damned, perhaps it is this, that men's wills and propensions are not (they think) in the hands of God, but of themselves; and in this also I see

somewhat conducing to the authority of the Church" (B: 42; emphasis in original). As Hobbes explained, the people were "terrified and amazed by preachers" into thinking that their salvation depended on obedience to the clergy rather than to the king (B: 71). The doctrine of free will justifies eternal damnation because it is predicated on the existence of an immortal soul, which in turn reinforces the authority of the church. Given the choice between "the Pope, that would cast your body and soul into hell," and "the King, that can only kill the body" (B: 8), it is not surprising that the people were led astray from their earthly sovereigns. Theology and politics are bound together in the doctrine of free will.

The Mechanistic Critique of Free Will

Hobbes's materialism is diametrically opposed to the spiritual doctrine of free will. Indeed, his conception of freedom as consistent with necessity shows the extent to which Hobbes sought to refute this idea in his explanation of natural liberty as grounded in a theory of causal necessity. In *De Corpore* and his commentary on Thomas White's *De Mundo*, Hobbes explicitly sought to dismantle Aristotle's doctrine of the four causes (see Leijenhorst, 1996). His conception of the world as matter in motion is fundamentally at odds with Aristotle's teleological cosmos and theory of forms. Accordingly, he only allowed efficient and material causes to be categories of causes, and even these causes are conceptualized in mechanistic terms. The efficient cause is the power of an agent to effect change in another body, the "patient," while the material cause describes the changes effected. Thus efficient and material causes are simply ways to describe cause and effect (DC: chap. 10, 127-28). This conception is purely materialistic as well as mechanistic: as he put it in the tract against White, "[w]e cannot...see how such a coming-to-be and passing-away of acts can be brought about except *by* some body

and *in* some body" (TW: chap. 27, 314; emphasis in original). The power to effect change and the changes produced can in Hobbes's view only be conceived of as the motion of one body affecting another. All mutation is merely motion transmitted from one body to the next. For example, the effects of increasing heat from a fire on a contiguous object are akin to the effects of one ball striking another. This account is proven by the fact that one body can only effect change in another if the first body is in motion and both are contiguous, or if the space between them (no less corporeal) is moved by the first body and causes motion in the second (DC: chaps. 9-10, 123-29).

Thus, Hobbes argued that the efficient and material causes taken together, i.e., the cause and effect of one body's motion against another, are the entire, necessary, and sufficient conditions of all motion and change whatsoever. The power of the agent to effect change and the power of the patient to receive it totally determine the action. Properly speaking, there can be no contingent acts, that is, acts which are not necessarily caused; they can be considered contingent only in the sense that a certain event does not depend on another or in the sense that the observer does not "perceive the necessary cause" which must be present (DC: chap. 10, 127-30). Later, we shall see that God's omnipotence is another proof that all things are necessarily caused, but even this latter proof depends on the mechanical conception outlined here, because the first cause of motion leads to the causes of everything else that happens.

Rather than simply dismissing formal and final causes altogether, Hobbes suggested that they may be collapsed into the necessary cause. The formal cause–the essence of the thing, as Hobbes described it–does not cause anything. Now, it may be said that the knowledge of a thing's essence is the cause of our knowledge of a thing, that is, that our knowledge of a thing arises from understanding its essence through reckoning of causes and effects, but then it is

thereby an efficient cause of knowledge (DC: chap. 10, 131-32).[3] As for the final cause, it could only pertain to human beings and beasts, who possess appetite and will: the image in their minds of an object of desire or aversion causes them to seek the means of obtaining or avoiding the desired thing (DC: chap. 27, 315). Again, such a final cause is a kind of efficient cause.

In conceptualizing the final cause in terms of desire, we see how causation and necessity in Hobbes's thought bear upon human psychology. The passions are voluntary motions, distinctive from vital motions such as excretion by the origin of voluntary motions in the imagination. Because of one's image of a certain object, one has an endeavour to move towards or away from the object. Even before the act is taken–say, to walk towards an object of desire–there is an invisible motion within the person. Hobbes's explanation of the reality of such motion draws on the idea of infinitesimal distances: "For let a space be never so little, that which is moved over a greater space, whereof that little one is part, must first be moved over that" (L: chap. 6, 37-38; see Brandt, 1927: 295-97). In contrast to Zeno, who used this idea to prove the impossibility of motion, Hobbes's psychology depends on it in order to define appetite and aversion purely as motion.

