
Paul S. MacDonald

LEIBNIZ, THE *PESSIMUM*, AND THE DEATH PENALTY

The moral and/or juridical arguments for abolishing the death penalty as it now stands succeed to some degree because the moral and/or juridical arguments for the death penalty are weak. Such arguments only have to show that the currently cited grounds for upholding the death penalty fail to meet the rationales and criteria that their adherents advance. However, arguments for or against the death penalty appeal to moral principles which are not neutral with regard to metaphysical issues; moral assertions come with ontological and epistemic commitments. No argument about equity or fairness or justice can be made without premises which express what kinds of things there are, what one can be said to know, and what an agent is free to do. This paper explores a different approach to the merits of the death penalty based on Leibniz's metaphysical principles: monads' phenomenal expression, pre-established harmony, super-essentialism, individuals' inner programs, and moral agents' freedom to act like "little gods". This paper presents Leibniz's picture of an individual who freely chooses to contribute to the moral *pessimum* (the worst compossible state-of-affairs) and the compensatory scheme that requires an effort by a community of rational agents to redress the overall balance of moral good. On this view, there is a positive requirement for the benefit of a community of minds to invoke the death penalty for a murderer whose individual concept contributes to the *pessimum*, and

105

whose continued life retards efforts to achieve an optimum state where moral good outweighs moral evil.

Deficiencies in arguments for the death penalty – a new approach

106

The legal notion of the death penalty has several putative bases, not all of which are compatible: retribution, recompense and deterrence. On the basis of retribution it is claimed that the death penalty exacts a severe punishment as payback for a serious harm. On the basis of recompense, it imposes a severe punishment intended to restore the balance in equal kind for the willful deprivation of the victim's life. And on the basis of deterrence, the severe punishment is meant to serve as an example to other would-be criminals in order to give them sufficient grounds for refraining from committing a heinous crime. As is well known, each of these rationales for the death penalty has its problems.¹ It could be argued that a life term in prison is a more severe punishment than the death penalty since a living prisoner constantly experiences deprivation of his liberty, where an executed culprit has lost the ability to experience deprivation of his liberty. It has also been vigorously argued that, as a matter of fact, the death penalty as a serious deterrent does not work, both in terms of the steady statistical frequency of murders in states with the death penalty, and in terms of an underlying confusion in establishing a criminal's motives. In other words, a would-be murderer could think - even with little or no grounds - that he has a good chance to escape arrest, or that the loss of his own life (if convicted and sentenced) weighs less than his victim's loss of life, and so forth.

The strange feature of the deterrence theory is that the death penalty is thought to exert its greatest force *not* against the guilty person, but against those who are not yet guilty. Even if it could be proved that the death penalty did act as a salutary caution for those about to commit serious crimes, it would not by itself function as a severe punishment for the culprit; some other ground would be

1 All of the articles (except one) in Bedau 1998 are against the death penalty; there are four articles in favor of and four against in Bedau & Cassell 2005.

needed to justify depriving this person of their life. Let us imagine a state whose judicial branch invokes the death penalty consistently, promptly and comprehensively and that the number of murders in the state drops to zero. Let us further imagine that, in this scenario, there is ample evidence that there are no further murders and ample evidence that the consistent application of the death penalty has been the sole reason for that decrease. There would then be a strong moral obligation to sentence murderers to death, since public awareness of that penalty prevents any number of serious crimes from occurring. However, this poses a conundrum about the moral force behind the penalty's purpose. That is, if the sole reason for invoking the death penalty is that it acts as a deterrent for crimes which merit death, then the moral force of the deterrent acts *on those who have not committed any crime*; and further, if there is no other reason than deterrence, and this purpose is successful, then there doesn't seem any reason to punish the criminal.

The arguments for the abolition of the death penalty are not the same (or do not accomplish the same thing) as arguments against the death penalty. The moral and/or juridical arguments for abolishing the death penalty as it now stands succeed to some degree because the moral and/or juridical arguments for the death penalty are weak. The predictive reliability of some of the premises in the various arguments for the death penalty is subject to empirical disproof. The weakness of some of the current arguments for the death penalty hinges on their failure to demonstrate that deterrence works or that a religious sanction is appropriate or that modern societies can remain civil (if not civilized) even with "a life for a life". The arguments for the abolition of the death penalty only have to show that the currently cited grounds for upholding the death penalty fail to meet the rationales and criteria that their adherents advance. In contrast, the arguments against the death penalty as an immoral policy have to show more than just that: they have to show that *in principle* the death penalty cannot be morally justified.²

Before his death in 2002 the best known advocate (in the US at least) of the death penalty was Ernest van den Haag who mounted a vigorous defense on many fronts in a lengthy series of books and articles (summarized in his 1986

2 For the abolition of the death penalty see esp. Kurtis 2004 and Sarat 2002.

Harvard Law Review paper). Against the charge that the death penalty discriminates against certain groups he stated that justice is independent of distributional inequalities: “justice requires that as many of the guilty as possible be punished, regardless of whether others have avoided punishment. To let these others escape the deserved punishment does not do justice to them or to society. But it is unjust to those who could not escape.” With regard to the deterrence thesis he admits that there has been no conclusive evidence that the death penalty is a better deterrent than the threat of alternative punishments. Thus he declares that deterrence is not “altogether decisive” for his view; he would favor retention of the death penalty *as retribution* even if it were shown that the threat of execution could not deter prospective murderers not already deterred by the threat of imprisonment. Hence, van den Haag’s principal ground for advocating the death penalty is retribution: “the severity and finality of the death penalty is appropriate to the seriousness and the finality of murder”. Retribution is “an independent moral justification” and cites Kant and Hegel, who, he argues, insisted that, when deserved, execution affirms the culprit’s humanity by affirming his rationality and responsibility. “The murderer learns through his punishment that his fellow men have found him unworthy of living; that because he has murdered, he is being expelled from the community of the living.... By murdering, the murderer has so dehumanized himself that he cannot remain among the living. The social recognition of his self-degradation is the punitive essence of execution”.

108

In a recent book review³ Michael Rosen tenders an argument for the death penalty which he derives from his interpretation of Kant’s ethics. Rosen claims that Kant believes that punishment should be retributive: “we should punish wrongdoers to the degree that matches the gravity of their crime (including the death penalty for murderers) even if no wider social benefit comes from doing so.” Rosen admits that on the conventional, modern view of punishment a good action must benefit a morally valuable being; so it is hard to see how such a radically retributive view, which would deprive a moral being of his life, could be defended. If there are no benefits to other human beings (now or in the future)

3 Rosen (2008) Review of Allen Wood’s *Kantian Ethics*. TLS 17 October. No. 5507.

to balance depriving the culprit of his welfare (or well-being), how could it be morally right? But Rosen claims that what matters most for Kant is “respecting the inner core of moral personhood we all carry within us – promoting people’s welfare is secondary to that.” In general for Kant, “justice means holding moral agents responsible for their actions. Punishment is a way of expressing respect for moral personhood, something that the criminal can recognize that he deserves and justice... has a clear priority over the duty to promote welfare.”

