

“Man’s Life Is but a Prison”

Human Reason, Secular Political Order, and the Punishments of God

Race of Cain, ascend to heaven,
And cast God down upon the earth.
—Charles Baudelaire, *Flowers of Evil*

Punishment is a reflection of political order in all of its complexity. It requires an active relationship between justice and power, a negotiation of perception between government and population, and finally, a reckoning of the relationship between political ideals and practical administration. My description of political order is deliberately participatory. This presents the question of why a given population would want to create a power to punish itself. Without a satisfactory explanation of this phenomenon, my conjecture—that punishment is not simply about demonstrating the power of command over a population as much as expressing an authority that originates from this population—crumbles. The answer to this question can be found in the Bible, and in Hobbes’s *Leviathan* that reveals how the foundations of political order moved from the heavens to the earth.

This chapter explores the connections between human reason, punishment, and political order by looking at Hobbes’s *Leviathan* as a response to Job’s pleas for comprehension of human suffering in the book of Job. *Leviathan* offers punishment and a political order that is transparent to human reason; after all, a political order we cannot understand does not allow us to exercise our judgment and control our destiny. Viewing the two works in conjunction reveals how Hobbes offers a corrective to Christianity’s failure to provide clear causality.

One of Hobbes’s greatest insights was that the anxiety resulting from our desire to control our future, combined with our inability to do so,

finds expression in political ordering. Systems of punishment are one of the primary mechanisms of political order that address our need for causality and the anxiety that accompanies it. The impulse to order amidst chaos has led us to construct ever more refined systems of creating predictability. Punishment follows the system of logic by replacing the unexpectedness of criminality or violence with the predictability of pain following an ill deed. Punishment and political order reflect the human mind interacting with and interpreting the phenomenal world; perceiving this contingent relationship helps us to understand the very root of secular political systems.

The Demand for Punishment

Contemporary readers encountering Hobbes for the first time find it almost impossible to imagine *Leviathan* as an attractive political vision. Why would anyone embrace an all-powerful ruler? The short answer to this question lies in the Hobbesian vision of the state of nature that reflects the turmoil of his time: his philosophy was born from the same fear he claimed as his twin. As Corey Robin's recent examination of Hobbes explicates, fear is the foundational political psychology of liberalism—a tendency that is particularly relevant in times of turmoil and change. Fears of the unknown and unknowable can be transformed through political order to a more calculable, and ultimately productive, fear of worldly authority. Punishment is assumed to be a primary instrument of this regime since it allows the sovereign to realize the threat of pain, and hence manipulate and transform individual fear into collective harmony. The central understanding of the relationship between punishment and politics is that punishment displays the power of command and establishes and maintains hierarchical authority. The *Leviathan* punishes in order to transform our fear of one another into fear of the potentially avoidable fury of the sovereign.

Nietzsche considerably complicates this picture in *On the Genealogy of Morals* by asserting that punishment is a power of the community recently stolen by the state in its quest for dominance. The origins of punishment lie in the community's desire to extract payment from those who abuse their membership or take it for granted—for example, the thief who steals from his neighbor's pot will be reminded of the protection afforded by the village once he is ejected into the woods. Nietzsche's observation that "in punishment there is so much that is

festive!" has disturbed many readers in arguing that punishment serves as the basis for, not merely the right of, the community.¹ The origins of the social contract lie not in the reasoned calculations of individuals, but rather in festivals of suffering that affirm membership in the collective.

But perhaps the two versions of punishment are not so far apart after all. In Hobbes, the community creates a demi-God and awards him the power to punish—what was originally an expression and experience of the community becomes condensed into the figure of the "Artificial Man." But in the end, the function of punishment is the same: to demonstrate the power of either the community or its representative and to enforce compliance with a given political order. Punishment generates and manipulates fear. However, this view of punishment is unidirectional: it affirms a view of political authority based upon hierarchical relationships. What this vision lacks is an understanding of why we might seek punishment, and why we would welcome the administration of pain. This is not a case for popular masochism of gigantic proportions, the counterpart to Nietzsche's intonations of collective sadism. Instead Hobbes offers an understanding of how not just fear but also hope and the proclivities of human rationality lead us to the construction of an all-powerful entity to deliver punishment. Our craving for comprehensible order, not discipline, is what inspired the creation of an earthly deity to punish and hence redeem us.

Fear may govern the direction of Leviathan, but Hobbes also examines the psychological drive of humans in another sense. He asserts that causality is the primary tool used by humans to assert control over their lives and environments, rather than being subject to them in the way of other creatures. If something happens, we want to know why. Determining the cause of events allows us to prevent tragedy, or attempt to re-create or to perpetuate fortune. This human proclivity forms the starting point of Hobbes's political vision in *Leviathan*. He eloquently states that "it is peculiar to the nature of men to be inquisitive into the causes of the events they see—some more, some less, but all men so much as to be curious in the search of the causes of their own good and evil fortune."² This inclination toward causality propels the establishment and perpetuation of political order to help guarantee the expected order of events. The promise of political order is that everything will progress in a relatively predictable manner—justice and virtue shall be rewarded, indolence punished. Even more mundanely, political order

offers the hope that everyday life will be more calculable despite the intrusion of unfortunate events: you can put funds in a bank that will be guaranteed even if the bank is robbed; if a house catches fire you can call the fire department and someone will respond.