Accordingly, deliberation is conceived of as "alternate succession of contrary appetites." Given that thoughts are often linked one to another in mental discourse, and that all thought is imagination, deliberation consists of alternating appetites and aversions caused by the successive imagination of good and evil consequences from an object (LN: 37)--"good" and "evil" being defined purely in terms of what is desirable and what undesirable. Thus, deliberation is not a progressive motion or a form of reasoning. Instead, it is a to-and-fro motion of appetites: a mental pendulum of sorts (TW: chap. 30, 380; chap. 37, 447-48).

In conceiving of deliberation as wholly passionate, Hobbes concluded that "Beasts also

Deliberate" (L: chap. 6, 44). Appetite and deliberation are described in purely naturalistic terms, in that they are explicable as motion and are common to all animals. This conception underlies his definition of the will as motion and therefore caused. The will is the last appetite of deliberation before the performance of an act (or its forbearance; but in the interest of brevity, only action shall be spoken of). The act can be said to be willed immediately prior to the act itself, because deliberation has ended and a final decision has been taken (L: chap. 6, 44).[4] Just as a person's last will and testament is only properly so after the person has died and has thus deliberated over a lifetime concerning his/her estate, so the will is only exercised with the last appetite of deliberation. In other words, the act is willed when deliberation ends, just as an estate is bequeathed only at death. Consequently, only actions are voluntary, since actions, not passions, are willed (TW: chap. 30, 380; chap. 33, 406-7). How, then, could Hobbes describe the passions as "voluntary motions"? We may infer from his account that voluntary motions are distinct from vital motions not because the former are chosen–Hobbes did not think that we could choose to desire, fear, hope, etc.–but because they may cause an action to be willed and are thus "voluntary." In other words, the vital motion of excretion cannot be part of deliberation which ends in motion, though the desire to excrete might. Voluntary motions are distinctive because they involve mental discourse relating to appetite, whereas vital motion does not pertain to imagination and thought. Thus, the will is not a distinctive faculty of humans as spiritual or rational beings. Instead, it is an appetite, and therefore a motion. Hence, like all other motions in the world, it is necessarily caused.

Natural freedom can only be understood in terms of physical motion, not of a faculty of willing. Freedom as defined in *Leviathan* is the absence of external impediments to motion. That is to say, one is free when unhindered in one's actions; as Hobbes wrote, "A Free-Man, is

he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to." Liberty pertains to external, not internal, impediments to motion: a sick person may lack power to move, but not freedom; a prisoner lacks freedom, not power. Consequently, the will itself cannot be free, because its motion is internal, not external. One is unfree only once one has willed an action and is prevented from acting, not prevented from willing. Reinterpreting Aristotle's example of an action neither fully voluntary nor fully involuntary, Hobbes argued that the man who acts out of fear does so willingly, because fear itself is an appetite in deliberation (in this case, the appetite causing the will).[5] Hobbes sought to overturn the notion of the will as self-causing faculty. The only liberty we can conceive of must be consistent with necessity, as is the will. And so natural liberty, Hobbes wrote, is consistent with God's will which causes everything (L: chap. 21, 46-47). Apart from God, the world is wholly constituted of matter-in-motion, including the will; freedom must be understood on those terms, as unhindered bodily motion. If only corporeal beings move, then the free will as conceived of by Aristotle and his Scholastic followers–even if it existed–could not be a cause of motion (TW: chap. 37, 453). Hobbes's system of nature refutes this key metaphysical and theological doctrine.