Rosen admits that it may seem a very odd way of showing respect for personhood when the state puts an end to the life of someone in whom personhood is embodied. “The fact that we value personhood within ourselves does not mean that we should value life above all things. Because personhood is not just an empirical property of human beings, it can be honored even when life has been sacrificed.” Rosen’s attribution of this view to Kant’s ethics issues in strict implication: “even if society were about to dissolve, it would still be right to put the last murderer to death, Kant says. The point is not to uphold society but to uphold justice itself. ‘For if justice goes, there is no longer any value in men’s living on the earth.’”

109

Rosen concludes this striking (albeit brief) argument with the declaration that Kant’s rigorous conception of the link between justice and personhood is rooted deeply in his moral thought. “The idea that ethics is based upon a single value, personhood, which cannot be increased or diminished by any action that we take, ties Kant’s ethics, for better or worse, to the picture of human beings as poised between two worlds, the noumenal and the empirical.... Our aim in the empirical world should be to act in ways that are expressive of our membership of the noumenal world.” My argument from Leibniz’s ethics follows a similar line and derives its force from similar concepts: Kant’s idea of personhood is found in Leibniz’s idea of an individual’s complete concept, justice is for Leibniz the attempt to establish a balance of good over evil, and the human spirit for Leibniz stands at the juncture of the monadic world and the phenomenal world; through their actions the community of spirits expresses their will to realize the best of all possible worlds.

It seems to me that any argument for or against the death penalty appeals to moral principles which are not neutral with regard to metaphysical issues; moral

assertions come with ontological and epistemic commitments. No argument about equity or fairness or justice can be made without premises which express what kinds of things there are, what one can be said to know, and what an agent is free to do. If these metaphysical ideas are not overtly expressed in moral debate, in principle they must be expressible. Let us attempt to explore a completely different approach to the merits of the death penalty based on Leibniz's picture of an individual who freely chooses to contribute to the moral pessimum (the worst compossible state of affairs) and the compensatory scheme that requires an effort by a community of rational agents to redress the overall balance of moral good. The second section discusses the pervasive determinism at the monadic level, the notion that a rational agent deliberates upon and carries out actions based on apparent goods, and the notion that a self-conscious being is a free agent and hence can be held responsible for his actions. The third section presents Leibniz's view on moral good and evil, the compensatory scheme of global good and global evil, and the idea that finite agents can act like "little gods" in their own domain. In conclusion, the fourth section argues that there is a positive requirement for the benefit of a community of minds to invoke the death penalty for a murderer whose individual concept contributes to the pessimum, and whose continued life retards efforts to achieve an optimum state where moral good outweighs moral evil.

110

Determinism, rationality and responsibility in Leibniz's metaphysics

Leibniz thought of nature as having two levels: the micro-level of monads and their linkages; and the macro-level of organized composites, aggregates of monads that are the fundamental fabric of the phenomenal world. According to the principle of pre-established harmony there is a strict parallelism between the two levels: like two clocks that are perfectly synchronous, monadic inner changes exactly correspond to observable interactions between particular things. (MES pp. 253-60) There is also an exact correspondence between such monadic inner changes and sentient beings' ideas about those changes. According to his super-essentialist position, there are no accidental properties and no contingent events;

everything that can truly be predicated of a particular thing belongs to the essence of that thing. (DM §8 MES pp. 64, 69) On his view the history of each composite thing is the unfolding of its constituent monads' own inner natures. Each monad has an internal program, designed to run through a very precise sequence of stages, and since a composite thing's particular profile or aggregate shape is the "result" of a dominant monad's organization of its subordinate monads, its entire history is contained in its concept. Thus, a composite thing's perceptions at any given time and place are, strictly speaking, the consequences of its ordering principal monad's internal phase of development. This thesis of super-essentialism is crucial to his understanding of an individual's freedom in thought, responsibility for his actions, and hence his fittedness for punishment.

According to his reading of determinism, Leibniz holds that there is an ensemble of initial conditions that comprise the material configuration of the world in space and time, and a set of natural laws that describe the ways all material objects in the world must behave under certain conditions. The set of natural laws decided upon by God in bringing about the actual world, when applied to the initial conditions, permits exactly one material history of the world (or one history of the material states of the world). However, this interpretation of determinism does not take account of Leibniz's insistence that there are two levels of reality: the basic level which comprises an infinite plurality of monads, some of which are intelligent monads or minds, and the phenomenal level which comprises material bodies and the proximate relations between them. The natural laws which govern the world of bodies are mechanistic and accord with efficient causes, the higher laws which govern the world of minds are purposive and accord with final causes. There is no causal interaction between monads, since their changes of state are no more than expressions of the unfolding of their inner program. Although conscious agents think that their actions bring about changes through causal efficacy, strictly speaking what they observe as phenomenal changes are the coincidence, by way of pre-established harmony, of one monad's unfolding in exactly that state (taken as a cause) with another's monad's unfolding in its state (taken as an effect).

He says that, "God has made each of the two substances from the beginning in such a way that though each follows only its own laws which it has received with

its being, each agrees with the other, entirely *as if* they were mutually influenced.” (PPL p. 460) There are two realms in which events unfold⁴: “Nature has as it were an empire within an empire, a double kingdom so to speak, of reason and necessity, or of forms and the particles of matter.” (PPL p. 409) The law that governs the monadic realm is one of efficient causality, whereas the law that governs the spiritual realm is one of purposive causality. “These kingdoms are governed each by its own law, with no confusion between them, and the cause of perception and appetite is no more to be sought in the modes of extension than is the cause of nutrition in the form of soul.” God brings it about that “two very different series in the same corporeal substance respond to each other and perfectly harmonize with each other *just as if* one were ruled by the influence of the other.” (PPL pp. 409-10) Eric Sotnak comments that, “since it is true that the mind does not causally influence the behavior of the body, it is no objection to point out that all the actions of the body are materially determined. God has ordained matters, from eternity, to be such that the mind freely makes the choices that it makes, and the body, materially determined though it may be, behaves *just as if* the choices of the mind exerted causal influence on it.”⁵ The “as if” clause in both Leibniz quotes indicates that from the agent’s point-of-view, without complete knowledge of the efficient laws at the monadic level, it acts according to the (tacit) hypothesis that, if this is the end it wants to bring about from amongst the many possible ends that it *could* desire, then this course of action is the best option to bring about that end. God does *not* bring it about that the agent could consider only one end as the end worth aiming for, only that *if* that is the end the agent aims at, then the material conditions of his body and other bodies are suitably arranged such that the agent’s willing his goal is best fitted to that course of action.

