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## Hobbes and Republican Liberty

Quentin Skinner is one of the foremost historians in the world, and in *Hobbes and Republican Liberty* he offers a dazzling comparison of two rival theories about the nature of human liberty. The first originated in classical antiquity, and lay at the heart of the Roman republican tradition of public life. It flowered in the city-republics of Renaissance Italy, and has been central to much recent discussion of republicanism among contemporary political theorists. Thomas Hobbes was the most formidable enemy of this pattern of thought, and his attempt to discredit it constitutes a truly epochal moment in the history of Anglophone political thought. Professor Skinner shows how Hobbes's successive efforts to grapple with the question of human liberty were deeply affected by the claims put forward by the radical and parliamentary writers in the course of the English civil wars, and by Hobbes's sense of the urgent need to counter them in the name of peace. Skinner approaches Hobbes's political theory not simply as a general system of ideas but as a polemical intervention in the conflicts of his time, and he shows that *Leviathan*, the greatest work of political philosophy ever written in English, reflects a substantial change in the character of Hobbes's moral thought, responding very specifically to the political needs of the moment. As Professor Skinner says, seething polemics always underlie the deceptively smooth surface of Hobbes's argument.

*Hobbes and Republican Liberty* is an extended essay that develops several of the themes announced by Quentin Skinner in his famous inaugural lecture on *Liberty before Liberalism* of 1998. Cogent, engaged, accessible and indeed exhilarating, this new book will appeal to readers of history, politics and philosophy at all levels, and provides an excellent introduction to the work of one of the most celebrated thinkers of our time.

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# HOBBS AND REPUBLICAN LIBERTY

QUENTIN SKINNER



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## PREFACE

My main purpose in the following essay is to contrast two rival theories about the nature of human liberty. The first originated in classical antiquity, and lay at the heart of the Roman republican tradition of public life.<sup>1</sup> The same theory was later enshrined in the *Digest* of Roman law,<sup>2</sup> and still later became associated with the city-republics of Renaissance Italy.<sup>3</sup> Due to this provenance, recent commentators have tended to speak of it as distinctively ‘republican’ in character.<sup>4</sup> This label strikes me as unhistorical,<sup>5</sup> and in my own contributions to the discussion I have preferred to describe it as ‘neo-Roman’.<sup>6</sup> I seem, however, to have lost this part of the argument, and in what follows (as well as in the title of this essay) I have felt constrained to adopt the terminology now in general use.

<sup>1</sup> Wirszubski 1960; cf. Brunt 1988, pp. 281–350.

<sup>2</sup> *Digest* 1985, 1. 5–6, pp. 15–19.      <sup>3</sup> Skinner 1978, vol. 1, pp. 3–65.

<sup>4</sup> See, for example, Pettit 1997 and 2002; Brugger 1999; Goldsmith 2000; Rosati 2000; Honohan 2002; Maynor 2002; Viroli 2002; Shaw 2003.

<sup>5</sup> It is true that, in the early-modern heyday of the theory, no one who professed to be a republican (in the strict sense of being an opponent of monarchy) contested the so-called republican theory of liberty. But the theory was also espoused by a number of political writers – for example, John Locke – who would have been shocked to hear themselves described as republican in their political allegiances. On Locke’s view of liberty see Tully 1993, pp. 281–323 and Halldenius 2002.

<sup>6</sup> Skinner 1998, pp. 10–11 and Skinner 2002b, p. 14.

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According to the republican theory, as classically propounded in the rubric *De statu hominum* at the start of the *Digest*, the paramount distinction in civil associations is between those who enjoy the status of *liberi homines* or ‘free-men’<sup>7</sup> and those who live in servitude. The rubric opens with the contention that ‘the chief distinction in the law of persons is that all men are either free or else are slaves’.<sup>8</sup> As the next chapter explains, the *libertas* enjoyed by free-men consists in their being ‘in their own power’ as opposed to being ‘under the power of someone else’.<sup>9</sup> By contrast, the loss of liberty suffered by slaves arises from living ‘under the power of a master’ and hence in subjection to his *arbitrium* or arbitrary will.<sup>10</sup> The nerve of the republican theory is thus that freedom within civil associations is subverted by the mere presence of arbitrary power, the effect of which is to reduce the members of such associations from the status of free-men to that of slaves.<sup>11</sup>

