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Hobbes on Liberty, Action and Free Will

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Hobbes's views on free will and action were radically revisionary of a well-established scholastic theory of the ethical significance of freedom and of freedom's relation to law. At the heart of this scholastic theory was an account of freedom as a multi-way power to determine alternatives, and of human action as a distinctively practical mode of exercising reason. The chapter explains this theory as developed by Suarez and, following Suarez, by Bramhall, and examines Hobbes's attack on the theory's basis - the theory of freedom as a metaphysical power, and of action as a distinctively practical mode of exercising reason.

Hobbes on Liberty, Action and Free Will

Thomas Pink

1. Introduction

Hobbes's most developed account of action and its liberty is expounded in his controversy with John Bramhall, the exiled Anglican bishop of Derry. But Bramhall is the representative, as Hobbes points out, of early modern scholasticism, and particularly scholasticism of the Jesuit tradition. Hobbes drily reported that he had found nothing in Bramhall on free will and on free will's relation to God's concurrence that could not have been read earlier in Suarez' *Opuscula*:

It is no great bragging, to say I was not surpris'd; for whosoever chanceth to read Suarez his Opuscula where he writeth of Free-will, and of the concurrence of God with Mans Will; shall find the greatest part, if not all that the Bishop hath urg'd in this Question.¹

Suarez's thought involves a highly developed account of freedom and its ethical significance - what we might term an 'ethics of freedom' - that was firmly based on the theological and canonical tradition of the Latin Church. This tradition taught the reality of freedom as a distinctive metaphysical power, and developed from a theory of freedom so conceived an account both of the right to liberty and of freedom as a desirable state of liberation. These three kinds of freedom, the power, the right and the desirable state, were seen as harmoniously related to law, which was taken to be directive of freedom as well as constitutive of it. Within this scholastic tradition the metaphysical power of freedom took on a dual ethical significance, as the basis equally of right and of obligation: metaphysical freedom variously provided both a normative block to legal coercion of the individual, and the normative basis of that very coercion. Underlying this complex theory of freedom and its relation to law and, indeed, essential to the theory, was a practical reason-based model of action. Human action was conceived as reason taking practical or action-constitutive form: a mode of reason involving special, intellectual or reason-involving motivations of the will - motivations that constituted a distinctively goal-directed mode of intentionality or of psychological direction at an object of thought. It was as practical reason-based that action could be governed and directed by natural

¹ Hobbes in *The Questions Concerning Liberty, Necessity and Chance*, 28

law, conceived as a demanding form taken by practical reason that was specifically directive of the metaphysical power of freedom.

Hobbes denied the existence of distinctively intellectual and action-constitutive motivations of the will. Action was henceforth to come to no more than voluntariness - an effect of non-intellectual passions. Hobbes also denied the very existence of freedom as a metaphysical power. The theory of a right to liberty could no longer be based on any appeal to freedom as a metaphysical power, and nor could natural law be conceived any longer as practical reason in distinctively freedom-directive form. Though the account of liberty and law that resulted was not fully worked out, its outline was clear. Liberty and law would henceforth be opposed phenomena, no longer existing in harmony. And metaphysical freedom could no longer do the work it once did in scholastic jurisprudence to limit legal coercion. Where once the coercion of religious belief was blocked, when it was, by the metaphysical freedom - the free will or *liberum arbitrium* - of the believer, now a new foundation of the right to liberty of religious belief had to be found: in the supposed privacy and non-voluntariness of belief.

2. *The ethics of freedom*

- freedom as a power

Blame, it seems, is no ordinary criticism. To blame someone for what they do is not just to point out a fault in them. We can do that without blaming them for the fault. Blame adds something more; the thought that not only is there a fault, but that the fault's existence is *their* fault, the responsibility of the person blamed. Blame involves the idea of a special or moral responsibility. In blame we are putting the faulty action down to the person blamed. And if the fault can be put down to them as their fault, that implies that they must have had the power to determine its occurrence for themselves.

Aquinas gave a characterization of moral blame along just these lines. To blame someone is to criticize them rationally - by reference to a standard of reason that they have failed to meet. But to blame someone is not simply to criticize them as foolish or less than sensible. First, moral blame condemns some action or omission not as foolish, but as bad. The criticism then goes further, and imputes the fault in their action (or omission) to the agent as their fault, and as their fault because they were in control - they had *dominium* over the act.

Hence a human action is worthy of praise or blame in so far as it is good or bad. For praise and blame is nothing other than for the goodness or badness of his action to be imputed to someone. Now an action is imputed to an agent when it is within his power, so that he has dominion (*dominium*) over the act. But this is the case with all actions involving the will: for it is through the will that man has dominion over his action...Hence it follows that good or bad in

actions of the will alone justifies praise and blame; for in such actions badness, fault and blame come to one and the same.²

This power to determine things for ourselves is naturally conceived by us as *freedom*. Freedom is a multi-way kind of power – a power to do A or to refrain: a power of control that leaves it up to us - within our control - which of these alternatives we do. And this power of control over what we do is one that we definitely do think of ourselves as possessing. Within certain limits provided by our intelligence, knowledge and physical capacity, it is, we suppose, up to us – within our power – to determine how we act. It is up to us what we do, so that we are free to act otherwise. This multi-way power extends to our agency as a whole – and to our decisions to act as well as to the acts decided upon. Indeed there seems to be a dependence of our freedom in general on a freedom specifically of decision-making. It is up to me what I do only because I can decide for myself what I shall do and it is up to me how I decide. So we naturally believe in freedom as a power that must be exerciseable at the point of decision or choice. This decision-making capacity was traditionally called the will, and so freedom as a natural or metaphysical power to determine for ourselves how we act has traditionally been referred to as freedom of will or free will.

Peter Lombard's discussion of freedom, central to the treatment of this subject in the subsequent school tradition, introduces freedom precisely as a multi-way power, that is, a power that by its nature leaves it up to us which actions we perform, one and the same power being exerciseable to determine one action or another. Lombard also locates this power in the will, so that it is indeed up to us how we choose or decide. Lombard referred to

free will [*liberum arbitrium*], which the philosophers have defined as the free judgement of the will [*liberum de voluntate iudicium*], because the very power and ability of the will and reason, which we said above was free will, is free regarding whichever alternative it pleases because it can be moved freely to this or to that.³

How should we understand freedom as a multi-way power? In the *Metaphysical Disputations* Suarez developed an account of two types of efficient cause. An ordinary efficient cause is a necessary cause, with but one effect that it will, of necessity, produce: as a brick hurled at a window must break it. But a rational creature, a human or an angel, may be a contingent or free cause. A free cause operates contingently, in that it is antecedently undetermined whether or not it will produce a given effect. Which of a range of effects will be produced is contingent and up to the free cause to determine. And our possession as free agents of this contingent and distinctively multi-way causal power is represented and revealed to us in experience: "Second we can argue from experience. For it is evident to us

² Aquinas 1950, 1a2ae q21 a 2, resp p. 112

³ Lombard 1981, 461

from experience that it is within our power to do a given thing or to refrain from doing it."⁴ Bramhall shares this Suarezian conception of freedom as a multi-way causal power: "A free Agent is that, which when all things are present, that are needful to produce the effect, can nevertheless not produce it." ⁵

- *freedom as a desirable condition*

Besides freedom as free will, there is another kind of freedom. This is freedom not as a power or capacity to determine, but rather as a desirable state or condition that one might seek to attain. This is the idea of freedom as a state of liberation - an ethically desirable state opposed to servitude or enslavement. *Freedom* or *libertas* was deployed within the school tradition as the term not just for the multi-way power, but for the desirable ethical condition. The medieval theory of freedom was part of a general account of creation, fall and redemption—a process of corruption and recovery both ethical and metaphysical in which freedom took correspondingly reduced and recovered forms.