Leibniz calls the agent’s exemption from complete closure at the material level “a private miracle” when he says that “free or intelligent substances are not bound by any subordinate laws of the universe, but act *as if* by a private miracle, on the sole initiative of their own power, and by looking towards a final cause

⁴ On Leibniz’s two realms, see esp. Bennett in Rutherford and Cover 2005 pp. 135-55.

⁵ Sotnak 1999 p. 206.

they interrupt the connexion and the course of the efficient causes that act on their will.”⁶ According to R. C. Paull, the “subordinate natural laws” are the laws of material causation and these laws do not determine the choices of rational minds. The laws that do determine their choices cannot be formulated as universal principles. In order for any creature to make an accurate prediction of the consequences of its actions it would have to appeal to universal principles.⁷ Without the ability to make an accurate prediction, akin to divine foresight, the agent must make an informed guess, and this means that it thinks that things could turn out otherwise. From its point-of-view, in contemplating the available options, it can make no difference that, as a matter of fact (i.e. a contingent future event knowable only by God), things turn out just the way they do. Leibniz says that “since nothing can happen which is not according to order, it can be said that miracles are as much subject to order as are natural operations, and that the latter are called natural because they conform to certain subordinate maxims [=laws] which we call the nature of things.” (PPL p. 307) Sotnak comments that, “for Leibniz there is something about the nature of the mental that essentially precludes it from being even possibly subsumable under laws of material causes.... Since choices are based on perceptions, and thus irreducibly mental, material determinism, if true, would render all creatures (literally) mindless automata. And where there is no mind, there are no choices. Where there are no choices, there cannot be freedom.”⁸

In addition to claiming that material determinism does not operate outside its proper domain, Leibniz must also argue that no other version of determinism operates in the mental domain. If it were true that a rational agent could know its own “nature” (individual concept) to such an extent that it was able to infallibly infer that, given a certain set of circumstances, it would choose one and only one course of action, then it would be determined in its choices from within (so to

6 Quoted by Sotnak 1999 p. 207; Leibniz on miracles, see Jolley in Rutherford & Cover 2005 pp. 124-29.

7 Paull 1992 pp. 218-35.

8 Sotnak 1999 p. 210.

speak) and hence not free.⁹ Hence, Leibniz argues against this possibility: “the mind has this much physical indifference, that it is not even subject to physical necessity, far less metaphysical; that is, no universal reason or law of nature is assignable from which any creature, no matter how perfect and well informed *about the state of his mind*, can infer with certainty what the mind will choose.” (MP p. 102) Physical necessity is not a synonym for material necessity but for moral necessity, as another passage makes clear: “It is an issue of physical necessity that those who are confirmed in the good, the angels or the blessed, should act in accordance with virtue, so that in certain cases, indeed, it could even be predicted with certainty by a creature what they should do.” (MP p. 101) Let us immediately point out that these “certain cases” where agents could predict their actions refer to pure disembodied minds (angels) who are not subject to material determination.

114

The total system-wide determinism at the monadic level is compatible with freedom at the phenomenal level for minds, not because there is more room for the free agent to bring about things which would not have occurred otherwise, but because there is less room for him to *know* how his actions conform to the total monadic sequence. An infinite intellect can carry out an unending analysis of all the details which are properly predicated of an individual’s concept unfolding over time. Given that God has chosen to bring about this individual by way of a suitable monadic aggregate, one and only one sequence of internal phases could unfold over time. This sequential unfolding takes place according to the laws of efficient causation, e.g. in terms of the algorithmic expansion of the genetic code. But from the individual’s point-of-view, any of several options are available in any given situation, and the agent is inclined, by way of his dominant monad (the mind), to choose that action which best suits his own end. Leibniz says that, “it is the highest freedom to be impelled to the best by a right reason.” (MES p. 148)

Now it might be objected that this inclination (or impulsion) the agent experiences to choose the best of available ends is itself determined by God’s choice to actualize that individual’s concept and the desirable features of the situation in

⁹ Sotnak 1999 p. 213; Paull 1992 p. 222.

which the agent finds himself. But this is not so, as Leibniz points out: “By virtue of the decree which God has made that the [human] will shall always seek the apparent good in certain particular respects ... he, without at all necessitating our choice, determines it by that which appears most desirable.” (DM §30 MES p. 147) The inner inclination to choose the best occurs at the monadic level and hence the agent is not conscious of its force; however, what counts as the best option *for* that agent in that situation is the result of the agent’s spontaneous deliberation. “There is always a prevailing reason which prompts the will to its choice, and for the maintenance of freedom for the will it suffices that this reason should incline without necessitating.” And again, “the choice is free and independent of necessity, because it is made between several possible [options], and the will is determined only by the preponderating goodness of the object.” (Theo §45 MES p. 129)

Since a finite intellect cannot foresee all the consequences of any given course of action it chooses an option which, in light of its purpose, the agent considers most likely (or certain) to achieve its end. The fact that, from God’s point-of-view the sequence of events which follows from the agent’s choice was determined in advance *plays no role* in the agent’s deliberation. It is not any kind of knowledge which a finite intellect could ever attain.¹⁰ Insofar as a human agent acts *as if* the course of events which follows from his action was caused by his choice then that agent is free. Leibniz says that “It is true that an angel or God certainly could always account for the course a human adopted by assigning a cause or a predisposing reason which has actually induced him to adopt it, yet this reason would often be complex and incomprehensible *to ourselves* because the concatenation of causes linked together is very long.” (Theo §49 MES p. 129) Whatever in principle we cannot know cannot play any role in our deliberation about a course of action. For our understanding of Leibniz’s view of human freedom it is crucial to grasp the idea that what counts as a “cause” is different for God, as his sufficient reason, then what counts as a “cause” for an agent as his rational motive.

10 Leibniz appeals here to the Jesuitical notion of God’s “middle knowledge”, acc. to Rescher, MES p. 161.

Leibniz rejects the so-called “Garden of Forking Paths”¹¹ model of freedom in action, according to which an individual is free insofar as, in choosing one path amongst alternatives, he brings about an event or sequence of events that would not have occurred otherwise, and is not constrained in any way to choose that path. In contrast, he embraces what has been called an “Ultimate Source” model of freedom in motive, according to which an individual is free insofar as the source of its actions lie within itself and is not constrained in any way by factors that lie outside itself.¹² Leibniz situates this ultimate source in terms of the concept of spontaneity; but since he views reality as having two levels, he needs two concepts, monadic spontaneity and agent spontaneity.¹³ “Freedom”, he declares, “consists in intelligence, which includes a distinct knowledge of the object of deliberation; in spontaneity, in virtue of which we determine our selves; and in contingency, that is, in the exclusion of logical or metaphysical necessity. Intelligence is, as it were, the soul of freedom, and the rest is as its body and basis. The free substance [rational agent] determines itself by itself, and this according to the motive of the good perceived by the understanding, which includes it without necessitating it; and all the conditions are contained in these few words.” (Theo §288)

116

The three conditions, intelligence, spontaneity and contingency, are separately necessary and jointly sufficient for freedom. According to the principle of monadic spontaneity, any substantial form or entelechy is causally sufficient for the production of all its own states, since the sequence of monadic states is generated by its own inner program. Rutherford says that Leibniz “extends the scope of a soul’s spontaneous action to encompass all of the changes that occur in it, including states in which it represents itself as acted on by physical causes.”¹⁴ He argues that, if one accepts the very idea of monads as immaterial entities that “contain” a multitude of perceptions, then spontaneity can be extended to their confused

11 The use of the “Garden of Forking Paths” model is from McKenna’s 2004 article; he borrowed the term and the idea from Jorge Luis Borges’ short story by that name.