The Tyrant's Plea

Hobbes's denial of free will provoked vituperative objection. John Bramhall ([1645] 1999), Hobbes's chief antagonist in the debate over freedom and necessity, insisted that moral responsibility depends on the notion of free will:

> Seeing therefore that the first cause is the rule and law of goodness, if it do necessitate the will or the person to evil, either by itself immediately or mediately by necessary flux of secondary causes, it will no longer be evil. The essence of sin consists in this, that one commit that which he might avoid. If there be no liberty to produce sin, there is no such thing as sin in the world. (6)

Quite plausibly, Bramhall argued that necessity lessens or eliminates culpability. Hobbes acknowledged the apparent difficulties of his position, remarking that objectors to his position are likely perturbed by the problem of Oedipus: for them, "if the will had an external cause, [this cause] could be extended to cover all the crimes ever committed" (TW: chap. 37, 458). For example, in Milton's *Paradise Lost* ([1667] 2000), the narrator contrasts his defence of freedom of will and conscience with Satan's deluded apology for his act of tempting humanity as an inevitable effect of his passions:

> And should I at your harmless innocence
> Melt, as I do, yet public reason just,
> Honour and empire with revenge enlarged,
> By conquering this new world, compels me now
> To do what else though damned I should abhor.
> So spake the Fiend, and with necessity,
> The tyrant's plea, excused his devilish deeds. (bk. 4, lines 388-394)

Satan's rebellion is linked to the sins of Eve and Adam; free will is absolutely crucial to "justify the ways of God to men" (bk. 1, line 26).[6]

Hobbes met such objections by reconceptualizing the nature of sin. Sin is the transgression of law, and particularly God's law–the laws of nature–which commands obedience to the sovereign, the keeping of covenants, and social virtues consistent with the maintenance of peace. But such transgression only takes place if one has a will to commit crime. This definition is chiefly social in its scope; it excludes the mere possession of what Christian theologians have regarded as sinful desires. Delight "in the Imagination onely" of theft or murder is no sin: "For to be pleased in the fiction of that, which would please a man if it were reall, is a Passion so adhaerent to the Nature both of man, and every other living creature, as to make it a Sinne, were to make Sinne of being a man" (L: chap. 27, 201-2). Despite his rather Augustinian view of

human nature, Hobbes broke from the orthodox Christianity of Bramhall and others in effectively eliminating original sin from his account of society. Unlike the seditious preachers who were said by Hobbes to instil in the people the fear of eternal damnation for their sins, Hobbes sought to promote obedience to civil law instead. Accordingly, sin is not the turning away from the city of God to earthly desire; rather, it consists in the intention to break the law. Hobbes retained the notion of inward sin, but defined it strictly in terms of criminal intent. Punishment of sin, when visibly translated into action, is thus placed within the purview of the earthly judge, because sin is connected with outward crime (whether successfully committed or not).

Hobbes therefore grounded responsibility on a new foundation. That a criminal act is necessitated does not lessen the culpability of the actor: as Hobbes argued, the judge "looks at no higher cause of the action than the will of the doer" (LN: 29). If the actor wills the act, then the act is voluntary and deserving of punishment. But even if human authorities can deem all persons legally responsible for all willed actions, how can God punish crimes for which he is ultimately the cause? Let us turn to the radical theological consequences of Hobbes's response to this question.

Implications for Divine Punishment

Hobbes's conceptions of God and divine punishment are consistent with his mechanistic conception of nature. In his account in *Leviathan* of "those qualities of man-kind, that concern their living together in Peace, and Unity," Hobbes included the effects of an ignorance of causes: the fear of invisible powers, which is the natural seed of religion. This belief in invisible powers has serious political consequences, as it leads human beings to credulity, and thus to trust in others who are able to manipulate the gullibility of people and govern them accordingly. In the

same section, however, Hobbes presents a counterpoint to superstitious belief: a natural religion grounded in knowledge of causes. Upon observation of effects, the curious are drawn to seek the causes, and the causes of these causes, until arriving at a first eternal cause of all things: God (L: chap. 11, 74-75). It may be seen how this natural, scientific religion constitutes an alternative to the natural seed of religion which ultimately feeds priestly ambition. Ignorance of causes leads to superstition, which undermines civil sovereignty and the true faith; but a search for knowledge of causes leads to a conception of God consistent with Hobbes's mechanistic doctrine, and by implication with a chain of reasoning underlying the true grounds of political sovereignty. Causal ignorance may give rise to sedition; causal knowledge to peace. The odds, however, are in favour of the former, as knowledge of causes (science) is possessed only by a few, because it is attained by method and instruction (see L: chap. 10, 63).