But while this proclivity toward causality has been at the root of all political orders, it is a necessarily tragic propensity. Causal logic offers the tantalizing possibility that we can know why things occur and, even more important, that we might be able to control what happens to us. However, experience proves that a complete mastery of events is impossible. For example, routine maintenance does not always preclude automobile failure, and reward does not inevitably follow accomplishment. Our perpetually unsuccessful attempts to control our lives and fortunes are shadowed by a nagging unease. The frequently suppressed knowledge that absolute control cannot be maintained creates the psychology of anxiety common in human beings. We set the stage to create calm and clear progression yet know that our narrative is bound to be disrupted in ways we cannot anticipate. The inevitable failure spurs us on to try to create ever more tight contingency plans, which unfailingly fall short as well.

The search for causality is the source of anxiety, but it also can provide comfort when our plans go awry and we suffer. We can look back and see different choices or paths that might be taken, or we can comfort ourselves with the knowledge that there will be some reward for the pain we feel currently. Punishment isn't just about Nietzsche's relation between creditor and debtor, but also about the relationship between God and man. We might suffer today, but that pain will lead to redemption. *Leviathan* and the book of Job help us to understand why we would be inclined to view suffering as punishment, or even welcome punishment as a path to redemption. Hobbes's *Leviathan* delivers punishment that enforces order based upon human reason. But it simultaneously reveals the Achilles' heel of any secular regime: the requirement that punishment provide earthly redemption.

The Fall from Grace: How Judgment Begat Punishment

In the Christian tradition, the ability to judge gives birth to the punishments of God. Before they are able to know the difference between right and wrong, Adam and Eve have not been punished, they dwell in Paradise and have been given life everlasting. God tells Adam, the day

he eats the fruit from the tree of the knowledge of good and evil he shall die. Adam and Eve eat the fruit and do not die. The fruit itself does not kill them; instead mortality becomes their punishment for disobeying God. The punishment for the crime brings on their eventual death. After Adam and Eve gain the faculty of judgment through their disobedience God observes, "Behold, the man has become like one of us, knowing good and evil; and now lest he put forth his hand and take also the tree of life, and eat, and live forever" (Genesis 4:22). God doesn't conclude his thought, that then humans will have become Gods, knowing and immortal. Instead, he banishes humans from Paradise, cursing them to suffer estrangement and pain, and to return to dust at the end of their lives.

The story is important primarily because it offers an explanation for the suffering that humans endure. We humans brought the state of original sin upon ourselves, hence our state of life is one long punishment from God. Consider the link between the faculty of judgment and the punishment that is wrought as a result. The punishment of God would not have made sense without the faculty gained by the crime. Dying from eating the fruit would have been a causal relation that any animal would have been able to learn from. This fruit is poisonous. But to understand that disobedience itself is wicked, not merely the consequence of disobedience, relies upon the faculty of judgment. A child can disobey her father and touch a hot stove, and will learn why not to touch a hot stove out of instinct and experience. To teach a child not to disobey even when there are no direct consequences for his or her actions is a much more difficult enterprise. Why is lying wrong if no one finds out? Understanding this requires a faculty of judgment, the ability to know the difference between good and evil as abstract principles.

In punishing Adam and Eve, God not only dooms them to lives of pain, but also takes the first step in developing their ill-gotten faculty of judgment. The story is intended to provide a causal answer to the suffering of humanity. Humans suffer because Adam and Eve sinned, and through punishment humans will learn to remember and act correctly when judgment is required.

However, there is another way to understand this story. Faced with suffering, our desire for order requires us to understand the human condition as punishment based upon a clear order—God's will. If we suffer, there must be a reason that we do so; it cannot be senseless and random. To understand our suffering *as punishment* comes from the fac-

ulty of judgment. The faculty of judgment leads us to assume that there must be a cause and effect between our actions and lives.

There is a remarkable convergence of the two interpretations here. In the first, sin creates punishment. Yet we can also see that the content of the sin is not inconsequential—judgment creates the proclivity to see suffering as punishment. We insist that the random chaos of life and death is the result of a divine order of reward and penalty. Human reason creates this order out of faith; though life and death appear random, they are ordered by a force we cannot see or understand. The insistence that such chaos is ordered, despite the dearth of empirical evidence that proves this order, demonstrates the fervent human desire for causality and control.