Adam's fall was a fall from an original state of created innocence into a state of ethical degradation - a state that was described as one of servitude. And Christ's redemption was described as a release from the same servitude, bringing ultimate ethical perfection in heaven, a state that was described as one of perfect liberty or freedom, a supernatural condition transcending our original created condition and approaching, as far as the retention of our created human nature could permit, the condition of God.

Peter Lombard gave a highly important kind of theory of freedom as liberation - a theory which built the theory of the ethical condition on a theory of the metaphysical power.⁶ For Lombard, as for other thinkers in his tradition, the power of freedom has a proper function. The function of the power of freedom is to take us, through decisions that are right and meritorious or deserving of reward, to the beatitude of heaven. And liberation is the perfection of the power, by the removal of the capacity to use it badly, and the removal of conditions, such as wayward passions, understood as obstructive of or inappropriate to that power as properly used.

As we were originally created, the metaphysical power of freedom was a *libertas minor* - a power both to do good and also to do bad. While the final liberation of heaven will involve our enjoyment of the *libertas maior* enjoyed eternally by God - the perfection of our power of freedom through

⁴ *In metaphysicam Aristotelis*, in Suarez 1856-70, volume 25, 697

⁵ Bramhall in *Questions*, 298

⁶ For his classic discussion, Lombard 1981, 461–9.

the complete removal of any power to do bad or to sin. The power that is thus perfected is seen not only as perfected but also as increased:

Indeed a choice [*arbitrium*] that is quite unable to sin will be the freer...after the confirmation of beatitude there is to be a free will in man by which he will not be able to sin; and this free will is now in the Angels and in the Saints, who are with the Lord; and certainly it is the more free, as it is the more immune from sin and the more prone to good. For one is the further from that servitude of sin, of which it is written: *He who works sin is the slave of sin*, as one's judgment is freer in choosing the good.⁷

The perfection of the power in the *libertas maior* of heaven will involve the power's perfect conformity with reason. Freedom is a power that presupposes our capacity for reason, which is why the power is lacking in the lower, non-rational animals. And the power's perfection will involve the loss of any capacity to use the power in opposition to reason.

- *freedom as a right*

There is a third use for *freedom* or *libertas*. If someone tells you what to do, and even threatens you with some sanction if you do not follow their direction, then, if you think they lack the authority so to direct you, you may very well protest: 'Don't tell me what to do; it's up to me what I do!' And here we find talk of freedom or of what is up to us being used not to assert a power, or a desirable ethical condition, but a right. Here we find another kind of thing called *freedom*: not a capacity to determine for ourselves what we do, but a right to determine for ourselves what we do. This is the idea of freedom as a right to liberty that might comprise various more specific rights. One central such right is the right not to be coerced; that is, the right not to be directed to do something through the threat of penalties if we do not act as directed.

The use of terms such as *up to me* to assert both the power and the right is highly significant. It suggests some intimate connexion between the two phenomena. And there is one immediately obvious, indeed almost irresistible, way of understanding the connexion between the power and the right: namely that the right is, fundamentally, a right to exercise the power. Freedom as a right is a right to determine things for oneself; and that is just the right to exercise one's power of freedom - one's capacity to determine things for oneself. How could there be a right to determine things for oneself without the capacity to determine things for oneself? And what else could the right be than the right to exercise the capacity?

This is how Suarez, in particular, understood the right to liberty - as a recognition at the normative level of this power, namely in the form of a right to exercise it. Freedom as a right is, as I suggested earlier, the right to the

⁷ Lombard 1981, 463

exercise of freedom as a power. Notice the following passage from Suarez, in which nature equips man both with *libertas* in the form of a power to determine his actions, and with the right to exercise that power. The right to liberty is a *dominium libertatis* or right over his own metaphysical freedom.

If, however, we are speaking of the natural law of dominion, it is then true that liberty is a matter of natural law, in a positive, not merely a negative sense, since nature itself confers upon man the true dominion of his liberty (*dominium libertatis*).

For liberty rather than slavery is a precept of the natural law, for this reason, namely, that nature has made men free in a positive sense (so to speak) with an intrinsic right to liberty, whereas it has not made them slaves in this positive sense, strictly speaking.⁸

The term *dominium* could be used in scholastic discussions with exactly the same shifting reference as attaches to our *up to us*: either to refer to freedom as a power; or to refer to the right to exercise that power.

In basing a right to liberty on metaphysical freedom, Suarez was faithful to a longstanding feature of the canonical tradition of the Latin Church - a canonical tradition of which Suarez was himself a notable and perceptive interpreter. One frequently cited text in early modern Catholic theological discussion is the decree of the fourth provincial council of Toledo of 633, which forbade the use of coercion - legal directives backed up by threats of punishment - to impose the faith on Jews.⁹ This ban on coercion was not based on the theory that we might find in the post-Hobbesian English-language tradition - that belief is an internally private and non-voluntary act that it is just impossible for humans to coerce. Rather because the act of faith is an act of free will - *liberum arbitrium* - the Church, or the Christian state, lacks the authority to coerce it in Jews. Given free will, any licit coercion would require some adequate juridical grounding - a juridical subjection of the believer to the coercing authority; and in the case of faith that juridical subjection could only occur through baptism, which Jews lack. Once someone is baptized, on the other hand, their free will gives them no protection against coercion. Rather their free will allows them to be held responsible for their failure to meet an obligation of fidelity which baptism has imposed on them; and so as responsible, they can fairly be threatened with punishment for breach of that obligation.

Metaphysical freedom protects people against coercion. Given free will, coercion is forbidden without special justification, such as justification in the form of obligations of obedience or fidelity incurred to some legitimate coercive authority. But once those obligations have been incurred, the power of freedom then enables people to be bound by those obligations and to be

⁸ *De legibus* in Suarez 1856-70, volume 5, 141

⁹ Friedberg 1881, volume 1, 161-2

held responsible for meeting them. Metaphysical freedom is thus both a normative barrier to legal coercion and an enabler of it, as a foundation both of liberty and of obligation. In both ways metaphysical freedom is intimately linked to scholastic conceptions of law.