Moreover, such knowledge of God appears formal at best. In Chapter 12 of *Leviathan*, Hobbes describes the myriad shapes to which the natural seeds of religion give rise. In contrast, the natural religion described at the end of Chapter 11 is singularly devoid of content. Through investigation of causes, all we can know of God is God *as* cause: "by the visible things of this world, and their admirable order, a man may conceive there is a cause of them, which men call God; and yet not have an Idea, or Image of him in his mind" (L: chap. 11, 75). This assertion has important theological consequences. In the examination of *De Mundo*, Hobbes wrote that God, unlike human beings, does possess a free will. That is to say, because God's will is not caused by anything prior to it, the will of God is its own cause. It is thus free from any determination outside the will. It is its own necessity (TW: chap. 30, 386-87). Given, however, that we can have no idea of God, it follows that the only free will in the universe is incomprehensible to us. Does Hobbes's concession that God has a free will not contradict his

characterization of free will as absurd speech? Perhaps its absurdity only pertains to considering human nature, whereas we can infer that God has a free will, but can have no idea of it, just as we have no idea (that is, that corresponds to sense-experience) of any other attributes of God's nature, including infinity, omnipotence, and the like.

One may discern the connection between God's free will and divine justice as Hobbes conceived it. God's will is radically different from human will in that it is not caused; accordingly, his will is the basis of right and wrong. Human beings may will to do an act out of moral obligation, that is, because the act is good. The goodness of the action is the cause of the person's willing to do it. In contradistinction, all of God's actions are good because he willed them. His will is the basis of the goodness of his acts (TW: chap. 30, 386). Does this follow simply because God is good qua God? Hobbes tended to emphasize God's omnipotence rather than his goodness in considering his justice, which is understandable given his contractual notion of justice. Keeping our promise to perform the social covenant is just because it is in keeping with the fundamental natural law of self-preservation, to seek peace if possible. Justice and injustice are absent in the alternative to peace, the state of nature, because there is no sovereign to ensure the protection of individual life and property. Effective power is only possible with the cessation of hostilities; and this peacekeeping power is thereby just. If, however, there were an individual in the state of nature whose power were irresistible, then this irresistible power would be just, because capable of bringing about peace. Likewise, God is just because he is omnipotent.

It might seem to be less problematic if Hobbes had based God's justice on his perfect goodness rather than omnipotence, but he emphasized God's power in order to justify divine punishment in a mechanistic world. If God is the first cause of all things, then it is he who

necessitates all human acts, criminal or not. Bramhall rightfully inferred that Hobbes's God is therefore the cause of sin. Hobbes's reply is that God's power is the basis of his justice; the fact that evil and sin are present in the world is no objection to divine justice, and therefore not grounds for supposing that human will is free from God's determination. Not coincidentally, Hobbes citied the Biblical leviathan in the Book of Job as scriptural evidence for this position: human understanding and especially power are so insignificant relative to God's that we cannot question his justice. God could have punished Adam even if he had not sinned; and he can torment beasts if he will. Furthermore, Hobbes rejected the Scholastic doctrine that God permits sin but does not will it, because this view is contrary to the government of causal necessity alone. God does not himself sin, but has "so order[ed] the world as sin may be necessarily caused thereby in a man." This is no dishonour to God, as the basis of his honour is his power (LN: 21-23). Notwithstanding his protestations of doing no dishonour to God, Hobbes drew the logical conclusions of his system, that God both causes sin and punishes it, but he is just solely because of his irresistible power.