The Book of Job

Divine punishment and original sin help our minds make sense of suffering. Inherent in our desire to understand punishment is the potential for future control, not just explanation of past events. This was true for the Greeks for whom punishing was a form of honor—a reciprocal relationship. We punish in the hope that we will achieve a better world, make better judgments next time. Therefore, the conception of original sin defies our conception of punishment. If we were born evil, if we will be punished no matter what, then what is the use of trying to be good? Why would God issue the Ten Commandments if we were to be punished whether or not we followed them?

Further reading of the Old Testament reveals a more complex view of the nature of divine punishment, most pointedly and powerfully displayed in *The Book of Job*.³ Here the human hope that through obedience we can avoid divine punishment is reconciled with the reality of random suffering. Man's capacity for judgment is more clearly defined. Interestingly, there is a shift from the observations of God and the serpent in Genesis who hinted that the capacity of Adam and Eve to know good and evil makes them like God, implying that divine and human moral reasoning are equivalent. In *The Book of Job*, human rationality is defined as distinctly different from the rationale that guides the bestowal of divine rewards and penalties.

The Book of Job opens with a description of the grace bestowed upon Job's life by God. He has three beautiful daughters and seven strong sons, and was "the richest man in the East." Job was a "man of perfect

integrity, who feared God and avoided evil" (5). Job follows God's rules and reaps the rewards of God's favor. Nonetheless, every year after a week of celebration Job would have his children be purified, "for he thought, 'Perhaps my children have sinned, and cursed God in their hearts'" (5). Here the fundamental uncertainty of man's ability to avoid divine punishment is revealed. Job opens his house to every stranger and humbly thanks God every day, yet the fear that somehow, somewhere, something could go terribly wrong haunts him in the midst of his plenty. The hope that the devout can avoid punishment is shadowed by the fear that punishment will come nonetheless, no matter how strident their efforts. After all, it was clear that sometimes innocents suffered, while those who were less than devout were rewarded by fate. *The Book of Job* acknowledges that divine order is still unexpected: even divine punishment can be random.

An Accusing Angel appears before God and responds when God boasts of the integrity and piety of Job, "Doesn't Job have a good reason for being so good? Haven't you put a hedge around him—himself and his whole family and everything he has? You bless whatever he does, and the land is teeming with his cattle. But just reach out and strike everything he has, and I bet he'll curse you to your face" (6). God gives leave to the Angel to test Job's faith. The Angel takes all his possessions and kills his family. Job still will not curse God, so the Angel sends him boils that eat away at his flesh and cause excruciating pain. After one week, Job cries, "God damn the day I was born and the night that forced me from the womb" (13). He begs for death and proclaims the injustice of God's order.

If God is all-powerful, why do the innocent suffer, and why does evil go unpunished? How can we explain the misfortune of the devout when those who flout God's laws enjoy life? The suffering of Job calls attention to the inconsistencies of God's punishments and demands an accounting. The rest of the book is Job's dialogue with his three friends and then God himself about the nature of divine punishment. Job insists that he is innocent, that God punishes him without reason and is therefore unjust. His friends beg him to be humble and proclaim his sins and beg for forgiveness. Eliphaz asks rhetorically, "Can an innocent man be punished?" assuming that the answer is no. Yet *The Book of Job* leaves the question open, for the story itself suggests the opposite answer. Eliphaz insists that man could never avoid being wicked. Job retorts, "Can't I tell right from wrong? If I sinned, wouldn't I know it?"

(22). Job's friends turn to faith and the answer of original sin to explain his suffering, Job relies upon his judgment to affirm his devoutness. He points out the misery of human existence: "Man's life is a prison; he is sentenced to pain and grief" (23). Is life itself nothing but a punishment by a vindictive God? Is divine punishment inescapable?

Job refuses to succumb to the pleading of his friends. He insists upon his innocence, proclaiming the injustice of God.

I swear by God, who has wronged me
And filled my cup with despair,
That while there is life in this body
And as long as I can breathe,
I will never let you convict me;
I will never give up my claim.
I will hold tight to my innocence;
My mind will never submit. (64)

Job knows he is innocent. Because God punishes the innocent, he is unjust.⁴

God comes to earth and speaks to Job and his friends from a whirlwind and immediately complicates the situation by asking, "Do you dare to deny my judgment? Am I wrong because you are right?" (84). The simple binary of guilt and innocence is swept away. The human capacity to see punishment and reward as proof of either guilt or innocence is entirely too clumsy an attempt at justice. God's reason works in ways that are truly unfathomable to the human mind. While the suffering of the meek and reward of the venal may appear as injustice to us, this is a failure of our comprehension, not of divine justice. The voice in the whirlwind taunts Job and says he could punish all the proud and humiliate all the wicked, but this would not be divine rule; he calls it "savage justice."