2. *Freedom, law and action*

- *law and freedom*

The primary form of law for Suarez, as for the rest of his tradition, is not the positive law contingently legislated for this or that community, but *natural law* - a law of reason itself that applies to beings capable not only of reason but of freedom as a metaphysical power. Natural law is a distinctive form of normativity that governs all possessors of human nature - a kind of rational standard that constitutes, at the ethical level, the recognition, not just of human rationality, but of human freedom as well. The scholastic theory of freedom in its various forms is intimately linked, then, to a theory of law. Freedom and law are treated as existing in a complex harmony. Freedom is something that law recognizes and directs; but freedom is something that law also supplies and even something that law directly constitutes - with the freedom so variously related to law taking more than one form.

At the most fundamental level, law presupposes and gives recognition to freedom as a metaphysical power, and in two ways. Law provides us with rights, including a right to freedom: freedom as a right is, as we have discussed, a right to exercise the power. But freedom also gives direction in the form of obligation. Legal direction, through the imposition of obligations, is needed at all only because freedom exists as a power over alternatives, a power that may be misused in the direction of the bad. Law serves to direct us towards the good, and away from the bad, by constituting the bad as wrong or a breach of obligation. And in directing us to the good freedom also directs us towards a state of liberation, in which the power of freedom will be perfected.

Fundamental to the late scholastic understanding of the relation between freedom and obligation is blame: moral obligation or obligation under natural law is understood as that standard we can be fairly blamed for breaching. Blame itself is not seen as a mode of punishment or sanction, but rather as a distinctive form of rational criticism. The criticism is generally understood just as Aquinas conceived it to be - a criticism for disregarding reason in a form that governs and addresses not simply some exercise on our part of our capacity for reason, but the exercise by us of a power of freedom.

Practical reason is seen within scholastic ethical theory as containing a variety of kinds of justificatory force. On the one hand, reason may merely recommend through *consilia* or counsels. Here reason carries the force of mere advice, and does not take the force of law. The natural law, by contrast, is reason in preceptive form, a form in which reason does not merely recommend through advisory counsels or *consilia* but demands through

obligatory precepts or *praecepta*. In other words, the natural law is a demanding directive form of reason: reason that with the binding force of obligation serves to direct the proper use of freedom. And this obligatory directive force is communicated by blame - that freedom-presupposing criticism that imputes the badness in our agency to us as our fault, and our fault because of our *dominium* or freedom to determine for ourselves which action we perform.

Now any directive force of reason must directly address and apply to the will. For it is at the point of the will - the point at which we choose or decide to perform this action rather than that - that we immediately respond to directives of practical reason. Consider what Hobbes would term a *voluntary* action - that is, an action we might perform on the basis of a prior decision or will to perform it. Take a voluntary action such as going to the bank, for example: suppose that going to the bank is advisable because, say, it is a means to getting money. Then if this voluntary action is supported by practical reason with the force of advice or recommendation, so too, in general, will the decision to perform it - the decision to go to the bank. That decision too is advisable, and can be taken by us just as an advisable decision, motivating us then to go to the bank. The force of recommendation applies not only to voluntary actions, but also to decisions to perform those voluntary actions; and that is how the force of recommendation moves us to act as recommended.

As for advisability as a recommendatory justificatory force or mode of justificatory support, so too on this *force model* of obligation, for moral obligatoriness as a parallel but *demanding* justificatory force or mode of justificatory support.¹⁰ Obligations of the natural law are immediately obligations on the will. As Aquinas made clear, under natural law we were bound to will obligatory external actions, and bound not to will prohibited ones, so that the existence of an obligation to give alms implied a corresponding obligation to decide and intend to give alms.¹¹ And Suarez repeated this doctrine. The law of nature speaks to us, he says, as the voice of our reason; and so it must apply to and direct the will itself:

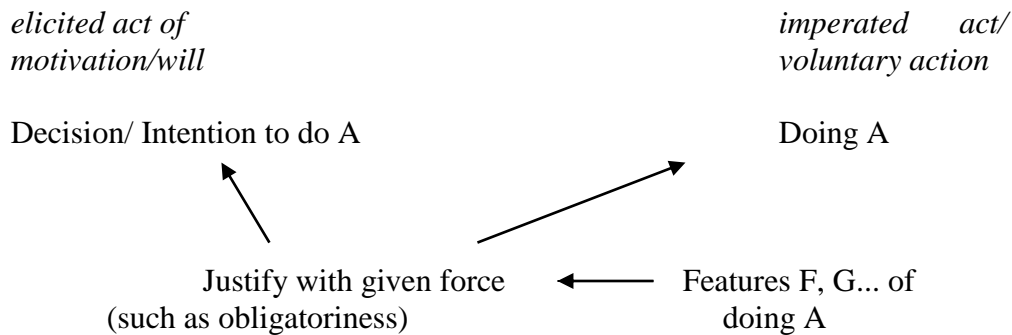
So teaches Saint Thomas and on this point everyone. And the point is established because the law of nature is placed in reason, and immediately directs and governs the will. So it is on the will first and foremost that as it were by its very nature the obligation of the law is

¹⁰ For further discussion of the Force model of obligation and its history, see Pink 2004, 2005, and 2009.

¹¹ See Aquinas 1950, 1a2ae, q.100, a.9, 463

imposed. So the law is not kept unless through the exercise of the will.¹²

Behind this lies a conception of obligation, not simply as a kind of command, though obligations might be imposed through commands, but as a demanding mode of justificatory support - a preceptive *vis directiva* or justificatory force.



Since freedom is exercised in and through the capacity for intentional or deliberate action, this means that both blame and the justificatory force of obligation linked to blame are tied to applying to action. Now if the force of moral obligation is a justificatory force that is freedom- and agency-specific, this has implications for the capacity for decision or will - the decision-making capacity which any justificatory force within practical reason must address. The capacity for will or decision must itself and in particular be a capacity for free action. The scholastic force of moral obligation, and with it natural law, must address and direct a free will.

- *the practical reason-based model of action*

The *force model* of moral obligation is intimately linked, therefore, to a distinctive model of action that located free action, as required, in the will. This model, general within the school tradition, is *practical reason-based*. For the will can be a locus of free action, as a free will, if the very nature of action is explained as consisting in that mode of exercising reason by which we respond, as agents, to any force of practical reason - as we do at the point of the will when we decide on one voluntary action or another.

Intentional action occurs as the deliberately purposive; it involves goal-directedness - intentionally doing something as means to an end, even if in some cases the end at which the action is directed is its own performance and the action is performed only for its own sake. So a central feature of any theory of action will be its account of purposiveness - of the use of means to attain ends.