The problem of how evil could exist in a world created by a just God was later taken up in Leibniz's essays in *Theodicy*, which include his commentary on Hobbes's debate with Bramhall on freedom and necessity. Leibniz championed the Scholastic distinction between absolute and hypothetical necessity (that is, causal necessity vs. necessity as based on God's foreknowledge) as a means of reconciling God's goodness with the existence of evil. In this light, he perceived the irreligious implications of Hobbes's doctrine. By conceiving of God as a first cause of a mechanistic world rather than a wise and provident creator, Hobbes's God "has no goodness, or rather that which he calls God is nothing but the blind nature of the mass of material things, which acts according to mathematical laws following an absolute necessity..."

(Leibniz, [1710] 1985: 399). Leibniz may have been unfair to equate Hobbes's God with material nature–perhaps a rationalist overreaction to empiricism–but we can concur with his judgement that God has little to do in Hobbes's system of nature apart from setting the machinery of the universe in motion.

Leibniz similarly objected to Hobbes's emphasis on will rather than goodness in regard to divine justice. Hobbes's arguments that what God does is good because he wills it, and that his irresistible power is the basis of his justice "despoil...God of all goodness and of all true justice, which represents him as a Tyrant, wielding an absolute power, independent of all right and all equity...." How could God be "worthy of love," Leibniz asked, "if he has no other principles of justice than his power alone..." (402-3)? Is Hobbes's God a tyrant? Hobbes's characterization of tyranny as monarchy "misliked" (L: chap. 19, 130) seems to confirm Leibniz's judgement. For it is surely difficult to love a God who can punish us even if we are innocent of any sin, simply because he is omnipotent and we are not. Moreover, it seems harsh that we may be punished by God for sins which are necessarily caused, and so ultimately caused by God.

Leibniz concluded that in denying free will to all beings but God, Hobbes does not only make God appear tyrannical, but also radically removed from nature and society. God alone possesses free will, but as part of his incomprehensible nature. Leibniz detected atheistic consequences of Hobbes's thought, even if unintentional:

> Mr. Hobbes asserts...that the wisdom which is attributed to God does not lie in a logical consideration of the relation of means to ends, but in an incomprehensible attribute, attributed to an incomprehensible nature to honour it. It seems *as if* he means that it is an indescribable something, and even a chimerical quality given to a chimerical substance, to intimidate and deceive the nations through the worship which they render to it. After all, it is difficult for Mr. Hobbes to have a different opinion of God and of wisdom, since he admits only material substances. If Mr. Hobbes were still alive, I would beware of

> ascribing to him opinions which might do him injury; but *it is difficult to exempt him from this*. (403-4; my emphasis)

The metaphysician Leibniz was unable to accept that the existence of a wise and provident God could be consistent with a materialist system of nature. Nevertheless, he conceded that Hobbes may very well have intended to keep God in his system. Leibniz's assessment is valuable because it points out the damaging consequences of Hobbes's conception of freedom, necessity, and God for religious belief and piety even if Hobbes had not intended, or thought it possible, to encourage deism or even atheism. To be sure, Hobbes was antagonistic to all forms of religious zeal and fanaticism. In opposing, however, the immaterial doctrine of free will with his materialist system of nature and boldly drawing out the logical consequences for moral responsibility and divine justice, he in effect undercut religious conceptions of punishment. Hobbes's thought presents a demoralized universe which dispenses with a God who intervenes in the world, apart from setting the world in motion and acting tyrannically to humble his proud subjects from time to time.

Implications for Human Punishment

The execution of law depends on the threat of punishment. Hobbes wrote:

> ...the use of Lawes, (which are but Rules Authorised) is not to bind the People from all Voluntary actions; but to direct and keep them in such a motion, as not to hurt themselves by their own impetuous desires, rashnesse, or indiscretion; as Hedges are set, not to stop Travellers, but to keep them in the way. (L: chap. 30, 239-40)

If laws are intended to regulate the voluntary motions of subjects, then punishment can be regarded as the hedges. That is to say, punishment is an essential tool for curbing unlawful actions, by applying harm to those who break the law, and presenting to all subjects the threat of violence for future crime. Given Hobbes's denial of free will and mechanical conception of

nature, however, several problems may arise. If all our acts are necessarily caused, then how can punishment be effective, since we cannot help what we do? My criminal act is free if I will to commit a crime and I am not hindered in the execution of it. Nevertheless, if God wills that something should happen which causes me to commit a crime, how can the threat of punishment itself deter me from future crime? Intuitively, it seems plausible to consider punishment in a world governed by necessity as ineffective as inflicting damage on a machine for breaking down.