12 McKenna 2004 pp. 3-5.

13 Rutherford in Rutherford and Cover 1999 pp. 159-65.

14 Rutherford in Rutherford and Cover 2005 p. 160; next quote *ibid.*

and involuntary thoughts. Hence, “as much as its voluntary acts, states in which the soul represents itself as constrained by physical causes come about through its own action, independent of any action on it by external things. What we take to be instances of the interaction of soul and body are, from the perspective of the soul, explained entirely in terms of the determination of the soul’s representational states by prior states of it.”

Leibniz is able to conclude that, strictly speaking, there is “no constraint in substances except in external appearances”, that is, in what appears as external to the substance. “The distinction between constrained and unconstrained action is indispensable for our conception of ourselves and other creatures as agents who possess a will. The category of constraint expresses our conception of such hindrances or failures of agency, just as the category of unconstrained or spontaneous action expresses our conception of ourselves as acting of our own will.”¹⁵

In the *New Essays*, he states that the idea of an action in substance means that the substance itself is the source of “any change through which it comes closer to its own perfection” and that the idea of passion in substance means that the source of any change comes from outside. (NE 2.21) The joint concepts of agency and constraint are basic to how we explain what we actively bring about in contrast to just what happens to us. On Leibniz’s considered view, none of the soul’s actions are constrained by factors outside itself, since there is no causal interaction between things. However, from the soul’s point-of-view, it does represent to itself causes external to itself which *appear* to constrain its actions and hence deprive it of full spontaneity. Hence, Leibniz needs a robust concept of agent spontaneity, in addition to the concept of monadic spontaneity.

In Rutherford’s summary words, “Leibniz’s theory of the will offers the basis for an explanation of agent spontaneity.... Competition among the soul’s desires terminates in its acting in pursuit of the greatest apparent good, and this act in turn produces a spontaneous change in its state.... [A] soul exhibits agent spontaneity if its desire for some future good is effective in bringing about a change in its state, or equivalently, if the change in its state can be explained by appeal

15 Rutherford in Rutherford and Cover 2005 p. 160.

to the law of desire teleology.”¹⁶ Monadic spontaneity and agent spontaneity are coupled in a unified theory of the will as the self-directed actions of a rational entity. “Agent spontaneity presupposes the perspective of an agent, acting to achieve what it represents as goods. The perspective of an agent is defined by its powers of representation, which determine its relation to the physical world and the range of its goods.... Desire is the power by which an agent endeavors to achieve the things it represents as goods; and to the extent that desire is effective in promoting the attainment of those goods (and its own perfection), an agent acts spontaneously.” However, no finite agent like an individual human can escape completely the limit of its perspective. Thus, “no finite agent realizes the condition of perfect spontaneity. Whatever its degree of activity, it is always to some degree passive, or responsive to the state of the physical.”¹⁷ For the compatibilist account of freedom it is fortunate that there is thus no need for an agent to achieve *perfect* spontaneity, to escape *completely* from its own point-of-view. It needs only sufficient spontaneity to act in accord with what it *considers* to be its own good, not completely constrained by external factors.

118

Every monad changes from state to state as its program unfolds; every substantial aggregate has a tendency (appetition) to move from perspective to perspective. If every individual thing changed states only by way of this monadic spontaneity, then every thing's actions, though internal to its inner program (self), would be constrained by its program's directives. However, conscious beings are endowed, through their highest monad (the mind), with the ability to represent their proximate environs (their perspective on the world) and that includes things that *appear* good or bad for its desires. If an agent (such as an angel) had perfectly clear perceptions of what was objectively good for it then it would invariably “choose” the good; there would be a one-to-one selection between felt desire and its object, and hence no genuine freedom. But because humans are finite agents with limited and confused ideas about what is good for their desires

16 Rutherford in Rutherford and Cover 2005 p. 169. Note that “competition among the soul's desires” can be unpacked in terms of *co-appetition* amongst the constituent monads' desires.

17 Rutherford in Rutherford and Cover 2005 pp. 173-74.

and ambitions, they are liable to mistakes. Humans are determined, so to speak, in their “nature” to choose the good, but this determination does not extend to the object that infallibly matches the good. Hence, insofar as an individual can fail through its actions to match the apparent good with the objective good, it falls out of complete causal closure at the monadic level.

Leibniz’s compensatory scheme of moral good and moral evil

The separation of monadic from agent spontaneity by means of the criterion of apparent good places an important emphasis on an individual’s awareness of *moral* good and evil. Leibniz makes a threefold division with regard to good and evil: (1) metaphysical good and evil pertain to reality, what is good is real (being), what is evil is not real (non-being); (2) moral good and evil, such that good is virtue and evil is vice; and (3) physical good and evil, such that pleasure is good and pain is evil. At the metaphysical level he holds that reality and hence goodness is scalar, it varies in degree: God has infinite perfection because he is the most real, as limitless he has maximum reality. Every other existent thing has limited reality and hence exhibits something less than total perfection. But for some created being to be deprived of total perfection is only to state in other words the fact that it is finite. In a letter to Christian Wolff he says that metaphysical perfection is constituted by the harmonious arrangement of unity in variety; a state of affairs is harmonious to the extent that a variety of things are ordered in accordance with general principles. In addition, for any thing to possess a degree of perfection means that it is worthy of rational consideration.¹⁸ Moral goodness is the development of positive human characteristics that when cultivated are called virtue. Leibniz says that “virtue is the habit of acting according to wisdom” (PW p. 83); the highest virtue is justice which he calls “the charity of the wise man” (ibid)

One whose love is guided by wisdom possesses the virtue of justice, where love is the pleasure that one takes in the happiness and perfection of others. Humans should attempt to emulate God’s infinite wisdom and universal love; it is an

18 Youpa 2004 p. 2; and Brown 1995 pp. 422-25.

ideal that we should constantly strive for. “The more one’s benevolence expands to encompass the happiness of more and more others, the more one grows in justice and virtue, thereby increasing the moral good.”¹⁹ The physical good thus bridges the moral good with the metaphysical good. It links virtue and harmony because pleasure is an inner sense or knowledge of perfection, and pain is an inner sense or knowledge of imperfection. But surely this also implies that moral evil is the development of negative human characteristics that when cultivated are called vice and that vice is the habit of acting against wisdom. The highest vice is injustice where hatred is the pleasure that one takes in the misery and imperfection of others. And *mutatis mutandis*, the more one’s malevolence expands to encompass the misery of more and more others, the more one grows in injustice and vice, thereby increasing moral evil and approaching the pessimum.