¹² *De legibus* in Suarez 1856-70, volume 5, 123

The scholastic tradition understood purposiveness, and with it intentional action, to consist in a distinctively practice- or agency-constitutive mode of exercising reason. Intentionally to pursue an end is to direct oneself, through the exercise of one's capacity for reason, at an object of thought in a goal-directed and so action-constitutive way. In intentional action one directs oneself at an object of thought, not as something true, nor as something merely good or desirable, but as a goal - something desirable and to be attained through one's exercise of reason. And one exercised reason in this goal-directed way in acts of *electio*: in decisions or intention-formations, where what one decided on - the object of the decision - was a goal to be attained through that very decision.

We can look at medieval action theory as locating action as one distinctive form of intentionality or of psychological object-direction. For action shares an important characteristic with psychological attitudes such as ordinary beliefs, desires and emotions - even psychological states which are not, in general, formed by action as the agent's own deliberate or intentional doing. Each of actions and attitudes are directed at an object of thought - an object that makes the action or attitude immediately intelligible as something susceptible of interpretation. The object of a belief or desire or fear tells us what is believed or desired or feared; that is, it gives us the content of the attitude. The object of an action tells us for what purpose the action was performed, or at what goal its performance was directed: 'her object in waving like that was to alert her friends'.

We may think of the object of an action or attitude as serving to explain that action or attitude by rendering it to some degree intelligible. This explanatory function was identified within the Aristotelian tradition as involving formal causation: the object informs the action or attitude as explanatory form to matter, and makes what it informs the specific action, belief, desire or fear that it is. Formal causation is not of course causation in the modern sense - what Aristotle called causation in efficient form. For the object of thought need not be actual; it need not be realised or instanced in the world as genuine causes in efficient form must be. The object provides intelligibility; but it need not do so as a feature of the world that actually produced the action or attitude made intelligible.

The theory of action was thus developed within a wider account of psychological attitudes and their object-direction. Indeed the primary case of action was taken to occur in psychological attitudes of the will, as choices or decisions, and in the formation of the distinctively goal-directed attitude of intention.

Just as the formation of beliefs is an exercise of theoretical reason directed at objects as truths to be cognized, so intentional actions were supposed to be exercises of practical reason directed at objects as goals, goods to be attained through the action. The locus of such a practical attitude of goal-direction was taken to be the will as a faculty of decision and intention - of motivating attitudes that were distinctively rational or reason-applying. As Scotus put it:

Also note that *praxis* or practice is an act of some power or faculty other than intellect, that naturally follows an act of knowledge or intellection, and is suited by nature to be elicited in accord with correct knowledge if it is to be right.¹³

And this capacity is found in the will – a psychological capacity the function of which is precisely to determine action in accordance with deliberation and belief about how to act. The will is the rational appetite – the locus of motivations whose function is to be responsive to and executory of deliberations about how to act:

From all this it follows that nothing is formally *praxis* except an imperated or elicited act of will, because no act other than that of will is elicited in agreement with a prior act of the intellect.¹⁴

So the application of practical, action-governing reason is itself practice. We have a theory of action that is *practical reason-based*. Intentional action occurs as a distinctively practical or practice-constitutive mode of exercising reason. The freedom that we exercise in and through action is, therefore, a power exercised over and dependent on the exercise of a capacity for reason: "Reason is the root, the fountain, the original of true liberty, which judgeth and representeth to the will, whether this or that be convenient, whether this or that be more convenient."¹⁵

In so far as the primary locus of agency is in the will, so freedom is primarily a power of the will – exercised in and through election or choice and decision: "True Liberty consists in the elective power of the rational Will."¹⁶ and "Certainly all the freedom of the Agent, is from the freedom of the will. If the will have no power over it self, the Agent is no more free than a Staff in a mans hand."¹⁷

The intellectual nature – the capacity for reason – that humans possess involves a radical psychological distinction between humans and the lower animals, which lack any capacity for reason. This distinction shows up both in the constitution of the mind and in the nature of agency itself.

¹³ Wolter 1986, 127

¹⁴ Wolter 1986, 129

¹⁵ Bramhall in *Questions*, 30

¹⁶ Bramhall in *Questions*, 30

¹⁷ Bramhall in *Questions*, 32

As reason is above matter and material embodiment, the human capacity to respond to reason, both theoretically in belief and practically, at the point of the will, in action, is exercised independently of any bodily organ. The faculties of intellect and will are immaterial and survive bodily death. So humans possess immaterial capacities or faculties wholly absent from wholly material animal minds. And since the intentional actions that we perform occur as a mode of exercising reason, no such actions are performed by animals. Animal action is only an analogue of fully deliberate or intentional human action, not another case of exactly the same kind.

Human action in fact divides into two elements. There is the primary instance of action, where the practical reason-based model directly applies. These are *actus elicit* or internal acts of the will itself – acts of choice or decision involving the exercise of reason in action-constitutive form. Then there are the actions decided upon that involve capacities outside the will itself, including capacities located in bodily organs such as limb motion. These are *actus imperati* or external acts – external to the will itself. These latter actions are actions only derivatively, through being motivated objects and effects of the primary cases of action, the elicited actions of the will itself. So the status of imperated actions as actions lies in their being cases of doing something on the basis of a will to do it.

Voluntariness in the way of an imperated act, is nothing else than a certain character or denomination of the imperated act received from an elicited act, of which the imperated act is object and effect. For an imperated act is termed voluntary simply because it proceeds from an elicited act of the will, and is in a measure informed by it, and with it constitutes one morally significant act.¹⁸

Bramhall faithfully adopts this scholastic model of action:

This I take to be the clear resolution of the Schools; There is a double act of the will, the one more remote, called Imperatus, that is in truth the act of some inferiour faculty, subject to the command of the will, as to open or shut ones eyes; without doubt these actions may be compelled. The other act is neerer, called actus elicitus, an act drawn out of the will; as to will, to choose, to elect; this may be stopped or hindered by the intervening impediment of the understanding, as a stone lying on a table is kept from its natural motion, otherwise the will should have a kind of Omnipotence; But the will cannot be compelled to an act repugnant to its inclination, as when a stone is thrown upwards into the air, for that is both to incline, and not to incline to the same object, at the same time, which implies a contradiction.¹⁹

¹⁸ *De voluntario* in Suarez 1856-70, volume 4, 160

¹⁹ Bramhall in *Questions*, 215-16

It might appear that there is very little left in common between imperated actions and the elicited actions of the will that give rise to them. On the one case we have a distinctively practical mode of response to an object of thought - an action-constitutive mode of exercising reason that takes immaterial form. On the other hand we have what is just an efficiently caused effect of the will to perform it – something that, considered in itself, might be the mere motion of a bodily organ. The former is an action because of its mode of direction towards an object internal to it. The latter is contentless and objectless in its own right, and is an action simply as an effect of something else. This allowed Hobbes to accuse the scholastics of equivocation in their theory of action.