The difficulty of understanding how punishment can be preventative or deterrent arises from the assumption that there is a linear chain of causes for every action. As Hobbes pointed out, however, every event is an effect of multiple causes at once:

> Nor does the concourse of all causes make one simple chain or concatenation, but an innumerable number of chains joined together, not in all parts, but [only] in the first link God Almighty; and consequently the whole cause of an event does not always depend on one single chain, but on many together. (LN: 20)

God is indeed the first cause of the world of causes and effects, but the subsequent causes and chains of causes affect each other in myriad ways. If one were able to perceive all the causes in the world and their effects, the overall picture would resemble a web rather than a single chain or series of separate chains. God sets in motion this complex web of causes rather than a chain of single causes leading to a determinate effect. God in this respect is no more than the first cause of a web of causes which give rise to actions both just and unjust.

Every criminal act, therefore, is an effect of many causes working together in a particular individual. My will to steal luxury items may be caused by an overriding avarice, and this passion in turn caused by factors external to my person. There are other causes at work, however. For example, I may have a passion to give some of the stolen goods to a beloved. In such a case, the passion of love would be a contributing cause, alongside avarice, of my will to steal. Punishment should not be considered futile because of the determinism of causes: instead,

it can enter into a person's deliberation as an additional cause to counteract the sway of unlawful passions. The fear of punishment overrides the passions of avarice and love causing me to steal, or the inflicting of punishment causes me to resolve never to break the law again. Punishment therefore necessitates observance of the law, at least in those individuals who can be swayed by the thought of punishment. Hobbes rejected Bramhall's argument that "consultations" (for example, to observe the law) are useless if one denies freedom of the will:

> It is the consultation that causes a man and necessitates him to choose to do one thing rather than another, so that unless a man say that cause to be in vain which necessitates the effect, he cannot infer the superfluousness of consultation out of the necessity of the election proceeding from it. But it seems his Lordship reasons thus: If I must do this rather than that, then I shall do this rather than that, though I consult not at all; which is a false proposition and a false consequence, and no better than this: If I shall live till tomorrow, I shall live till tomorrow, though I run myself through with a sword today. If there be a necessity that an action shall be done or that any effect shall be brought to pass, it does not therefore follow that there is nothing necessarily required as a means to bring it to pass. (LN: 26)

All acts are determined, but not predetermined. It is not predetermined that I will commit a crime or not; rather, it is determined that if there is the threat of punishment, I will or will not commit the crime. It may be that I will commit the crime regardless of whether it will in future be punished or not; but for human beings who fear harm to their persons and possessions–those of us who are not fanatical or vainglorious, for example–punishment is as necessary a cause of lawful action as running myself through with a sword would necessarily injure or kill me.

Even if punishment is effective in a deterministic world, is it just to punish someone for acts in the absence of free will? Am I morally responsible for my criminal acts if my will is necessarily caused? Hobbes gave several replies to this question. The "law regards the will and no other precedent causes of action" (LN: 24): that is to say, my act is unjust because I willed to break the law. The necessary causes of my will do not pertain to the question of whether I

should be punished or not. Whether I steal out of avarice or out of love does not alter the injustice of the action (though based on Hobbes's remarks in Chapter 27 of *Leviathan*, a consideration of causes might affect judgements concerning the appropriate quality and quantity of punishment). After all, I am responsible for a crime as long as I willed to break the law, whereas if I had not willed the crime–for example, in the case of someone pushing me down a stairway onto a man, breaking his neck–punishing me would be unjust as well as useless.[7] All acts are necessitated, but only willed acts are punishable.