<sup>7</sup> This was the term that eventually came into general use in English legal and political debate. It was sometimes hyphenated and sometimes written as a single word. The scribe who produced the manuscripts of Hobbes’s *Elements of Law*, now at Chatsworth and the British Library, prefers ‘freeman’. See Chatsworth Hobbes MS A. 2. B, pp. 183, 190 and B. L. Harl. MS 4235, fos. 98<sup>v</sup> and 102<sup>r</sup>. But Hobbes himself prefers ‘free-man’. See Hobbes 1996, ch. 21, pp. 146, 150. In what follows I adopt Hobbes’s usage.

<sup>8</sup> *Digest* 1985, 1. 5. 3, p. 15: ‘Summa itaque de iure personarum divisio haec est, quod omnes homines aut liberi sunt aut servi’.

<sup>9</sup> *Digest* 1985, 1. 6. 4, p. 18: ‘[cives Romani] sunt suae potestatis. . . [non] sunt in aliena potestate’.

<sup>10</sup> *Digest* 1985, 1. 6. 4, p. 18: ‘in potestate sunt servi dominorum’. On this distinction between freedom and slavery see Wirszubski 1960, pp. 1–3.

<sup>11</sup> For recent discussions of this view of freedom and servitude see Pettit 1997, 2001, 2002; Skinner 1998, 2002c, 2006b; Tully 1999; Halldenius 2002.

## PREFACE

It is a fact of great historical importance, although it has not perhaps been sufficiently emphasised, that these distinctions were taken up into English common law at an early date.<sup>12</sup> The figure of the *liber homo* features prominently in Magna Carta,<sup>13</sup> and is systematically discussed at the outset of Henry de Bracton's *De legibus et consuetudinibus Angliae* of c. 1260, a work that Hobbes appears to have known.<sup>14</sup> Moreover, it is a suggestive fact that Bracton's pioneering treatise, which was first printed in 1569, was next published in 1640, immediately before the outbreak of the English civil war. In chapter 6 of his opening book Bracton considers the different types of *personae* and proceeds to ask 'what is liberty?' and 'what is servitude?'<sup>15</sup> He insists that by nature all men are free, enunciating the principle in the form of a direct although unacknowledged quotation from the *Digest*. 'Servitude', as he puts it, 'is an institution of the law of nations by which someone is, contrary to nature, made

<sup>12</sup> Pocock 1987 and Burgess 1992 treat Roman law and English common law as separate traditions of thought. Burgess 1992, p. 11, cites and broadly endorses Pocock's view that, whereas Roman and customary law were both employed in continental Europe, the common law enjoyed 'a total monopoly' in England. As I stress, however, the concepts basic to the English law of persons, as classically outlined at the start of Bracton's pioneering treatise, are taken word-for-word from the *Digest* of Roman law.

<sup>13</sup> For the *liber homo* in the first printed edition of Magna Carta see Pynson 1508, ch. 15, fo. 3<sup>v</sup>; ch. 30, fo. 5<sup>v</sup>; ch. 33, fo. 6<sup>r</sup>.

<sup>14</sup> Hobbes appears, for example, to refer in *Leviathan* to Bracton's discussion of *servitus*. See Bracton 1640, 1. 6. 3, fo. 4<sup>v</sup> and cf. Hobbes 1996, ch. 20, p. 141.

<sup>15</sup> Bracton 1640, 1. 6, fo. 4<sup>v</sup>: 'Quid sit libertas'; 'Quid sit servitus'.

## PREFACE

subject to the dominion of someone else.<sup>16</sup> As the maxim implies, however, ‘the civil law and the law of nations are capable of taking away this right of nature’.<sup>17</sup> It is possible, in other words, to forfeit your natural liberty under systems of human law, and Bracton takes note of two ways in which this can come about. One is that you may be reduced to the condition of a slave. We are told, in a further quotation from the *Digest*, that under human law ‘all men are either *liberi homines* or else are slaves’.<sup>18</sup> The other way of limiting your natural liberty (and here Bracton inserts a category unknown to antiquity) is by entering into a condition of vassalage, by which you are also ‘bound to a certain degree of servitude’.<sup>19</sup> As in the *Digest*, what takes away the freedom of the free-man is thus said to be the mere fact of living in subjection to arbitrary power.