Animal action, by contrast, involves no immaterial acts of will, but simply the motivation of external actions by passions. Passions, which we and the animals share, are motivational or appetitive states that are themselves non-intellectual and – unlike the motivations of the will – are corporeally based. Motivations of the will are responsive to the good in a form that is grasped intellectually. By contrast the passions are responsive only to sensorily presented goods. While the passions are the only motivations that determine animal action, any influence the passions have on human action (solely through influencing how the will's object appears) is mediated by and subject to the decision of the will – the free exercise of which constitutes the primary form of every deliberate human action. Indeed it is possible, at least in principle, for human action to occur unmotivated by any passion; though in practice the influence of passions is considerable. For Suarez, the passions cannot act as efficient causes directly on the will, still less determine it²⁰, and they will not usually remove freedom. But the passions can make the exercise of freedom in opposition to them very difficult. Disordered passions will therefore require careful discipline through habituation. More than that, with supernatural help, through grace, we may conform to a supernatural law, and attain liberation from the weakness of disordered passion, and a perfection of our power of freedom beyond anything of which we are naturally capable.

Just as with divine help we can be raised beyond our human nature, so we can on occasion be degraded below it, to the level of non-rational creation. It is possible, in cases of madness or extreme emotion even for human passions to motivate action directly, bypassing the will. Then we are reduced to the level of beasts or animals. Our reason is disengaged from our action – and with it freedom or control of what we are doing is lacking too.

- *summary*

The scholastic ethics of freedom that we find in highly developed form in Suarez's ethics thus involves a complex and distinctive theory of normativity, linked to an equally distinctive moral psychology and theory of action - all built upon the human possession of freedom as a multi-way

²⁰ *De voluntario* in Suarez 1856-70, volume 4, 248

power over alternatives. The power of freedom is given normative recognition through a distinctive form of normativity within practical reason, which is the normativity of law. And law recognizes the power of freedom both by imposing obligations on us and by affording us rights. First, law provides a mode of rational direction - of justificatory force - that is freedom-specific, and that addresses a capacity for free action exercised, in practical reason-based form, at the point of the will. This is moral obligatoriness understood as a distinctively demanding mode of justificatory force, tied to the direction of free action through its constitutive linkage to moral blame as a freedom-specific mode of rational criticism. Secondly law recognizes the power of freedom by providing the right to exercise it - the right to liberty understood as a *dominium libertatis*, or right to determine alternatives. Thus does the normativity of law combine *lex* and *ius*, obligation and liberty, as dual ways of giving ethical recognition to metaphysical freedom. And in directing the power of freedom, law finally serves to liberate us, leading us to that condition in which the power which law directs is perfected.

3. *The impact of Hobbes*

Hobbes challenges every element of this theory both of human self-determination as a multi-way power exercised at the point of the will, and of the normative recognition of this power in law.

Blame becomes detached from any capacity for self-determination. And such power to determine action that is to be found in ourselves is not freedom but voluntariness. This is simply a causal power of our appetites to cause their satisfaction – a capacity to do A on the basis of a will or desire to do A. Freedom is no longer the two-way power we ordinarily take it to be. Indeed it is no longer a form of power at all, but really an absence of obstacles to power: liberty is now the absence of external obstacles to acting as one wills. And voluntariness and any associated liberty does not extend to our decisions to act – which are simply very powerful appetites and which are themselves inherently non-voluntary. There is no voluntariness of the will, and so there is no freedom or liberty of the will. Our every action, like every other event, is causally predetermined by prior occurrences. Action is determined to occur by necessity: a necessity with which voluntariness and, on Hobbes's theory of it, liberty, are wholly consistent. Since freedom no longer exists as a form of power, so law can no longer exist as giving normative recognition to this power, either by directing its exercise through obligation or by giving a right to its exercise in a form of moral liberty. The relation between law and freedom must take quite another form. And since freedom no longer exists as a power, still less as a power specific to rational creation, so there can be no state of liberation that consists in the rational perfection of the power and its detachment from irrational passions.

On what basis does Hobbes mount his challenge? He mounts his challenge on the basis of what he takes to be well-conceived philosophy that is critical of past forms of linguistic expression. We must carefully consider not just

the terms we inherit from past philosophy, but what ideas or conceptions those terms may or may not express. The enemy is school philosophy which uses a jargon to detach us from our own thoughts – from the conceptions we really think with. Hobbes maintains that sound Protestant Christianity supports his view. Philosophy confirms the teachings of Luther and Calvin: that there is no freedom of will, and that human actions are products of necessity; indeed they are divinely predetermined. But philosophy can access these truths anyway, independently of any revealed theology: "Questions of free will, of justification, of the way Christ is received in the sacrament, are philosophical."²¹

- *human and animal*

Hobbes's assault on this whole scholastic theory of self-determination centres on the gulf it places between human and animal psychology. To an important extent, Hobbes removes the distinctively reason-constitutive or intellectual part of scholastic psychology, to leave at least in broad outline the part shared with the animals. There are no longer any immaterial faculties of will and intellect. We are left instead with sense, imagination derived from sense, and with passion. The theory of human reason, of human action and of the capacity to determine action is then reconstructed to fit into this reduced psychology – a psychology which leaves human psychology continuous with, indeed only a more developed version of the psychology of the lower animals, and human action a phenomenon no different from animal action. And with the reason-constitutive faculties of intellect and will goes the distinctive power of freedom that they supported. There are no free causes, operating immaterially, apart from any bodily organ, but only necessary ones operating within a wholly material world.

Hobbes's attack on the idea of a clear psychological gulf between rational humans and non-rational animals involves some continuity, though mainly in rhetoric or expression, between him and the radical Augustinianism of those Protestant authors whom he was so willing to cite in his support. For there is an ancient tradition, going back to the Church Fathers, but deployed with especial emphasis in Calvin, of understanding the consequences of the fall - the servitude from which freedom as liberation releases us - as a kind of degradation, at least in relation to motivation and practice, from humanity to animality.²² But in Hobbes of course, it is no longer a question of a degradation from which we might be liberated, but of natural condition. And any freedom of will that Calvin supposes us to have lost, is supposed by Hobbes to be not lost but strictly unintelligible.