Job is converted; he acknowledges the limits of his reason. "I will be quiet, comforted that I am dust," he concludes. Therefore the contradictory becomes reconciled. Job was innocent, but God is just. There is a fundamental inability of human rationality to understand the order created by God's punishments. We can strive to follow his rules and use our judgment in ways that he would find praiseworthy, but this does not mean we shall not suffer at his hand someday. The crushing reality of punishment has outstripped our attempts to rationally order

cause and effect. Job was right to fear that suffering would invade his life, even when he had done everything possible to curry God’s favor.

After Job’s realization of the impenetrable logic of divine punishment, *The Book of Job* ends with one last Psalm. God rewards Job and punishes his friends. Job has “spoken the truth about me,” while the friends with all their piety failed to do the same. Job understands the limits of his reason, that God punishes the innocent, and that the order of the world is beyond his grasp. The friends are punished because they assume they know the mind of God; they assumed that the source of Job’s suffering rested in his actions. In other words, it is a sin to expect God’s actions to conform to human reason. Divine order is beyond our conceptual grasp.

Job’s Trial

One of the more curious elements in *The Book of Job* is a pretend trial that is constructed by Job and his friends. His friends urge him to plead his case before God, confess his sins and beg for mercy. This leads Job to contemplate such a trial and make a number of observations. First, if God is the judge and prosecutor and Job is the defendant, the grounds of their collision are entirely uneven. “I know that this is true: no man can argue with God or answer even one of a thousand accusations. However wise or powerful—who could oppose him and live?” (27). There is no way to state a case before a creature so much more powerful than oneself. The lack of even proximate equality makes an interchange impossible. To hold a trial between unequals is preposterous.

Second, Job asks, “If he seized me, who could stop him or cry out, ‘What are you doing?’” (27). There must be someone even more powerful who could make sure that the trial proceeded fairly. Why should he appear in court if there is no guarantee of his safety? How could he freely accuse him without the protection of a greater individual? Job ponders: “If only there were an arbiter who could lay his hand on us both, who could make you put down your club and hold back your terrible arm. Then without fear, I would say, You have not treated me justly” (29). The judge in a case must be neutral, and more powerful than the participants; otherwise a fair hearing cannot be achieved.

Finally, Job expresses his desire that the punishment he has endured be redemptive. Even if it has proven to be unjust, he would be willing to endure it if it meant that God would embrace him for doing so.

If only you would hide me in the pit
Till your anger has passed away,
Then come to me and release me.
All my days in prison
I would sit and wait for that time.
You would call me—I would answer;
You would come to me and rejoice,
Delighting in my smallest step
Like a father watching his child. (37)

This is a crucial revelation. Job welcomes God's authority, even the administration of punishment, as long as it leads to redemption. He is willing to endure hardship for the sake of God's authority, as long as he is congratulated for doing so. If he felt that the punishment has redeemed him in God's eyes, the bond between punisher and punished would only be strengthened. This shows the inexorable desire of human rationality to ascribe cause and effect. God has denied Job the understanding of a causal link between crime and punishment in this case. Indeed, there was no causal relationship to understand. Even if there was no crime that brought on punishment, if the punishment yields redemption a causal relation is established. Job can accept his punishment—even if he can't understand why he is being punished—as long as the punishment leads to redemption.

Job's attempt to reason about the conditions of just punishment and to ascribe meaning to his travails is answered by God in the form of a great sea creature—Leviathan. He describes a most terrible, irascible monster that no human could even dare to imagine placating. Only God has the power to subdue him. Job accepts this illustration of divine might and human impotence. The question of justice seems to have been solved by the assertion of supreme power. God is all-powerful; therefore you cannot question his justice.

Leviathan Returns

Thomas Hobbes adopted the name of this sea creature, Leviathan, for his artificial and all-powerful earthly God. A number of scholars have observed that Hobbes carried the lesson of the sea monster away from the book of Job—might makes right. If the sea monster can be used to frighten Job into accepting God's impenetrable divine judgment, why

could it not work to reinforce mortal authorities as well? While the family resemblance is certainly there, the connections between Job and Hobbes are more complex than that. Hobbes not only adopts God's method of affirming his right to judge, he responds to Job's pleas during his trial earlier in the text as well.

Clearly Hobbes was closely engaged in a reading of the Bible. Recent scholarship has exhaustively debated whether Hobbes was truly devout. There are those who say that he was devout⁵ and those that argue he was not.⁶ Remarkably, none of these commentators looks very closely at the relationship between Hobbes's *Leviathan* and the source of its central concept, the book of Job. Deborah Baumgold does broach the subject, asserting, "Figuratively, the political theory is about leviathan and behemoth, but it speaks to Job."⁷ Yet Baumgold asserts this in the most general fashion, believing that Hobbes was interested not only in the powerful of the world, but also in providing for the powerless. W. H. Greenleaf has established through careful historical research that Hobbes was reading contemporary commentaries on the book of Job by J. Caryl.⁸ Greenleaf argues that there are parallels in the political implications of Job's story and Hobbes's *Leviathan*, but his main goal in this note is to place the ideas of Hobbes within the context of debates about theological nominalism.⁹ I am not trying to argue that the linkage between Hobbes and the book of Job reveals something in particular about Hobbes's relationship to Christianity. Instead, the connections between the two works help to illuminate Hobbes's project in a new light, as well as establish how conceptions of punishment reveal a shifting role in the relationship between human rationality and political order.