Furthermore, justice itself is consistent with necessity. Hobbes wrote:

> what necessary cause soever precede an action, yet if the action be forbidden, he that does it willingly may justly be punished. For instance, suppose that a man who by the strength of temptation is necessitated to steal and is thereupon put to death; does not this punishment deter others? Is it not a cause that others steal not? Does it not frame and make their wills to justice? To make the law is therefore to make a cause of justice and to necessitate justice; and consequently it is no injustice to make such a law. (LN: 24-25)

Enforcing justice becomes part of the web of causes necessitating human action. For the sake of the preservation of the commonwealth, justice must be caused through the use of punishment. Hobbes thus set up a wholly political standard of punishment within the framework of his mechanistic conception of nature. The law's facilitation of natural liberty to procure the means of self-preservation depends on the necessitation of justice by punishment to keep subjects within lawful bounds.

As Hobbes emphasized in both *Leviathan* and the debate with Bramhall, the purpose of punishment is the deterrence of future crime, not retribution for past acts. What matters when applying punishment is not whether or not the act was necessitated but rather if punishment can deter the offender from committing unlawful acts in the future and deter others from crime. Freedom of will is not pertinent to punishment; protecting the commonwealth is. Thus, Hobbes

argued, noxious beasts may be destroyed not because we might erroneously think that they freely choose to harm us, but solely because they are harmful to our preservation (LN: 25).[8] Since justice is, like all other laws of nature, derived from the first law of nature to seek peace as conducive to self-preservation (L: chap. 14, 92), punishment should be deemed just when it is carried out for the sake of protecting society. All considerations of free will are irrelevant to justifying punishment. Such an argument may appear brutish, as a criminal is treated the same as a noxious beast, but it might also be pointed out that Hobbes's conception of punishment is entirely distinct from both revenge and spiritual interrogation. Harm inflicted that fails to deter the offender or others from committing crime, and especially perpetuates further violence, is rejected by Hobbes as at best useless and at worst detrimental to peace. Furthermore, punishment is not directed towards cleansing the sinful soul of evil; it is meant to correct external behaviour if possible and to protect the body politic.

The Limits of Punishment

An important qualification on the use of punishment as deterrence is that for Hobbes, punishment is by itself limited in its efficacy for preserving the commonwealth. The threat of punishment is a necessary tool for maintaining peace, but it is not by itself sufficient. To enforce the social covenant, the sovereign possesses the rights to the means of preserving the commonwealth. Hobbes maintained that subjects must be taught why the rights of sovereignty must be upheld:

> the ground of these Rights, have the rather need to be diligently, and truly taught; because they cannot be maintained by a Civill Law, or terrour of legall punishment....for the Punishment [of rebellion], they [the people] take it but for an act of Hostility; which when they think they have strength enough, they will endeavour by acts of Hostility, to avoyd. (L: chap. 30, 232)

Punishment, Hobbes, recognized, is a blunt instrument for enforcing obedience. In order to necessitate justice, the desire to obey the law must be greater than the antisocial passions in the deliberation of subjects. The fear of punishment alone, and the existence of a law which forbids certain actions but is not understood to be conducive to self-preservation, are likely to be outweighed by the influence of selfish passions harmful to the commonwealth.

Hobbes was keenly aware that certain passions could override even the fear of physical harm in certain individuals. For example, madness plunged Britain into civil war, as reflected in his remark that the madness of particular individuals taken together "are parts of the Seditious roaring of a troubled Nation" (L: chap. 8, 54-55). Despite the king's sovereignty, then, the people rebelled because they were corrupted by ambitious priests, quibbling lawyers, and others. Instead of obeying the law, their seditious passions were inflamed by such erroneous doctrines as those of the private conscience as judge of good and evil and of faith attained by supernatural inspiration (L: chap. 29, 223-24). In other words, the sovereign's coercive power could not sufficiently quell, among other things, the irrational conviction that by rebelling against the king, the people had God on their side. The madness of religious fanaticism outweighed the fear of temporal punishment in the deliberations of many individuals concerning whether to obey the king or their corrupt priests. Such immunity to political coercion was effected by the priests' appeals to God's wrath. The "right of making laws and of inflicting punishments" was powerless before the threat of spiritual punishment (B: 8).