²¹ Hobbes *De cive* 18.14, 293

²² "But man does not choose by reason and pursue with zeal what is truly good for himself according to the excellence of his immortal nature; nor does he use his reason in deliberation or bend his mind to it. Rather, like an animal he follows the inclination of his nature, without reason, without deliberation." Calvin 1960, volume 1, 286

Reason remains peculiarly human. Hobbes does not deny that humans have a distinctive capacity for reason. But it ceases to be a capacity separating the very constitution of our mind from that of animals. Since the psychological states possessed by humans are just those possessed by animals, reason involves something importantly extra-mental – not a further part of the mind, but the use of a tool which some minds, human minds, use to express what they contain. Human reason comes simply to the possession of language, and reasoning is simply a form of thinking with and about language and the ideas expressed in language:

Out of all which we may define, (that is to say determine,) what that is, which is meant by this word *Reason*, when wee reckon it amongst the Faculties of the mind. For REASON, in this sense, is nothing but *Reckoning* (that is, Adding and Subtracting) of the Consequences of generall names agreed upon, for the *marking* and *signifying* of our thoughts; I say *marking* them, when we reckon by our selves; and *signifying*, when we demonstrate, or approve our reckonings to other men.²³

- *action as voluntary action*

There are no longer distinctively reason-involving motivations. All motivations are passions. The will is simply the last appetite or passion in deliberating – the passion that finally determines how we act. So action can no longer be understood in terms of some distinctive mode of exercising reason, but becomes identified with the only element of scholastic action theory that survives – the category of imperated action. Hobbes's position was clear: imperated acts as effects of the will, are acceptable, allowing for reservations about the term 'imperated':

Wherein letting pass that Metaphoricall speech of attributing command and subjection to the faculties of the Soul, as if they made a Common-wealth or Family among themselves, and could speak one to another, which is very improper in searching the truth of the question; You may observe first that to compell a voluntary act, is nothing else, but to will it; for it is all one to say, my will commands the shutting of mine eyes, or the doing of any other action, and to say, I have the will to shut my eyes. So that *actus imperatus* here, might as easily have been said in English, a voluntary action, but that they that invented the tearm, understood not any thing it signified.²⁴

²³ Hobbes, *Leviathan* 5, 18

²⁴ Hobbes in *Questions*, 217

The only power that is exercised in action is a power of passive appetites or passions to get us to act as desired. It is a voluntariness that involves motivation, not through a distinctive faculty of will, but through passion. And passions are not themselves voluntary. We have no power over will or motivation, since any action-determining power in us is to be found in our motivations themselves. And this power is not self-determining, since motivations are not themselves voluntary: "I acknowledge this liberty, that I can do if I will, but to say, I can will if I will, I take to be an absurd speech."²⁵ and "Can any man but a Schoolman think that the Wil is voluntary? But yet the Wil is the cause of voluntary actions."²⁶

Indeed, the very notion of *self*-determination is viewed by Hobbes as viciously regressive: "And if a man determine himself, the Question will still remain what determined him to determine himself in that manner."²⁷

The scholastic claim that there are elicited acts of the will itself is confused and even unintelligible. The claim is confused on three counts. First, it involve a distinction of supposedly 'rational' or 'intellectual' motivations from 'non-rational' or 'sensitive' motivations or passions - a distinction that Hobbes regards as empty and never satisfactorily explained by its scholastic defenders:

For I do not fear it will be thought too hot for my fingers, to shew the vanity of such words as these, Intellectual appetite, Conformity of the appetite to the object, Rational will, Elective power of the Rational will; nor understand I how Reason can be the root of true Liberty, if the Bishop (as he saith in the beginning) had the liberty to write this discourse. I understand how objects, and the Conveniences and the Inconveniences of them, may be represented to a man by the help of his senses; but how Reason representeth anything to the Will, I [do not] understand ...²⁸

The idea of a freedom or agency of will is as absurd as the idea of a will or agency of passion, since the former idea reduces to the second: "...nor can a man more determine his will than any other appetite; that is, more than he can determine when he shall be hungry and when not."²⁹

²⁵ Hobbes in *Questions*, 29

²⁶ Hobbes in *Questions*, 256

²⁷ Hobbes in *Questions*, 26

²⁸ Hobbes in *Questions*, 35-6

²⁹ Hobbes in *Questions*, 25

Second, given the unintelligibility of a practical mode of exercising rationality, the only consistent and intelligible model of agency is that of being the voluntary product of a desire to do it. But that model cannot apply to passions or motivations: as we have noted, for Hobbes the will itself cannot be voluntary.

Third, since the will is the locus of a power to act, its role is to explain and give rise to our actions, but cannot be supposed to perform actions itself – any more than our power or capacity to dance can itself be supposed to go in for dancing itself. The very idea of actions of the will is a kind of category mistake:

Secondly, you may observe, that actus elicited, is exemplified by these words, to Will, to Elect, to Choose, which are all one, and so to will here is made an act of the will; and indeed, as the will is a faculty or power of a mans soul, so to will is an act of it, according to that power. But as it is absurdly said, that to dance is an act allured or drawn by fair means out of the ability to dance; so it is also to say, that to will, is an act allured or drawn out of the power to will, which power is commonly called, the Will.³⁰

and

And where he [Bramhall] says our Wills are in our power, he sees not that he speaks absurdly; for he ought to say, the Will is the Power.³¹

- liberty and power

Freedom survives, not as a two-way power over action, but as Hobbesian liberty – not itself a power, but an absence of obstacles to power, such as to the force of passions or indeed to any force.

"As if it were not Freedom enough for a man to do what he will, unless his Will also have power over his Will, and that his Will be not the power it self, but must have another power within it to do all voluntary acts."³² and "Liberty is the absence of all impediments to action, that are not contained in the nature, and in the intrinsecal quality of the Agent."³³

³⁰ Hobbes in *Questions*, 217-18

³¹ Hobbes in *Questions*, 40

³² Hobbes in *Questions*, 38

³³ Hobbes in *Questions*, 285

In fact liberty is no more peculiar to rational humans than is voluntariness – which can as much be found in animal action as in human. Indeed liberty extends even wider – to streams and rivers, or to anything with force that might go in for some action. Given a lack of external obstruction to that force, we find liberty:

... how Reason representeth anything to the Will, I understand no more than the Bishop understands there may be Liberty in Children, in Beasts, and inanimate Creatures. For he seemeth to wonder how Children may be left at liberty; how Beasts imprisoned may be set at Liberty; and how a River may have a free course.³⁴

In his arguments about causation, Hobbes regularly assumes that where there is power or reason enough for something to happen, then that thing will happen. Thus he argues that all things that begin at some time to exist must have a cause:

Also the fixt point, that a man cannot imagine anything to begin without a cause, can no other way be made known but by trying how he can imagine it. But if he try, he shall find as much reason (if there be no cause of the thing) to conceive, it should begin at one time as another, that is, he hath equall reason to think, it should begin at all times, which is impossible. And therefore he must think there was some special cause, why it began then rather than sooner or later, or else, that it began never, but was Eternal.³⁵

For Hobbes efficient causes are only Suarezian necessary causes, determining and necessitating but one outcome. In clear contradiction of Suarez, Hobbes denies that the existence of free causal power is ever represented in experience. Experience can reveal no such contingent and multi-way form of causal power operating independently of prior necessity. The belief that our actions are not necessitated but free reflects merely our ignorance of their causes – though caused they must be. In fact this is all that the term ‘contingent’ really means – not uncaused and undetermined, but cause unknown. Hobbes allows that we are sometimes aware of being determined by motivations, and then recognise necessity. But when we are not aware of the determination, we mistake this for freedom and genuine lack of determination:

But commonly when we see and know the strength that moves us, we acknowledge Necessity, but when we see not, or mark not the force

³⁴ Hobbes in *Questions*, 36

³⁵ Hobbes in *Questions*, 302

that moves us, we then think there is none, and that it is not Causes but Liberty that produceth the action.³⁶

And indeed it might be unclear how experience could ever do more than fail to represent determination. What would it be, not to fail to represent a cause, but to represent the lack of a cause?