120

Leibniz adopted three principles from Justinian’s Institutes in order to supplement these more abstract considerations.²⁰ According to the treatise *Codex Juris Gentium*, the first principle is to hurt no one (*neminem laedere*): this underwrites the “strict right” which includes a minimum set of negative duties, such as the duty not to harm, not to murder, and not to steal. The second principle is to give each his due (*suum cuique tribuere*) which includes the duties of gratitude and charity, i.e. things owed to others but which failure to fulfill is not sanctioned by law. The third principle is to live with honour (or honesty) (*honeste vivere*) which Leibniz gives a curious gloss by rendering the precept in terms of piety. The most important distinction between the first two rights, non-harm and equity, and the third duty of honour or piety is that the first two only pertain to the pursuit of good and avoidance of evil in this life, whereas the latter pertains to the course of our entire life, even after bodily death. Any person who strives to be pious makes an effort to love others in conformity with wisdom; but of course, as finite beings, our knowledge of other beings’ future states is limited. Andrew Youpa says that, “Even though the virtuous person’s ‘interior harmony’ is intrinsically pleasing, most [persons] are unable to appreciate virtue due to the fact that, from

19 Youpa 2004 p. 3; and see Grua 1956 pp. 164-79.

20 In general, Grua 1956 pp. 233-63, Brown 1995 pp. 413-21; Riley 1996 pp. 182-98.

the perspective of mortality, virtuous actions often go unrewarded while vicious ones go unpunished.”²¹ The solid principles of Leibniz’s metaphysics strengthen his view of morality: sound metaphysics “aids morality by providing grounds for the assurance that in the end happiness is directly proportioned to merit. The more virtuous one is, the greater the happiness one can expect because one’s well-being does not completely depend on the goods of this life and because it is incompatible with God’s universal benevolence and infinite wisdom that even a single virtuous deed should go unrewarded *and a vicious one unpunished*.”²²

“I cannot admit”, Leibniz confesses, “that there is more evil than good in intelligent creatures. One need not even agree that there is more evil than good in human kind. For it is possible... that the glory and the perfection of the blessed may be incomparably greater than the misery and imperfection of the damned, and that here the excellence of the *total good* in the smaller number may exceed the *total evil* which is in the greater number.... Even should one admit that there is more evil than good in human kind, one still has every reason for not admitting that there is more evil than good in all intelligent creatures.” (MES p. 282) This is an important passage for the express statement of total good and total evil, i.e. that Leibniz clearly envisaged some sort of summation or totality of moral good and evil. It may be the case that Leibniz envisaged the total global good as the integral expansion of component algorithms and not the additive sum of discrete parts, but it does not look like he ever addressed exactly this question.

Nicholas Rescher offers this summary insight about Leibniz’s idea about global good and global evil: God pays attention to the overall balance of good and evil in the actual world. His concern is to maximize the perfection of the whole, not the perfection of each component part. Imperfection as metaphysical evil is only tolerated as the price that must unavoidably be paid to assure an optimal overall balance of positivities over negativities. (MES p. 149) First, if human morality consists in an effort to imitate divine justice, then humans also should be

21 Youpa 2004 p. 5; Grua 1956 pp. 164-67.

22 Youpa 2004 p. 6, emphasis added.

concerned, as far as it is in their power, to optimize the perfection of the whole; even if this concern to optimize should be no more than acting *as if* they could do so. Second, moral evil should be tolerated only to the extent that the global total of moral goods outweighs the global total of moral evils. The converse of this would entail that moral evils should not be tolerated where the global total of moral evils exceeds the optimum state of the whole that humans could achieve *if* they were able to bring about a better world. Leibniz's view of the optimum state of the world is not one of absolute optimism, where every thing is literally for the best, where negativities only *seem* to be evil. Neither is his view one of instrumental optimism where negativities are actually negative but serve as instrumental means to achieve greater goods. Rather, in Rescher's words, Leibniz holds to compensatory optimism; evils are genuine and negativities are actual, but they do not always serve to produce preponderant goods. "But at the overall, collective level, the good outweighs the bad. The world is a systematic whole of interlocking elements, and matters are so arranged that a preponderant good always *compensates* for the presence of evil. The good and the bad stand in relationship of *systemic interconnection*: evil is an integral and irremovable part of a holistic world order that embodies a greater good." (MES p. 307)

The production and maintenance of the overall *moral* good of the world is the responsibility of conscious, intelligent agents. "The intelligent soul knowing that it is... not only continues and exists far more certainly than do the others [i.e. those without minds], but it remains the same from the moral standpoint, and constitutes the same personality, for it is its memory or knowledge of this ego which renders it open to punishment or reward." (DM §34, MES pp. 276-77) And again: "They [spirits] must in particular preserve some sort of memory or consciousness or the power to know what they are, upon which depends all their morality." (MES p. 280) Hence, that which makes an individual mindful, its dominant monad, is not bound by the material causes which rules its body, nor even by the body's status as living, but "survives" bodily death as the same person. Insofar as the mind constitutes the whole person and personal identity is insured through memory, the person is the subject of reward for good deeds and punishment for bad deeds *beyond this life*, that is, outside the phenomenal death

of its body. “The primary purpose in the moral world... which constitutes the noblest part of the universe ought to be to extend the greatest happiness possible.” (DM §36, MES p. 279) Of course, the “greatest happiness possible” does not mean maximal happiness for each individual (or group), but optimal happiness on the compensatory scheme. And this means that each individual contributes though his actions to the sum of global good outweighing the sum of global evil. Purposes in the moral domain (the “inner kingdom”) are final causes for spirits and spirits are like gods in their own little world. (NS §5, MES p. 288)

But, of course, moral evils do have an “effect” on conscious agents: “As for afflictions, especially for good men, one must take it as assured that these lead to their greater good.... Though afflictions are temporary evils, they are good in effect, for they are shortcuts to greater perfection.... We may call this backing up the better to spring forward.” (MES p. 280) One affliction which may “effect” an evil person is being put to death according to the just laws of the spiritual realm. But this phenomenal death on principle would lead to a greater good, not just for the criminal – by rendering them “open” to God’s equitable punishment in their spiritual post-mortem state – but also a greater good for the community of minds in restoring a closer approximation to optimal happiness. It would be wrong to construe Leibniz as claiming, in the second sentence, that the good brought about is an “effect” of their executive actions in the realm of material states, but correct to think that the shortcut is the shortest route to restabilizing the moral order. For example, a sentence of life-without-parole would be a longer (if not too long) route to this greater moral order for the community of minds. “Backing up” would mean that it seems *as if* in carrying out an apparently negative action, executing the criminal, some moral evil is thereby introduced into the world as a moral whole. Whereas in fact such an action moves the whole process forward because it removes from the compensatory scheme that individual whose concept contributes to the greater global evil.