One crucial implication is that liberty can be lost or forfeited even in the absence of any acts of interference. The lack of freedom suffered by slaves is not a consequence of their being hindered in the exercise of their desires. Slaves whose choices happen never to conflict with the will of their master may be able to act without the least interference. They nevertheless remain wholly bereft of their liberty. They remain subject to the will of their master, unable to act according to their own independent will at any time. They are, in other

<sup>16</sup> Bracton 1640, 1. 6. 3, fo. 4<sup>v</sup>: ‘Est quidem servitus constitutio iuris gentium qua quis dominio alieno contra naturam subiicitur’.

<sup>17</sup> Bracton 1640, 1. 6. 2, fo. 4<sup>v</sup>: ‘Et in hac parte ius civile vel gentium detrahit iuri naturali’.

<sup>18</sup> Bracton 1640, 1. 6. 1, fo. 4<sup>v</sup>: ‘omnes homines aut liberi sunt, aut servi’.

<sup>19</sup> Bracton 1640, 1. 6. 1, fo. 4<sup>v</sup>: ‘[villanus] quodam servitio sit astrictus’.

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words, not genuine agents at all. As James Harrington was to put it in his classic statement of the republican theory in his *Oceana* of 1656, the predicament of slaves is that they have no control over their lives, and are consequently forced to live in a state of unending anxiety as to what may or may not be about to happen to them.<sup>20</sup>

Within Anglophone political theory, this understanding of freedom and servitude rose to particular prominence in the decades preceding the outbreak of the English civil war in 1642.<sup>21</sup> The opponents of the Stuart monarchy objected that a number of rights and liberties were being undermined by the crown's legal and fiscal policies. But some insisted at the same time that these infringements amounted to mere surface manifestations of a deeper affront to liberty. What principally troubled them was that, by emphasising its prerogative rights, the crown was laying claim to a form of discretionary and hence arbitrary power that had the effect of reducing the free-born people of England to a condition of bondage and servitude.

During the ensuing civil war, these contentions were vociferously denounced by the supporters of absolute sovereignty, and by no one more systematically than Thomas

<sup>20</sup> Harrington 1992, p. 20.

<sup>21</sup> Peltonen 1995, Skinner 2002b, Colclough 2003. But two caveats are in order here. On the one hand, this is not to say that this way of contrasting freedom with slavery was the sole or even the dominating argument about liberty in this period. For valuable cautionary remarks see Sommerville 2007. And on the other hand, this is not to say that these classical arguments had never been deployed in earlier times. For example, Bernard 1986, pp. 150–8, traces their use in the early sixteenth century to resist allegedly arbitrary demands made by the crown.

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Hobbes. Hobbes is the most formidable enemy of the republican theory of liberty, and his attempts to discredit it constitute an epoch-making moment in the history of Anglophone political thought. His hostility is already evident in *The Elements of Law*, his earliest work of political philosophy, which he circulated in 1640. But at that stage he had nothing to put in its place, and merely sought to persuade his readers that the theory was self-deceiving and confused. During the 1640s, however, he began to work out a rival approach, the definitive version of which appeared in *Leviathan* in 1651, in which he presented for the first time a new analysis of what it means to be a free-man in conscious opposition to the juridical and republican account. It is with the evolution and articulation of this rival theory that I am principally concerned.

Hobbes's understanding of liberty has already been extensively discussed, and the existing secondary literature contains a great deal of valuable scholarship on this specific theme.<sup>22</sup> It might well be asked what I can hope to add to these accounts. My answer is twofold. First of all, most recent studies have focused exclusively on Hobbes's texts, without asking what might have prompted him to formulate and reformulate his distinctive arguments, and thus without attempting to identify the nature of the disputes in which he was taking part. By contrast, I have tried to show how Hobbes's successive attempts to grapple with the question of human liberty were deeply affected by the claims put forward by the radical and parliamentary writers in the period of

<sup>22</sup> Notable recent studies include Goldsmith 1989; Brett 1997; Terrel 1997; Hüning 1998; van Mill 2001; Martinich 2004; Pettit 2005.