Against the scholastic postulation of a free cause sufficient for a range of alternative effects, Hobbes puts forward the following *a priori* argument. All causes must be sufficient to produce their effect. But if they are sufficient the effect must follow. So the idea of a free cause is incoherent: if the free cause is enough for each effect, it must produce each, which is impossible:

But the Bishop defineth Contingents thus, ‘All things which may be done and may not be done, may happen, or may not happen by reason of the Indetermination, or accidental concurrence of the causes’ by which definition Contingent is nothing, or it is the same that I say it is. For, there is nothing can be done and not be done, nothing can happen and not happen by reason of the Indetermination or accidental concurrence of the causes. It may be done or not done for aught he knowes, and happen or not happen for any determination he perceaveth; and that is my definition. But that the indetermination can make it happen or not happen is absurd; for indetermination maketh it equally to happen or not to happen; and therefore both; which is a contradiction. Therefore indetermination doth nothing, and whatsoever causes do, is necessary.³⁷

- *purposiveness and explanation*

Hobbes, we have seen, reduces action in general to what had previously been the special and secondary case of willed or imperated action - what Hobbes was now to term ‘voluntary action’. Hobbes completely abandoned any theory of purposiveness as consisting in a distinctively practical mode of exercising reason located in the will as a special intellectual or rational appetite.

Instead, Hobbes introduced a new model of purposiveness that could only apply to the case of what had previously been called imperated action. To act purposively was always to do something voluntarily, on the basis of a prior will to do it—a will that, in line with much medieval action theory, Hobbes conceived to be an efficient cause of the imperated or voluntary action that it motivated. But now this motivating will was no longer itself a prior case of action, but rather a passion.

³⁶ Hobbes in *Questions*, 217

³⁷ Hobbes in *Questions*, 184

A central issue in the debate is the explanation of action. Action, it is natural to think, is explained in terms of its motivation – which is given by the goal at which it is directed. Hobbes insists that this goal-direction is given through an efficient cause – a prior passion. And in this he is partly adopting the standard scholastic picture of the relation between an imperated action and its elicited cause – only turning that cause into a passion. But he is also rejecting the idea that explanation of an action involves some mode of causation, such as formal causation, other than efficient causation; and some form of determination that does not involve an antecedent necessity being imposed on action.

Both Bramhall and Hobbes assume that action is determined. No appeal is made by Bramhall to efficient causation in non-determining mode. Where the difference lies is in the manner of determination – whether natural or, as Bramhall terms it, moral. The object of the will, for Bramhall, is not an efficient or necessitating cause of its operation - what Bramhall means when he talks simply of a *cause* - but rather a moral determinant of it:

Secondly, for the manner how the understanding doth determine the Will, it is not naturally but morally. The Will is mooved by the understanding, not as by an Efficient, having a causal influence into the effect, but only by proposing and representing the object. And therefore as it were ridiculous to say, that the object of the sight is the cause of seeing, so it is to say, that the proposing of the object by the understanding to the will, is the cause of willing; and therefore the understanding hath no place in that concourse of causes which according to T.H. do necessitate the will.³⁸

Bramhall's moral determination, then, is explanation in terms of an object - formal causation as the school tradition termed it. This form of action explanation is available provided we admit the existence of content-bearing actions of the will. Because an action of the will has content or object-direction in its own right, the action can be explained, or made intelligible, by that very content, and independently of prior efficient causes. For the action's object- or goal-direction is internal to the action itself, arising as 'form' to the action's 'matter'.

For Hobbes, the object or content of the motivating will to act still provided the goal at which the action willed was directed. But since the motivating will was not itself a purposive action, but merely a passion or passive desire, purposiveness - being deliberately or intentionally done as a means to an end - was restricted to the action willed. It followed that all explanation in terms of purposes now involved reference to a motivating efficient cause. So Hobbes could afford to claim that all explanation of action in terms of the purposes for which it was performed had to be in terms of efficient causes. In fact, Hobbes claimed to find the idea of motivation by objects as opposed

³⁸ Bramhall in *Questions*, 55-56

to efficient causes completely unintelligible: "Moved not by an Efficient, is non-sense."³⁹

- *liberty, obligation and blame*

Scholastic moral theory had restricted to action the application within ethics of 'legal' responses and standards such as blame and obligation; and had based this restriction on a conception of action as the locus of a power of multi-way self-determination. Hobbes would either remove the restriction to agency, or reconstruct the restriction in some other way, such as by appeal to action as a locus of voluntariness.

In scholastic moral theory, whatever disagreements there might have been about the relation of law to divine command, there was generally an essential connexion made between something being a wrong or a breach of law and the possibility of blaming the agent – of imputing the badness of the crime to him as his self-determined doing. And that imputation would only be possible in relation to action and its outcomes - in so far as it is these that are up to us or within our control. "If I was [determined], then I ought not to be blamed, for no man is justly blamed for doing that which was never in his power to shun."⁴⁰ And "The essence of sin consists in this, that one commit that which he might avoid."⁴¹

But Hobbes rejects the scholastic link of blame to freedom. Blame is no more than a form of disapproval. Why do we blame anyone for anything? "I answer because they please us not. I might ask him, whether blaming be any thing else but saying the thing blamed is ill or imperfect."⁴²

So blame in no way presupposes any power, such as freedom, on the part of the person blamed:

I answer, they are to be blamed though their Wills be not in their power. Is not good good and evill evill though they be not in our power? And shall I not call them so? And is that not Praise and Blame? But it seems that the Bishop takes blame not for the dispraise of a thing, but for a praetext and colour of malice and revenge against him that he blameth...Here again he [Bramhall] is upon his arguments from Blame, which I have answered before; and we do as much blame them [inanimate things] as we do men; for we say fire hath done hurt,

³⁹ Hobbes in *Questions*, 59

⁴⁰ Bramhall in *Questions*, 34

⁴¹ Bramhall in *Questions*, 185

⁴² Hobbes in *Questions*, 39

and the poyson hath killed a man, as well as we say the man done unjustly; but we do not seek to be revenged of the fire and of poyson, because we cannot make them ask for forgiveness, as we would make men do when they have hurt us; so that the blaming of the one and the other, that is, the declaring of the hurt or evill action done by them, is the same in both; but the malice of man is onely against man⁴³