One interpretation of the book of Job's resolution is that the monster makes divine and human reason expendable: justice is based only on power. In an influential article from 1983, R. J. Halliday, Timothy Kenyon, and Andrew Reeve claimed, "For Hobbes, the lesson of Job contained an important political message: the absolutism of the mortal God is an imitation of the irresistible power of the immortal God. And obviously, Hobbes was quite content to rest on this doctrine."¹⁰ I disagree with this assertion. First of all, Hobbes does more than adopt the monster from the book of Job; there is a clear intertextuality between Job's trial and Hobbes's *Leviathan* that suggests Hobbes carried away much more than this basic political message. Second, while Hobbes may have embraced the relationship between power and justice

demonstrated in the book of Job, he also makes an important distinction between his Leviathan and the self-declaredly opaque God that resisted Job's logic. The absolutism of the immortal God of Job includes a statement that his actions are inscrutable to humans. Hobbes empathizes with Job's predicament and creates a Leviathan that can be understood by human—in fact, he only exists through the perception and reason of human beings.

Michael Oakeshott has argued that while Hobbes's work may appear labyrinthine, it is connected together by one thread—the nature of human reason.

It is the character of reasoning that determines the range and the limits of philosophical enquiry; it is this character that gives coherence, system, to Hobbes's philosophy. Philosophy, for him, is the world as it appears in the mirror of reason; civil philosophy is the image of civil order reflected in that mirror. In general, the world seen in this mirror is a world of causes and effects; cause and effect are its categories. And for Hobbes reason has two alternative ends; to determine the conditional causes of given effects, or to determine the conditional effects of given causes.¹¹

Placing Hobbes's interest in cause and effect as the primary categories of human reason at the center of analysis, we can see why Hobbes found a kindred spirit in the figure of Job. Job's meticulous worship of God in the face of his prosperity sought to affirm devotion and reward. His fear of the unknown or the unexpected, causing him to purify his children year after year just in case they had thought something that might displease God, reveals what Hobbes called the fundamental human anxiety—the desire to know and the fear of the unknowable.

In chapter 12, "Of Religion," Hobbes argues that the origins of religion can be found in the psyche of man. The primary disposition of human beings is to seek the causes of events that they see, then to establish cause and effect between chains of events. The problem is that causality is usually obscure. "And when he cannot assure himselfe of the true causes of things, (for the causes of good and evill fortune for the most part are invisible,) he supposes causes of them, either such as his own fancy suggesteth; or trusteth to the Authority of other men, such as he thinks to be his friends, and wiser than himself."¹² The need

to find causality overcomes the lack of empirical evidence. When there is no clear cause of an event, we will assume one anyway. Hobbes believes this is the impetus behind the development of religion as an unseen force that can explain why events occur as they do.

Yet the search for causality combined with the impossibility of perceiving the cause of many occurrences leads to acute anxiety. Particularly those who meticulously try to anticipate the future and provide for themselves become haunted by the capriciousness of fate. "So that man, which looks too far before him, in the care of future time, hath his heart all the day long, gnawed on by fear of death, poverty, or other calamity; and has no repose, nor pause of his anxiety, but in sleep" (76). While it is certainly debatable whether such anxiety is indeed overcome by sleep, the image is startlingly clear. The more one tries to control one's destiny, the more anxious one becomes in recognizing that many aspects of the world are out of control. Here Job's furtive prayers and purification rites, just in case his children had sinned somehow, spring to mind. When Job's punishment is wrought, he cries out, "My worst fears have happened; My nightmares have come to life."¹³

Hobbes describes how religion works to provide a clear causality for events that cannot be otherwise explained. The propensity to assert such a train of events even when events defy explanation is remarkable. Hobbes notes, "And therefore, men by their own meditation, arrive to the acknowledgement of one Infinite, Omnipotent, and Eternal God, choose rather to confesse he is Incomprehensible, and above their understanding; than to define his Nature by Spirit Incorporeall, and then confesse their definition to be unintelligible" (77). The mind that creates phantoms and other bodies to ease the anxiety of uncertainty will not relinquish these solutions even when they fail to provide any explanatory satisfaction. Here Hobbes is unquestionably referring to Job, where God's majesty is accepted as beyond human understanding. This is a crucial paradox to explore: the mind's need for causality is so great that it would rather blame its own limitations than give up the device that provides a sense of causality. But while ultimately Job appears to put his mind at rest with a knowledge of limited understanding and be "comforted that he is dust," the entire story of Job reveals a more indeterminate struggle between the need for rational explanation and the opacity of divine punishment. Job continues to want punishment to be perceptible to his reason, to have a clear cause and effect. Perhaps the impulse of reason proves triumphant over the

need to assert causality. This seems to be where Hobbes offers the answer to Job's dilemma. Hobbes will invent a creature that punishes, but it will be carefully subject to the logic of human rationality, while at the same time embodying the superhuman power of the divine.