Leibniz on the *pessimum*, retributive punishment and the death penalty

Leibniz’s distinction between the monadic realm of efficient causes and the

spiritual realm of final causes, coupled with his stress on the compatibility of determinism at the monadic level and freedom at the spiritual level, provides the “space” to answer the question about the source of moral principles that govern rational agents. It is the conjunction of the idea that the community of minds is an empire within an empire *and* the idea that each mind is like a little god. (MES 279-80)²³ Even a little god would act according to the metaphysical injunction to bring about the best of all possible worlds. But for human beings this does not mean bringing into being (making actual) individual concepts (as God did for this world), but rather acting *as if*, in optimizing the best moral point-of-view for extant individuals, one were making a world for those individuals. The attempt to optimize a realm of rational purposes (the “inner realm”) would perforce have to include dealing with those individuals whose evil actions *pessimize* their proximate environs. In other words, an optimal balance can only be achieved at the moral level, in the intelligible realm of final causes, by efforts to diminish the *pessimum*, that is, the state of greatest compossible moral evil.

124

On the rare occasions when Leibniz speaks of punishments carried out by lawful human agencies he mentions two commonly cited justifications: correction (or amendment) and deterrence (making an example). Thus, in response to the thesis that only an absolute (not hypothetical) necessity holds sway over the world (an idea Leibniz finds in Hobbes and Spinoza), he says that “it would not follow that there would not be a sufficient degree of freedom to render rewards and punishments just and reasonable.” (Theo p. 159) On his view, it is not correct that “the necessity of an action puts an end to all merit and demerit, all justification for praise and blame, reward and punishment.” He cites several examples to prove his point: (1) if the only way to defend oneself against a madman is to kill him then this action is permitted; hence, killing in self-defense should not be accorded blame. (2) It is permissible to inflict punishment on an animal, even though it lacks reason and freedom, when this serves to correct its behavior. (3) Where it is not possible to correct an animal’s behavior, it is permissible to kill the animal; its death serves as an example to others, or inspires terror in them,

23 See esp. Davidson 1998; Brown 1995 pp. 427-28.

to make them cease from evil-doing. (It is left unstated how other animals can learn from an example of such killing, let alone the justification for such killing.) (4) “Since experience proves that the fear of chastisements and the hope of rewards serve to make men abstain from evil and strive to do good, one would have good reason to avail oneself of such, even though men were acting under necessity, whatever that necessity might be.” (Theo p. 160) Those courses available to prevent humans from evil-doing appear to include capital punishment, where corrective punishment does not work and where the culprit’s death serves as an example to other would-be evil-doers. It’s worth noting that when Bayle later expresses the view that some criminals are executed in order to completely expiate their crimes, Leibniz does not object. (Theo p. 204)

However, to these two standard rationales for punishment, correction and example, Leibniz now adduces a novel third rationale, addressing “the fitness of all things”. There is another kind of justice, he states, not applicable to those who act out of absolute necessity, but through their own freedom; “it has for its goal neither improvement nor example, nor even redress of the evil. This justice has its foundation only in the fitness of things, which demands a certain satisfaction for the expiation of an evil action.” (The latter phrase echoes Bayle’s sentiment about the satisfaction in seeing “criminals executed in order to completely expiate their crimes”). “God reserves [punitive justice] for himself in many cases; but he does not fail to grant it to those who are entitled to govern others, and he exercises it through their agency, provided that they act under the influence of reason and not of passion.” (Theo p. 161) In general, the wise law-giver exacts the threatened punishment on an offender even where the punishment no longer serves to correct anyone. “Even though he should have promised nothing, it is enough that there is a fitness of things which could have prompted him to make this promise, since the wise man likewise promises only that which is fitting. And one may even say that here there is a certain compensation of the mind, which would be scandalized by disorder if the chastisement did not contribute toward restoring order.” (Theo p. 162) The subjunctive verbs, “could have prompted”, “would be scandalized”, suit the hypothetical point-of-view, that is, the law-giver acting *as if* his actions brought about a better state of affairs; his actions are oriented toward

the overall fitness of things, a phrase Leibniz uses to signify God's choice of the optimum. Even in the afterlife the damned continue to incur new pains through new sins, and the blessed continue to incur new joys by progress in goodness; both the new pains of the damned and the new joys of the blessed are founded on the principle of the fitness of all things. (Theo p. 162)

In his "Observations on the Book about *The Origin of Evil*", appended to the *Theodicy*, Leibniz takes to task the English author²⁴ for several errors regarding the connection between the will and reason. On Leibniz's intellectualist view of moral evil²⁵, the human will is always motivated toward the moral good on the basis of a rational judgment; the will always chooses that which represents good over that which represents evil. Leibniz admits that other factors may influence the choice of action, such as insensible perceptions, passions, and inclinations, which can override and suppress cognition of the good, and hence incline an individual to choose an evil over good. "Evil wills are evil not only because they do harm, but also because they are a source of harmful things or of physical evils, a wicked spirit being, in the sphere of its activity, what the evil principle of the Manicheans would be in the universe." (Theo p. 419) The Manichean "dark other" is coeval with the Good Lord, the source and governor of all evil actions within the world; the human forces of evil which he created are in continuous struggle with the human forces of good which the Good Lord created. So here Leibniz explicitly likens an evil human agent (not just one who sometimes does bad things) with a divine being who strives to bring about suffering; he does so "in the sphere of its activity", that is, on an as-if basis within the community of human agents.²⁶

Leibniz agrees with the author that "he who causes evil by necessity is not culpable", i.e. only those who are not under constraint can be held accountable for their deliberate actions. No one, Leibniz thinks, holds that an individual's con-

24 William King, *De Origine Mali*, Dublin 1702; trans into English by Edmund Law, London, 1729.

25 For which see esp. Murray in Rutherford & Cover 2005 pp. 194-216.

26 Riley quotes from two little known documents where Leibniz speculates on the Manichean "evil god" and those humans who might choose to imitate him, Riley 1996 pp. 196-97, 211-12.