The sinfulness of an action, and its character as a breach of law, does not presuppose freedom as a multi-way power, but simply the action's voluntariness, as a mode of doing what we will: "The nature of sin consisteth in this, that the action done proceed from our will and be against the Law. A Judge in judging whether it be sin or not, which is done against the Law, looks at no higher cause of the action than the will of the doer."⁴⁴

Just as there was no metaphysical power of freedom, there was no room for a normativity of law of the kind that natural law was understood to constitute by Suarez. There was no room for law as Suarez conceived it - as a special directive force of reason that gave normative recognition to the power of freedom both by imposing obligations to direct its exercise (*lex* or *ius*) and by affording rights to protect its exercise (*ius*). There was no longer a kind of normativity that involved both the right and the obligation as twin ways of giving normative recognition to freedom as a power:

For though they that speak of this subject, use to confound *Ius*, and *Lex*, *Right* and *Law*; yet they ought to be distinguished; because RIGHT, consisteth in liberty to do, or to forbear; Whereas LAW, determineth, and bindeth to one of them; so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent. ⁴⁵

The idea of a right to liberty and that of an obligation are for Hobbes just what they might immediately appear to be - simply opposed notions, one marking the provision of alternatives at the level of the normative, the other the denial of them. And if we take law as a source of obligation - which Hobbes proposes to do - then law must be inherently opposed to liberty, and the imposition of law must by its very nature serve to remove liberty:

And Law was brought into the world for nothing else, but to limit the naturall liberty of particular men, in such manner, as they might not hurt, but assist one another, and joyn together against a common Enemy.⁴⁶

⁴³ Hobbes in *Questions*, 39-40

⁴⁴ Hobbes in *Questions*, 185

⁴⁵ Hobbes, *Leviathan* 14, 64

⁴⁶ *Leviathan* 26, 138-9

In involving obligations law was not harmonious with freedom, but its essential opposite.

We find Hobbes shifting between a variety of ways of speaking of obligation. Sometimes he gives an account of obligation under natural law that preserves an important element of the force model - the scope of obligation under natural law as binding on non-voluntary motivation. It is just that motivation is no longer understood as an inner locus of metaphysical freedom, and obligation is no longer understood as a justificatory force linked to blame as a criticism specific to freedom:

The Lawes of Nature oblige *in foro interno*; that is to say, they bind to a desire they should take place: but *in foro externo*; that is, to the putting them in act, not alwayes.⁴⁷

But elsewhere, where civil or human law's relation to the application of sanctions is being emphasised, obligation is treated as a standard on the voluntary, so that non-voluntary thoughts are not subject to obligation. This approach is used to preserve inner religious belief from being bound by coercively enforced human law:

As for the inward *thought*, and *beleef* of men, which humane Governours can take no notice of, (for God onely knoweth the heart) they are not voluntary, nor the effect of the laws, but of the unrevealed will, and of the power of God; and consequently fall not under obligation.⁴⁸

Hobbes appeals to two features of religious belief that supposedly block its legal coercion. First we have its privacy. The human legislator cannot reliably determine what someone's real religious belief might be, so law on inner belief is unenforceable on that account. Then secondly, belief is non-voluntary. Like motivations of the will itself, beliefs cannot be adopted or abandoned at will, just in order to avoid sanctions imposed on illegal belief.

This Hobbesian view involved a quite different account of the legal regulation of belief from Suarez. For Suarez religious belief is not completely private. Religion is a public and social phenomenon; and religious belief, especially, is very liable sooner or later to be expressed. But more crucially, the relative non-voluntariness of belief is not to the point. For the function of sanction-backed legal coercion is not to motivate people to form or hold beliefs voluntarily, simply on the basis of a will or motivation to avoid sanctions. Rather the function of threatened sanctions is forcibly to direct the believer's attention to a sound epistemic case, based on evidence or else on authoritative testimony, for the obligatory opinion - a

⁴⁷ *Leviathan* 15, 79

⁴⁸ *Leviathan* 40, 249-50

case that the believer had hitherto been wilfully and culpably ignoring - so that the required belief is then formed in response to that epistemic case:

Even a pagan—that is, a non-Christian—king, if he has a knowledge of the true God, may coerce his own subjects into believing that truth, *either by their own reasoning if they are educated, or by putting human faith in more learned men, if they are ignorant*; and consequently, he may compel those same subjects to cease from the worship of idols and from similar superstitions contrary to natural reason.⁴⁹

The punitive imposition of sanctions does not presuppose that belief can be formed at will, irrespective of testimony or evidence. Belief is significantly non-voluntary precisely because it is dependent on testimony or evidence in its support. But, for Suarez, the subject still has some degree of freedom or control over whether or not he responds to that evidence. That freedom enables him fairly to be bound by obligations on belief, and fairly threatened with punishments for breach of those obligations.

At the same time as helping base religious coercion, we must remember that for Suarez metaphysical freedom also put normative obstacles to such coercion. In particular, as we have seen, the metaphysical freedom of the unbaptized protected them against the coercive authority of the Church or of the Christian state acting on the Church's behalf. Jews and Moslems could not fairly be coerced into believing Christianity, not because the act of faith is non-voluntary - this does nothing to protect the culpable baptized heretic from canonical penalties on heretical belief - but because the metaphysical freedom of the believer demanded a special justification, which only baptism can provide, for their coercion.

Hobbes's denial of the very existence of metaphysical freedom forced him to limit the authority of the state over religious belief in quite another way - by appeal to novel, and arguably rather crudely conceived practical limits on the use of punishment in motivating belief. But it is not obvious that these practical limits really apply. Legal coercion does arguably serve to influence belief in exactly the way that Suarez envisaged, by engaging and directing the attention of the believer. The function of penal coercion in the criminal law is often to use the threat of a penalty to engage attention and help communicate a message that there are anyway prior grounds to believe - that the action threatened by punishment really would be seriously wrong. The function of sanction-backed criminal law is in part to drive home an argument and change what people - not non-rational animals but beings equipped with reason - actually believe.⁵⁰

⁴⁹ *De fide* in Suarez 1856-70, volume 12, 451

⁵⁰ For an influential defence of a communicative or expressive theory of the function of punishment in recent philosophy see Feinberg (1970). The modern, post-Hobbesian idea that *liberal* punishment cannot seek to change people's thoughts and beliefs - to direct and form their conscience as well as their external actions - is, I would submit, naive both about liberalism and about punishment.

Whatever one thinks of the scholastic commitment to a metaphysics of multi-way freedom, that metaphysics at least permitted a substantial conception of a right to liberty - a right that could extend to religious belief. To block the coercion of belief the schoolmen were not forced to distort the nature of religious belief itself, such as by denying its deeply social and public nature, or the real influence of sanctions as a directive pressure on what people believe.

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