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the civil wars, and by Hobbes's sense of the urgent need to counter them in the name of peace.

My other reason for hoping that I may have something to contribute is that most of the existing literature embodies one cardinal assumption that seems to me untenable. Hobbes produced four different versions of his political philosophy: *The Elements* in 1640, *De cive* in 1642, the English *Leviathan* in 1651 and the revised Latin *Leviathan* in 1668. There is widespread agreement, however, that his basic beliefs, including his beliefs about liberty, remained 'relatively static' and 'largely unchanged' throughout these works,<sup>23</sup> and that any differences between them 'can almost always be understood as an attempt by Hobbes to give greater clarity to his original ideas'.<sup>24</sup> To speak of any marked change of direction between *The Elements* and *Leviathan*, we are assured, 'is fundamentally mistaken'.<sup>25</sup>

These judgments have generally been underscored by those who have focused specifically on Hobbes's views about free-men and free states. Some commentators simply assume that there are no developments to be observed, and speak of 'Hobbes's theory of freedom' while concentrating exclusively on *Leviathan*.<sup>26</sup> But others explicitly insist that there is 'no evidence of any significant change' between *The Elements* and

<sup>23</sup> Sommerville 1992, pp. 3, 162; Collins 2005, p. 9.

<sup>24</sup> Tuck 1996, p. xxxviii; see also Parkin 2007, p. 90.

<sup>25</sup> Nauta 2002, p. 578.

<sup>26</sup> See, for example, Goldsmith 1989, p. 25; Lloyd 1992, pp. 281–6; Hirschmann 2003, p. 71; Martinich 2005, pp. 79–80. To some extent I was guilty of this mistake myself in Skinner 2002a, vol. 3, pp. 209–37, and my present discussion can be read as a correction as well as an extension of that earlier argument.

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Hobbes's later works,<sup>27</sup> and thus that there is 'no major shift in Hobbes's thinking about liberty' at any point.<sup>28</sup> One of my aims in what follows will be to suggest, on the contrary, that Hobbes's analysis of liberty in *Leviathan* represents not a revision but a repudiation of what he had earlier argued, and that this development reflects a substantial change in the character of his moral thought.

As will already be evident, I approach Hobbes's political theory not simply as a general system of ideas but also as a polemical intervention in the ideological conflicts of his time. To interpret and understand his texts, I suggest, we need to recognise the force of the maxim that words are also deeds.<sup>29</sup> We need, that is, to put ourselves in a position to grasp what sort of an intervention Hobbes's texts may be said to have constituted. My aim in what follows is accordingly to give an account not merely of what Hobbes is saying but of what he is doing in propounding his arguments. My governing assumption is that even the most abstract works of political theory are never above the battle; they are always part of the battle itself. With this in mind, I try to bring Hobbes down from the philosophical heights, to spell out his allusions, to identify his allies and adversaries, to indicate where he stands on the spectrum of political debate. I do my best, of course, to provide a careful exegesis of his changing views about liberty. But I am at least as much interested in the seething polemics underlying the deceptively smooth surface of his argument.

<sup>27</sup> Pettit 2005, p. 146; cf. Warrender 1957, p. viii; Sommerville 1992, p. 181.

<sup>28</sup> Pettit 2005, p. 150.      <sup>29</sup> Wittgenstein 1958, para. 546, p. 146.

## ACKNOWLEDGMENTS

The following essay is derived from the course I delivered as Ford's Lecturer in the University of Oxford during the academic year 2002–3. I feel highly honoured to have been invited to contribute to this celebrated series, and I must begin by offering the Electors my warmest thanks. I also want to express my appreciation to the many people who made my weekly visits to Oxford so enjoyable. Paul Slack organised my timetable with the utmost efficiency and geniality. The Warden and Fellows of Wadham College graciously placed a set of rooms at my disposal and received me with great kindness. Many friends provided me with hospitality and encouragement, among whom I want especially to thank Tony Atkinson, Jeremy Butterfield, John and Oonah Elliott, Robert and Kati Evans, Kinch Hoekstra, Noel Malcolm, Keith and Valerie Thomas, and Jenny Wormald. I am also very grateful to the students and colleagues who sent me letters and emails about my lectures, offering me numerous corrections and other suggestions for improvement, all of which I have done my best to incorporate.