Hobbes's ruler may bring terrible punishments to bear upon its subjects, but these punishments will meet the criteria outlined by Job. They will be subject to the categories of cause and effect, there will be a powerful judge to arbitrate, and the subjects shall be equal before the law. In short, punishment will be rational, hence redemptive when administered, and possible to predict, comprehend, and hence potentially avoid. The book of Job offered an explanation for the breakdown of causality between piety and divine grace.

But Job's cries ultimately did not go unheeded. *Leviathan* can be read as an attempt to answer Job's pleas, to create a political order that is based upon awesome power yet not opaque to human reason. Even if divine order cannot be made accountable to human reason and control, the worldly order can become so. Hobbes marks a shift in the relationship between human reason and the creation of systems of punishment. If human reason invented original sin to make sense of suffering, this is the next step along the way. Reason will not only be able to explain punishment but will also be able to predict and thereby respond to it. Punishment can be truly redemptive if it meets these conditions. A system of punishment that follows the logic of human reason promises a more transparent ordering of the world and the powers within it.

Hobbes's Theory of Punishment

Punishment plays a most central yet generally unexamined aspect in the political philosophy of Thomas Hobbes. But to understand his system of punishment, it is necessary to situate it in the context of his epistemology, which has been thoroughly explored by scholars. Hobbes states that all thoughts and imagination originate from the senses. He begins his book with the chapter "On Sense" highlighting this element as the basis of his political order. Sense provides the origin of our perception of the world, "(For there is no conception in a mans mind, which hath not at first, totally, or by parts, been begotten upon the organs of sense.)" (13). The senses do not provide us access to what is *per se*; but are only "a Representation or Appearance" (13). Hobbes does not thereby conclude that we should suspend judgment, since we

cannot know whether our perceptions of reality are true or not, as is the case with skepticism. Richard Tuck has traced links between Hobbes's interest in perception and knowledge and the work of Descartes, Mersenne, and Gassendi in developing a postskeptical approach.¹⁴ These seventeenth-century thinkers seem to have drawn inspiration from Epicurus, "who was recorded as having said something to the effect that 'every phantasia is true.'"¹⁵ Recent research also suggests that Hobbes's exposure to optical instruments while living in exile in Paris played a more formative role in the development of his political philosophy than previously understood.¹⁶ Regardless, Hobbes saw human knowledge as based upon external stimulation of the senses, despite the fact that our perception was not necessarily representational. He points out that our dreams are affected by the external circumstances of our sleeping (for example, "lying cold breedeth dreams of fear"). Through the senses, external reality influences perception. He is not breaking off into a radically self-constructed system of knowledge. But nonetheless, perception, not empiricism, forms the basis of knowledge. Hence, any social and political order must be based upon our perceptions. The weakness of Christian order is that it relies too much on elements, such as divine justice, that are explicitly beyond human perceptual faculties.

The body receives the senses, and the mind sets about ordering them. Senses provide the material for rationality to exercise itself by developing a "trayne of imaginations." These are the categories of cause and effect; our senses inform us, for example, that when it rains a particular road floods, and the next time it rains we can imagine that the same road has flooded. In that way, sense meets the human inclination to establish cause and effect. The result is science, which Hobbes defines as follows.

Science is the knowledge of Consequences, and dependence of one fact upon another; by which, out of that we can presently do, we know how to do something else when we will, or the like, another time: Because when we see how any thing comes about, upon what causes, and by what manner; when the like causes come into our power, we see how to make it produce the like effects. (35–36)

Science allows us to learn from the past and try to exert control over the future, to anticipate and plan.

Hobbes developed his metaphors carefully, and therefore I do not

take lightly the fact that he described punishment as the “nerves of the Artificiall Man, the Common-wealth.” The relationship between nerves and action is mechanical. If you hit your thumb with a hammer, the hand will recoil and blood will rush into the appendage automatically. The sensation of pain will be registered in the mind, which will then direct the body to be more careful next time. Punishment and reward are the nerves of the commonwealth, “by which fastned to the seate of the Sovereignty, every joynt and member is moved to performe his duty” (9). If someone steals from another, the brain (sovereign) of the commonwealth responds and causes pain to the criminal. The sensation will teach him, and all who watch, the cause and effect of disturbing the order. Similarly, those who protect the commonwealth will be rewarded, teaching through sensation the cause and effect of pleasure.