Punishment alone therefore cannot necessitate justice. Education is also required to form the wills of the people to justice, to cause the appetites of subjects to observe the law. In *Leviathan* and *Behemoth*, Hobbes emphasized the need to reform the universities of England.

The common people should be taught the rights of sovereignty and the "science of *just* and *unjust*, as divers other sciences have been taught, from true principles and evident demonstration; and much more easily than any of these preachers and democratical gentlemen could teach rebellion and treason..." (B: 39; emphasis in original). Most people lack the literacy and leisure to study this doctrine. It would be most effective, then, to educate the people in church on Sundays, and perhaps from learned neighbours and acquaintances. The problem has been that preachers and scholars have been trained in universities which taught the erroneous religious and metaphysical doctrines of Scholastic thinkers, chiefly for the benefit of the Catholic Church. Therefore, the key to educating young scholars and divines in doctrines conducive to the civil obedience of the common people is to root out the Aristotelian and Scholastic influences on the university curriculum and teach the true philosophy (B: 39-44; L: chap. 30, 233-37). We can infer that the new curriculum would include not only Hobbesian political doctrine, but also his natural philosophy which grounds his political thought. After all, an education in the rights of sovereignty would be dangerously incomplete without the knowledge that there are only material substances in the world. Subjects must be taught that on earth, physical harm is the worst evil, as well as taught the other reasons for obeying the sovereign in regard to the preservation of the commonwealth.

Laws are designed to facilitate certain forms of natural liberty and punishment is necessary to keep such motion within bounds, but education is the final guarantor that subjects will choose lawful actions. Punishment enters into the concourse of causes necessitating the will, but so does education in order to ensure that just actions are willed. In contrast to the doctrine of freedom of the will, which underlies the notions of sin, guilt, and retribution of past

acts in order to purify the soul of sin, Hobbes conceptualized a natural and political philosophy in which nothing escapes causal necessity, and thus just actions must be caused. This novel conception consequently tends to desacralize the human as well as natural world, and gives rise to a notion of punishment as deterrence, which in turn points to the limitations of punishment in necessitating justice.

Endnotes

1. Discussions in these areas include Gauthier (1969), Paternak (1989), Skinner (1990), Schrock (1991), and Paprzycka (1993).

2. The following abbreviations for Hobbes's works will be used in this paper:
   B: *Behemoth*
   DC: *De Corpore*
   L: *Leviathan*
   LN: *Of Liberty and Necessity*
   TW: *Thomas White's* De Mundo *Examined*

3. This characterization of formal cause shows Hobbes's tendency to confuse causation with syllogism.

4. Hobbes, however, also described deliberation as "a putting an end to the *Liberty* we had of doing, or omitting, according to our own Appetite, or Aversion" (L: chap. 6, 44). As Skinner (1990) points out, this formulation does not distinguish inward and outward impediments to freedom (124). As will be apparent from my discussion below, I do not see how deliberation for Hobbes could be free, properly speaking.

5. Of course, making fear and liberty consistent is important to his political argument that covenants made out of fear are valid.

6. Hobbes's determinism is surely one reason why, according to Aubrey (2000), Milton "did not like him [Hobbes] at all," and is an important aspect of how "Their Interests and Tenets did run counter to each other" (203). After all, Hobbes's science underlies a justification of absolute sovereignty, whereas Milton's revolutionary politics is grounded on a defence of free will and conscience.

7. Cf. Hobbes's example in *A Dialogue of the Common Laws of England* ([1681] 1971: 147): "If a Man be upon his Apple-tree, to gather his Apples, and by ill fortune fall down, and lighting on the Head of another Man kill him, and by good fortune saves himself; shall he for this mischance

be punished with the forfeiture of his Goods to the King?" Hobbes answered that only negligence in this case would be justly punishable.

8. On punishment as respecting not past evil but future good, see also *Leviathan*, chap. 15, 106-7 (where punishment as deterrence is a law of nature), and chap. 28, 215.

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