Subsequently I was able to try out different parts of my argument on three further and very distinguished audiences. I gave the Page-Barbour Lectures at the University of Virginia in October 2003, the Robert P. Benedict Lectures at Boston University in March 2005 and the Adorno Lectures organised by the Institut für Sozialforschung at Frankfurt in

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December 2005. I want in particular to thank Krishan Kumar in Charlottesville, James Schmidt in Boston and Axel Honneth in Frankfurt, all of whom were marvellously welcoming and attentive hosts.

The general title of my Ford Lectures was ‘Freedom, Representation and Revolution, 1603–1651’. When I began to rework my script for publication, however, I came to see that it would be best to concentrate on the questions about liberty to which I had devoted the second half of my course. I accordingly hived off my opening lectures about the concept of representation, and these have now been published separately.<sup>1</sup> Although the outcome is a text considerably shorter than the Electors may feel they have a right to expect, I hope that I may have managed to make it somewhat less diffuse and more coherent.

I have received an almost embarrassing amount of help in converting my lectures into their present and very different shape. By far my deepest debt is owed to the experts who have read and commented on my manuscript: Annabel Brett, Kinch Hoekstra, Susan James, Noel Malcolm, Eric Nelson and Jim Tully, as well as two anonymous and extremely perceptive referees for the Cambridge University Press. Between them they have enabled me to improve my original draft beyond recognition. For valuable discussions and correspondence I am similarly indebted to Dominique Colas, John Dunn, Raymond Geuss, Fred Inglis, Cécile Laborde, Kari Palonen, John Pocock, David Sedley, Amartya Sen, Johann Sommerville, Richard Tuck and above all

<sup>1</sup> Skinner 2005b, 2006b, 2007.

## ACKNOWLEDGMENTS

Philip Pettit, whose writings on the theory of freedom have much influenced my own approach.<sup>2</sup> There are three names I must not fail to single out from these lists. Kinch Hoekstra and Noel Malcolm attended my lectures at Oxford, advised me about them in detail, and later scrutinised drafts of my manuscript with extraordinary precision and depth of scholarship. The other name I want particularly to mention is that of Susan James, to whom I owe more than any words of mine can express.

I must also record my gratitude to the owners and custodians of the manuscripts I have consulted. My warm thanks go to the staff of the Manuscript Reading Room at the British Library and at the Bibliothèque Nationale; to the Master and Fellows of St John's College Oxford, with special thanks to Ruth Ogden; and to the Duke of Devonshire and the library staff at Chatsworth, with special thanks to Peter Day and more recently Andrew Peppitt and Stuart Band for providing me with so much courteous and expert assistance.

I am likewise much indebted to the staff of the rare books rooms in which I have worked, above all at the British Library and the Cambridge University Library. I am struck, however, that nowadays I am a much less frequent visitor to these repositories than I used to be. This change in my habits is due entirely to the availability of Early English Books Online, a database to which every student of early-modern history owes an immense and burgeoning debt. This is also the moment to pay tribute to the *Oxford Dictionary of National Biography*, which I have likewise consulted online,

<sup>2</sup> Pettit 1997, 2001, 2002, 2005.

## ACKNOWLEDGMENTS

and which has served as my authority for much of the biographical information I have supplied.

I owe a particularly heartfelt word of thanks to the experts in the photographic departments of the British Library, the British Museum and the Cambridge University Library. They have all responded to my numerous queries and requests with unfailing patience and promptitude. My grateful thanks are also due to each of these institutions for granting me permission to reproduce images from the collections in their care.