Once again, the matter is one of perception. As Hobbes observes, the purpose of punishment is not revenge but correction. Therefore the sovereign needs to punish in ways that correct rather than cultivate resentment. If crimes are committed out of fear, need, or ignorance “there is place many times for Lenity” (241). On the other hand, crimes committed by the privileged need to be punished fervently. “For indignation carrieth men, not onely against the Actors, and Authors of injustice; but against all Power that is likely to protect them” (241). If the body of the commonwealth perceives that punishment is driven by something other than the performance of justice, the nerves of the body will no longer achieve its goal of training its appendages. If through punishment the commonwealth betrays favoritism or prejudice, the body will respond to those sensations instead.

The causal relationship Hobbes is searching for here is not a direct correspondence between punishment and crime. If this were the case, theft would be punished in the same way, regardless of who committed it and why. Rather, humans need to be able to *perceive* a direct correspondence between crime and punishment. Therefore, punishment needs to occur as a clear message to the members of the commonwealth. It is with this goal in mind that Hobbes elaborates the rules and methods of punishment in chapter 28, “Of Punishments and Rewards.” In contrast to the trials of Job, Hobbesian punishment must be perfectly transparent lest it lose its utility.

Nor is it simply the sovereign’s ability to punish that informs the body. If Hobbes were adopting a simple linkage between power and might, then the mere ability of the sovereign to punish, and punish ter-

ribly, would be considered sufficient to generate adherence to the law. Yet Hobbes quite specifically delineates how the sovereign should punish. Because punishments and rewards send particular lessons and teach the body through sensation it is important that the sovereign punish and reward correctly in order to teach the body the correct response.

Hobbes details the conditions of just punishment in chapter 28: "A Punishment, is an Evill inflicted by publique Authority, on him that hath done, or omitted that which is Judged by the same Authority to be a Transgression of the Law: to the end that the will of men may thereby the better be disposed to obedience" (214). There are several aspects of this definition to be elaborated. First, the actions of private men are not included in his definition. Only those with public authority can punish. Those who are sworn enemies of the public authority are also not subject to punishment, either because they were never subject to the law or have declared themselves no longer subject to the law. The pain that a power may inflict upon those outside the law is pure hostility instead of punishment. Hobbes also distinguishes divine punishment, misfortune such as plague or illness that befalls someone after a transgression of divine law, from human variants. The result of these qualifications is that punishment is a product of the social contract and hence also a product of human perception and reason. This means that noncitizens and an opponent facing a conquered enemy are not subject to the same restrictions that Hobbes places upon the public authority.

Some argue that the sovereign authority's power makes the law; the law is created and maintained by his authority to punish those who transgress it. But the second notable aspect of Hobbes's description of punishment is that he carefully limits the sovereign power's ability to punish. Here the mere fact of punishment does not establish sovereignty, instead sovereignty bounds the ability to punish. In a fashion all the more remarkable considering his leniency toward the necessities of sovereign power at other locations in the text, Hobbes places a series of restrictions upon punishment. Hobbes's standards of punishment are surprisingly rigid—it must be rational, redemptive, and transparent—all the elements that Job desires for his own trial.

Only through the perception of causality between crime and punishment, and then punishment and redemption, does punishment become useful in training members of the commonwealth. For that reason, "all evill which is inflicted without intention or possibility of disposing the

Delinquent, or (by his example) other men, to obey the Lawes, is not Punishment; but an act of hostility" (215). Punishment is distinguished from hostility only by its utility. Furthermore, he elaborates that punishment must follow public condemnation and announcement of exactly which crime or crimes are being punished.

In achieving the perceptible relationship between the punishment and just authority, Hobbes makes the following provisions. First, the amount of punishment needs to be exact in order to achieve its utility. The pain of punishment must outweigh the benefits derived from the crime, otherwise it will not create adherence to the law. More interesting, Hobbes also states that if a punishment for a crime has been specified, increasing the penalty is not legitimate punishment but is instead "an act of hostility." This provision belies the assumption that for Hobbes might makes right. Instead, punishment must adhere to the law in order to generate obedience to the law. Furthermore, a person cannot be punished for breaking a law that does not exist.

The public authority alone has the right to punish. Hobbes distinguishes punishment from private acts of revenge, as well as acts of nature or God, such as a curse or illness that fall upon someone after they have done evil (214–15). This makes it seem as though one aspect of the generation of sovereignty is the exclusive ability to punish. Yet Hobbes points out that wanton punishment by the sovereign, which may assert his power, nonetheless defeats the enterprise of punishment, which is to generate judgment and obedience. If punishment breaks a person's spirit, or strikes fear and terror in the hearts of spectators, fear is the result, not the improvement of judgment. In order to train the judgment of members of the commonwealth, the relationship between law, authority, and the punishment must be maintained as well.