sideration of good and evil exerts necessary force in compelling him to choose one over the other. If it were true that such considerations compelled someone to commit an evil action then the strength of that inner compulsion (and hence the person's power to resist it) would indicate the person's degree of culpability. In that case, someone who killed a powerful man in order to gain high office would less deserve to be punished than one who stole a few pence for a mug of beer, since the latter was tempted to a lesser degree, or tempted by a lesser reward. "But it is quite the opposite in the administration of justice authorized in this world: for the greater the temptation to sin, the more so does it need to be repressed by the fear of a great chastisement. Besides, the greater the calculation evident in the design of an evil-doer, the more will it be found that the wickedness has been deliberate, and the more readily will one decide that it is great [evil] and deserving of punishment." (Theo p. 420) Here Leibniz appears to hold that the threat of a great punishment is requisite for some evil-doers to refrain from their actions and that a great evil committed with deliberate intent deserves a great punishment. "It is true", he continues, "that sin makes up a large portion of human wretchedness, even the largest; but that does not prevent one from being able to say that men are wicked and deserve punishment." (Theo p. 421)

127

Leibniz objects to the author's imputation that he (Leibniz) holds the opinion that "sin would be neither censured nor punished because of its deserts, but because the censure and chastisement serve to prevent it another time; whereas men demand something more, namely, satisfaction for the crime, even though it should serve neither for amendment nor for example." If the view he is alleged to hold is that the deterrent effect of severe punishment is not sufficient unless it is coupled with retribution – then, he says, "this does not strike at me" – this is not his considered view. "Wickedness is all the greater when its practice becomes a pleasure, as when a highwayman, after having killed men because they resist, or because he fears their vengeance, finally grows cruel and takes pleasure in killing them, and even in making them suffer beforehand. Such a degree of wickedness is taken to be diabolical, even though the man affected with it finds in this execrable indulgence a stronger reason for his homicides than when he killed simply under the influence of hope or fear." (Theo p. 422) He disagrees with those

who think that this sort of wickedness can be addressed by “medicinal penalties” (what might now be called therapeutic punishments) “in order to correct the criminal or at least to provide an example to others.” In contrast, “true retributive justice” – and this seems to be Leibniz’s view – “going beyond the medicinal, assumes something more, namely, intelligence and freedom in him who sins, *because the harmony of things demands satisfaction*, or evil in the form of suffering, to make the mind feel its error after the voluntary active evil whereto it has consented.” (Theo p. 422)

128

This is the central text for my claim that Leibniz espouses an authorized form of institutional justice that attempts to restore the balance of good within this world by proportionate punishment of evil-doers for their evil actions. This “true retributive justice” can be identified with Leibniz’s position on several grounds: (a) he explicitly associates intelligence *and* freedom with the evil-doer, against his critics who do not; (b) punishment as retribution is called “suffering” (physical evil) not moral evil; (c) “medicinal penalties” cannot correct anything in the criminal because an individual’s basic nature cannot be changed in any way; (d) the cruel killer who takes pleasure in his murders judges that this pleasure is a great (physical) good for him and, under the confused influence of deranged passions, allows his will to concur; (d) the “diabolical wickedness” of the killer taking pleasure in his murders is akin to the wicked spirit in its own sphere acting like the Manichean dark principle; and (e) the satisfaction demanded by society for a crime (in the first quotation, “whereas men demand something more...”) is the effort to redress the overall balance of good and evil in this world, and *not* an exemplary instance to deter others from doing evil.

The very idea that instances of moral good and evil can be quantified, that there can be a sum total of moral good and evil as an overall balance, is central to my claim about Leibniz’s view of human justice. Aside from scattered hints in various texts, there are at least two places where he explicitly addresses the idea of moral quanta. In the “Elements of Natural Law” (1670) he says that “pleasure is doubled by reflection.... As a double refraction can occur in vision ... so also there is a double reflection in thinking. For every mind is something like a mirror; one mirror is in our mind, another in the mind of someone else. So if there

are many mirrors, that is, many minds recognizing our goods, there will be a greater light, the mirrors blending the light not only in the eye but also among each other. The gathered splendor constitutes glory. There is an equal reason for deformity in the mind; otherwise there would be no shadows to be increased by the reflection of the mirrors.” (PPL p. 137) One can reverse this imagery and say that, instead of the mind contemplating virtue within itself and hence reflecting light within others’ minds, the mind contemplates vice (or evil) within itself and hence reflects darkness outwards.

In the lengthy letter to Arnauld in the following year Leibniz pursues the image of the mind-as-mirror doubling and redoubling moral good and evil. In cases of general competition for benefits of any kind, the one who shows more love, wisdom and justice is to be preferred. “For whatever is given to him will be multiplied by reflection so as to benefit many people, and therefore many will be helped by helping him.... In general, it may be shown that benefiting others proceeds at the rate, not of addition, but of multiplication. ... This difference between addition and multiplication has important applications in the doctrine of justice. For to benefit is to multiply, to harm is to divide, for the reason that the person benefited is mind and mind can apply each thing in using it to everything, and this is in itself to expand or multiply it. If it be the case that one [person] is wise to the value of three and powerful to the value of four, *the total value of this person* will be twelve and not seven, for wisdom can utilize power of any degree whatever.” (PPL p. 150, emphasis added; see also Riley 1996 pp. 269-70) There are two ways that moral evil can result in an arithmetical “product” on this view: either the benefit that would accrue but does not (say, through failing to prevent harm) is divided over each person within the malefactor’s sphere, or the detriment that does accrue (through his actively causing harm) is multiplied over each person within his sphere. In either case, an agent’s evil actions increase the sum total of moral evil by reflection through his proximate environs; an increase in the “product” of evil actions tends toward the moral pessimum.

Let’s look at the concept of the moral pessimum more closely. It is true that *every* morally evil action augments the sum total of moral evil in the world, but on Leibniz’s compensatory scheme, there is no reason to think that the prepon-

derant good in the long run does not outweigh the apparent temporary evil. In fact, on the principle that God has chosen to actualize the best possible world ("best" in all senses of good, not just moral good), he has so instituted the laws of the spiritual realm that, in striving to achieve the best course of action, agents can choose apparent goods that are objectively good *and that includes choosing to execute those whose actions deliberately contribute to the pessimum*. The moral pessimum is constituted by all those intentional actions which tend to diminish the *number of agents* whose moral actions contribute to the greater good of the community of minds. Optimal happiness means (a) the greatest compossible moral (and physical good) for all those agents capable of moral good (b) distributed over the greatest compossible number of moral agents, not just at any given time, but over an indefinitely long time. In committing deliberate murder, an evil person removes the *source* of morally good actions; no future action on his part can restore the balance through the loss of an element of (b). As long as the murderer remains alive he continues as a member of the community of minds, even if through life-without-parole in prison, he no longer contributes through his actions toward the greater good of the whole.