I feel no less obliged to the numerous institutions that have supported my research. The University of Cambridge continues to offer excellent working facilities and a generous policy about sabbatical leave. The Faculty of History has allowed me for the past three years to teach a ‘Special Subject’ arising out of my research, thereby enabling me to discuss my findings with many outstanding students. The Wissenschaftskolleg zu Berlin appointed me to a Fellowship in the academic year 2003–4, in the course of which I managed to finish a draft of this and several other pieces of work. I am grateful to Dieter Grimm, Joachim Nettelbeck and their advisory board for showing such faith in my projects. My thanks are also due to the staff of the Kolleg for making my stay such a happy and memorable one, and to the remarkable group of colleagues with whom I was able to exchange ideas. I owe a particular debt to Horst Bredekamp for many discussions about Hobbes’s *visuelle strategien*, and I should like to add a special word of appreciation to Wolf and Annette Lepenies for the friendliness of their welcome. I am also delighted to renew my thanks to the Leverhulme

## ACKNOWLEDGMENTS

Foundation, which appointed me to a three-year Senior Research Fellowship in 2001 and financed my stay in Berlin as the final year of my award. My deep gratitude goes to the Trustees not merely for their munificence but for the increasingly precious gift of time.

As always, I have received exemplary assistance from the Cambridge University Press. Jeremy Mynott has discussed my project with me on numerous occasions, and I have continued to profit from his infallible advice. I owe a great debt to Richard Fisher, who somehow found time amid his heavy responsibilities as Executive Director to act as my editor. He read my final draft, provided me with extremely helpful comments, and saw it through the press with enthusiasm, cheerfulness and unfaltering efficiency, all of which I have almost (but I hope not entirely) come to take for granted over the years. I am likewise extremely grateful to Alison Powell for directing the production of my work with so much dispatch, and to Frances Nugent for copyediting, not for the first time, with a wonderfully vigilant eye. Many thanks also to Felicity Green for help with the proofs. After so much labour by so many hands, I can only add (echoing Hobbes) that although some errors no doubt remain, 'I can discover none, and hope they be not many.'<sup>3</sup>

I am grateful for the opportunity provided by this reprinting to correct a handful of errors that did indeed escape my scrutiny. My warmest thanks to Keith Thomas for pointing them out.

<sup>3</sup> Hobbes 1843a, p. ix.

## NOTES ON THE TEXT

*Bibliography.* This is simply a checklist of the sources quoted or mentioned in the text; readers in need of a full guide to the recent literature on Hobbes's philosophy should consult the 'Bulletin Hobbes' published annually in *Archives de philosophie*. My bibliography of printed primary sources lists anonymous works by title. If a work was published anonymously but its author's name is known, I place the name in square brackets.

*Classical names and titles.* I refer to ancient Greek and Roman writers in their most familiar single-name form, both in the text and bibliographies. I transliterate Greek titles, but all others are given in their original form.

*Dates.* I follow my sources in using the English version of the Julian Calendar ('old style') in which the year was taken to begin on 25 March. Where this could give rise to confusion I add 'new style' dates in brackets.

*Gender.* I try to maintain gender-neutral language as far as possible. But it is sometimes evident that, when the writers I discuss say 'he', they do *not* mean 'he or she', and in these cases I have felt obliged to follow their usage in order to avoid altering their sense.

*References.* I basically follow the author–date system, but I have made one modification to it. When quoting from primary sources unattributable to any one author (for example, parliamentary debates) I refer to them by the names

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of their modern editors, but I list them in the bibliography of printed primary sources. The bibliography of secondary sources gives all references to journals in arabic numerals; all references in the footnotes to chapters and sections of books are given in the same style.

*Transcriptions.* I preserve original spelling, capitalisation, italicisation and punctuation, except that I normalise the long ‘s’, remove ligatures, expand contractions and alter ‘u’ to ‘v’ and ‘i’ to ‘j’ in accordance with modern orthography. When quoting in Latin I use ‘v’ as well as ‘u’, change ‘j’ to ‘i’, expand contractions and omit diacritical marks. Sometimes I change a lower-case letter to an upper, or vice versa, when fitting quotations around my own prose. I silently correct obvious typographical mistakes, and also a number of transcription errors in the edition of *Leviathan* I use.

*Translations.* All translations from classical sources, and from early-modern sources in languages other than English, are my own unless explicitly noted.