This is yet another way that Hobbes answers Job's pleas for a redemptive punishment. Hobbes places the conditions of punishment under a utilitarian imperative: if it is not useful for bolstering the judgment of the commonwealth, it should not be done. For this reason, "All Punishments of Innocent subjects, be they great or little, are against the Law of Nature: For Punishment is only for transgression of the Law, and therefore there can be no Punishment of the Innocent. . . . For there can arrive no good to the Common-wealth, by punishing the innocent" (219). It is not the mere exercise of power that guarantees the obedience of subjects, it is the exercise of power in ways that both conform to

causal logic and are perceptible to human reason that help form the “nerves” of the polity. Only through the consistent application of causality in both crime and punishment, and a demonstrably clear relationship between legal authority and punishment, can the Hobbesian order be maintained.

Conclusion

Hobbes’s *Leviathan* and *The Book of Job* offer us one way to evaluate our political order: does it meet the demands of causality, and is the justice meted out perceptible as such? Looking at the contemporary penal system in the United States, it must be admitted that it meets neither of these criteria. The links between crime and punishment, and between punishment and redemption, have been severed. Those in prison often feel that their incarceration was random, therefore unjust. Dozens of people engage in similar criminal activities yet are not caught and sentenced. The perception of irregularity extends into white-collar crime as well; for example, ask other people whether they think insider trading is consistently punished. Nor does having undergone punishment lead to redemption. Megan’s Law provides for the permanent stigmatization of some offenders; employment and suffrage exclusions create a multitiered system of full and partial citizenship. All of these problems have been noted by others as unjust for those unfortunate enough to be subject to them. This reading suggests why these practices may be detrimental to our entire political order.

The other lesson that emerges here is what Hobbes establishes about the desire for control when confronted with a chaotic world that drives us to establish, revise, and insist upon political order. This also seems to be a lesson that is worth heeding in the contemporary political climate. People certainly do look to their government to eradicate the unforeseeable and mitigate misfortune. It will inevitably fail in its attempts to accomplish these tasks.

Perhaps the true dynamism of political systems is the paradox that gave birth to them: the human desire to order the universe and find stability combined with the persistence of the unforeseeable. Embedded in human reason is the anxiety that will drive us to find different, more responsive orders. This is a search that will never end, unless we one day decide to liberate ourselves from the prison of our anxiety and hence overcome the need for political order. The most prescient exam-

ple of this sort of transcendence is found in Camus' "Myth of Sisyphus." Instead of trying to eliminate suffering by creating systems of order based upon human reason, Camus suggests that we will finally end our suffering by realizing that it has no meaning. Perhaps the attempt to see meaning in our suffering is the source of suffering.

In Camus' essay, Sisyphus pushes the rock up the hill and wearily treads back after it rolls down again, doomed to meaningless labor for eternity. Camus perversely suggests that he holds out the key to our happiness. When Sisyphus turns back to descend the hill toward his rock, how does he face the external futility of his efforts? "If this myth is tragic, that is because his hero is conscious. Where would his torture be, indeed, if at every step the hope of succeeding upheld him?"¹⁷ Sisyphus's punishment of rolling the rock for eternity is inconceivable since he knows the absolute futility of his actions. Camus suggests he becomes free through being denied redemption in his punishment, by knowing that his efforts will lead him nowhere but back to the beginning. He is set free by knowing that he has created his destiny, yet it is nonetheless out of his control.

At that subtle moment when man glances backward over his life, Sisyphus returning toward his rock, in that slight pivoting he contemplates that series of unrelated actions which becomes his fate, created by him, combined under his memory's eye and soon sealed by his death. Thus, convinced of the wholly human origin of all that is human, a blind man eager to see who knows that the night holds no end, he is still on the go, the rock is still rolling.¹⁸

The clear break in the illusion of control and the desire to establish causality forces Sisyphus to attain a new understanding of human limitations. Once emancipated from the illusion that he is master over his own life and that events follow a clear chain of causality, Sisyphus becomes liberated even in the midst of punishment everlasting. Job also gave up on his ability to understand and was comforted. However, ultimately the book of Job reneges upon this message by rewarding Job handsomely, reestablishing the causal link between obedience to God and divine law and reward. Camus goes one step further and suggests it is the hoax of causality and perception that is our true punishment. The suffering caused by this single proclivity may indeed outweigh all other kinds of misfortune.

So why exactly is man’s life a prison? Because of the seemingly inescapable drive to create order that *will* disintegrate, just as Sisyphus’s boulder rolls down the hill again? Because we see punishment everywhere around us where there is only random suffering? Because we create orders to punish us in ways that are comprehensible, perhaps with the intention of occluding the pain and suffering that ultimately defy perceptible order? All three of these dynamics pervade our experiences and help explain the prisons and rules we carry within and create for ourselves and one another. Punishment emerges as the key to understanding why and how we create and re-create political order.