130

It might be argued that depriving an evil person of his life, and hence annulling the sum evil of that person's concept, prevents the sum good that would accrue through the potential rehabilitation of a life-term prisoner. The claim would be that executing a murderer prevents the case where the culprit repents and lives a long life as a good person, and hence deprives the sum global good of just that little portion of good his life embodies. But two points can be made in response to this: first, from the point-of-view of the judge imposing the sentence, either life in prison or death, it is not possible to know whether the culprit will be rehabilitated. This ignorance about the future course of events holds even though it is true that in his complete concept the culprit is determined by his inner program to become rehabilitated. Second, even if it could be established that it was certain, or very likely, that the culprit would be rehabilitated and live a good life, the sum good of his future life's actions would not outweigh the sum evil of the crime he committed. Now it might be objected that the comparison should be between the sum good of his future life in prison with the sum good of his death

by execution, but that would neglect the sum moral weight of the antecedent to both options. What if the rehabilitated life-term prisoner saved the life of a prison guard? But that would mean that the judge about to impose a sentence would have to build into his understanding of the complete concept of the culprit some information about the complete concepts of other persons as yet unknown - and that seems an impossible requirement.

The murderer's individual concept, according to which he is the ultimate source of his spontaneous actions, includes the deliberate elimination of another individual as the spontaneous source of their actions – *irrespective of whether the former continues to exercise that spontaneous freedom*. Hence, in order to redress the overall balance of good and evil, rational agents should choose to act *as if* in removing the evil person from the spiritual community they chose the greater good for all moral agents. In some oblique passages Leibniz seems to indicate that the quicker an evil person exits this life the sooner his post-mortem spirit will be subject to God's divine justice, the sooner his evil actions will be matched with God's equitable punishment (whatever that may be). On Leibniz's view, this is a good thing, one that a rational agent should want to bring about. Hence, it is a morally good thing, a positive requirement for the benefit of a community of minds, to put to death a murderer whose individual concept contributed solely to the pessimism, and whose continued life retards efforts to achieve an optimum state where moral good outweighs moral evil. One may conclude that there is at least one strong argument to the question posed at the start, are there any good arguments in favor of the death penalty, instead of looking at problems with arguments against the death penalty.

In the very heated atmosphere of the death penalty debate what is not needed is yet another argument showing that the deterrence theory fails; it is an entirely negative argument about circumstantial conditions which a putative theory fails to satisfy. The failure of the deterrence theory does not *by itself* entail that the death penalty is immoral; it shows at most that the deterrence theory is not the correct basis for advocating the death penalty. What is needed is a positive argument to show that the death penalty is a punishment that satisfies moral criteria, given that certain epistemic, evidential, and juridical conditions have been met,

even where these conditions are very hard to satisfy. The same can be said for the so-called “irreversibility argument”, where it has been conclusively demonstrated that culprits executed (or about to be executed) have been exonerated by new evidence, not available at their original trial and sentence. The failure to show that all and only culprits truly guilty of murder have been executed, that some culprits have had their sentences reversed, does not by itself show that the death penalty is immoral (or risky); rather, it shows that sufficient epistemic, evidential, and juridical conditions have not been met. This paper has explored an innovative approach to the merits of the death penalty based on Leibniz’s metaphysical principles: it construes the individual as one who freely chooses to contribute to the moral *pessimum* and endorses the compensatory scheme that requires an effort by a community of rational agents to redress the overall balance of moral good by permanently removing that individual from the community.

132

References

- In-the-text citations are to Leibniz’s original texts, according to the standard abbreviations for his works, and to readily available editions of his works, such as MES, MP, PPL or PHE.
- MES: (1991) *The Monadology: An Edition for Students*. Nicholas Rescher (Ed.) London: Routledge.
- PHE: (1989) *Philosophical Essays*. Roger Ariew & Daniel Garber (Eds.) Indianapolis: Hackett.
- PPL: (1969) *Philosophical Papers and Letters*. Leroy Loemker (Ed.) 2nd Edn. Dordrecht: D. Reidel.
- MP: (1973) *Philosophical Writings*. Mary Morris & G. H. R. Parkinson (Eds.) London: J. M. Dent.
- Theo: (1985) *Theodicy*. Austin Farrar (Ed.), E. M. Huggard (Trans.) LaSalle, Ill: Open Court.
- NE: (1981) *New Essays on Human Understanding*. Peter Remnant & Jonathan Bennett (Ed. & Trans.) Cambridge University Press.
- Adams, Robert M. (1994) *Leibniz: Determinist, Theist, Idealist*. Oxford University Press.
- Bedau, Hugo (Ed.) (1998) *The Death Penalty in America*. Oxford University Press.

- Bedau, Hugo & Cassell, Paul (Eds.) (2005) *Debating the Death Penalty*. Oxford University Press.
- Brown, Gregory (1995) "Leibniz's Moral Philosophy", in Nicholas Jolley (Ed.) *Cambridge Companion to Leibniz*. Cambridge University Press, pp. 411-41.
- Davidson, J. (1998) "Imitators of God: Leibniz on Human Freedom", in *J. Hist. Phil.* vol. 36 pp. 387-411.
- Grua, Gaston (1956) *La Justice Humain selon Leibniz*. Paris: Presses Universaire de France.
- Kurtis, Bill (2004) *The Death Penalty on Trial: Crisis in American Justice..* NY: Public Affairs.
- Mates, Benson (1986) *The Philosophy of Leibniz: Metaphysics and Language*. Oxford University Press.
- McKenna, Michael (2004) "Compatibilism", in *Stanford Encyclopedia of Philosophy*. <http://plato.stanford.edu/entries/compatibilism>.
- Paull, R. C. (1992) "Leibniz and the Miracle of Freedom" in *Nous* vol. 26 pp. 218-35.
- Phemister, Pauline (1991) "Leibniz, Freedom of Will, and Rationality", in *Studia Leib.* vol. 23 pp. 25-39.
- Riley, Patrick (1996) *Leibniz's Universal Jurisprudence*. Harvard University Press.
- Rosen, Michael (2008) Review of Allen Wood's *Kantian Ethics*. TLS 17 October. No. 5507.
- Rutherford, Donald (1995) *Leibniz and the Rational Order of Nature*. Cambridge University Press.
- Rutherford, Donald & J. A. Cover (Eds.) (2005) *Leibniz: Nature and Freedom*. Oxford University Press.
- Sarat, Austin (2002) *When the State Kills: Capital Punishment and the American Condition*. Princeton University Press.
- Sleigh, Robert (1998) "Determinism and Human Freedom: VII Leibniz" in Daniel Garber & Michael Ayers (Eds.) *Cambridge History of 17th Century Philosophy*. Cambridge University Press, pp. 1256-70.
- Sleigh, Robert (1999) "Leibniz on Freedom and Necessity", in *Phil. Review* vol. 108 pp. 245-76.
- Sotnak, Erik (1999) "The Range of Leibnizian Compatibilism" in R. J. Gennaro & C. Huenemann (Eds.) *New Essays on the Rationalists*. Oxford University Press.
- van den Haag, Ernest (1986) "The Ultimate Punishment: A Defense", in *Harvard Law Review*. vol. 99.
- Youpa, Andrew (2004) "Leibniz's Ethics", in *Stanford Encyclopedia of Philosophy*. <http://plato.stanford.edu/entries/leibniz.ethics>