

Introduction

My principal aim in this book is to outline and explain a major transformation in anglophone discussions about the meaning of liberty. I ask when and why it came about that one prevailing way of understanding what it means to be free was displaced by a strongly contrasting account that in turn became no less generally accepted. I argue that this shift mainly took place in the closing decades of the eighteenth century. Before that time it was widely agreed that what it means to be free is that you are not subject to the exercise of arbitrary power, and are consequently able to act according to your autonomous will and live as you choose.¹ Liberty was construed as independence. By the early nineteenth century this view had been replaced as a hegemonic ideology by the rival contention that liberty simply consists in not being restrained. According to the most exacting version of this argument, you are rendered unfree only if the restraint you suffer takes the form of an external impediment that physically prevents you from doing as you wish. But according to the version that came to be generally accepted, you are also rendered unfree if your choices are restricted by threats.² Liberty was now construed as an absence of either physical or coercive restraint.³

In recent years there has been a recrudescence of interest in the ideal of liberty as independence, and one result has been that most of the claims

¹ Here my analysis connects with Nyquist 2013, in which the exercise of arbitrary power is described as giving rise to ‘political slavery’, that form of servitude which is suffered under tyrannical government. On chattel and political slavery, and on the equation between the latter and living subject to arbitrary power, see also Reid 1988, pp. 38–59.

² But for the more exacting account see Carter 1999; Kramer 2003.

³ Before I go further, it seems worth adding a word of warning about the terminology I use. Generally I treat ‘freedom’ as a synonym for ‘liberty’. I refer to the second view of liberty I have singled out as the claim that liberty consists in not being restrained. However, this view has also been labelled the ‘non-interference’ conception, and this formula has recently gained widespread currency, largely due to the analysis in Pettit 1997, pp. 41–50. This being so, I sometimes make use of this terminology myself, while at other times I put the formulae together, speaking of the view that liberty consists in absence of interference (or hindrances) or absence of restraint (or impediments).

2 Introduction

I have just summarised have become subjects of vigorous debate.⁴ The bluntest reaction to the claims I am making has been that, in the historical period I single out, no such arguments about the meaning of liberty took place.⁵ One of my chief aspirations in what follows is to contest this objection by providing a historical survey of the rival understandings involved, together with an explanation of why the ideal of liberty as independence was largely displaced by the view that liberty simply consists in not being restrained.

Why this displacement happened is also a question that has lately been much discussed. One favoured suggestion has been that the shift was closely connected with the rise of modern commercial society in the eighteenth century.⁶ I propose a different explanation. We need to reflect, I suggest, on the implications of the fact that the American Revolution of 1776, as well as the French Revolution of 1789, were promoted and legitimised in terms of the claim that liberty consists in living as equal citizens in conditions of independence and self-rule. This was more than enough to arouse the conservative forces at work in British society at the time, prompting them to find a means of discrediting this demand for a more egalitarian form of society and state. It was panic about democracy, not the imperatives of commerce, that displaced the ideal of liberty as independence.⁷

Amid the scepticism and hostility provoked by recent attempts to revive this ideal of liberty, two objections have been raised that seem to me particularly worth singling out. Some historians (notably J. G. A. Pocock) have argued that the view of liberty animating the era of revolution at the end of the eighteenth century needs to be seen as a ‘positive’ one in which liberty was in effect equated with self-realisation, and more specifically with a life of virtuous public action.⁸ The most usual objection, however, has been that the two allegedly rival views of liberty are not in fact analytically distinct. There is said to be no ‘conceptual opposition’ and hence ‘no interesting disagreement’ between them, and it has even been

⁴ For a survey see Hammersley 2020, pp. 197–209. For early hostile reactions see Ghosh 2008, esp. pp. 132–5, 139–45.

⁵ See Whatmore 2016, esp. pp. 109–10 and references there.

⁶ See Pocock 2006, esp. pp. 13–17; Kalyvas and Katznelson 2008; MacGilvray 2011.

⁷ Here I agree with Philp 1998 and De Dijn 2020.

⁸ See Pocock 1975, p. 550, where he aligns himself with Hannah Arendt’s view of freedom and – or as – political action (on which see Arendt 1968). See also Pocock 1985, pp. 40–4; Pocock 2006, p. 13–15; and, for a similar view, see Rahe 1994. For a defence of ‘positive’ liberty see Taylor 1991, and for discussions of Arendt’s positive view see Beiner 1984 and Honohan 2002, pp. 111–14, 119–31. For a general discussion of positive liberty see Ivison 1997, pp. 2–10; for a critique of the concept see Skinner 2002d. For attempted genealogies of negative, positive and republican liberty see Spitz 1995, pp. 83–269 and Skinner 2016.

argued that it is a mere invention to suppose that they can be distinguished.⁹ We are told that the alleged distinction between the two views of liberty I single out simply collapses,¹⁰ and also that ‘the dominating role’ in political discourse has at all times been played by the idea of liberty as nothing other than absence of interference or restraint.¹¹

I argue that both these objections reflect a failure to grasp what is involved in the assertion that liberty can be equated with independence. The proponents of this view are not denying that, if we say of someone that they are free to act, we are saying that they are unimpeded. What they wish to affirm is that the basic question to ask about liberty cannot be whether or not you are able to choose and act freely. The fundamental and logically prior question must be whether or not you are a free person, someone who is not subject to the arbitrary power of any other person or institution within civil society or the state.¹²

If you are a free person, your freedom will not necessarily be forfeited if restrictions are imposed on your choices. You may be prevented from acting in some specific way, but your standing as a free person may be unaffected.¹³ If, on the other hand, you are not a free person, then – and this is the crucial point – you will never be in a position to choose and act freely. All your choices and actions will be the product not merely of your own will, but at the same time of the permission and hence the will of those to whom you are subject, whether that permission is silently or explicitly granted.

The restriction of your choices, in other words, is neither a necessary nor a sufficient condition of being unfree. Just as it is possible to remain a free person even if someone interferes with your choices, so it is possible to be unfree in the absence of any such interference or even any threat of it. Those who have the good fortune to be subject to a beneficent master or an enlightened despot may find their behaviour very little regulated or restrained. But so long as they are subject to the will of a master they remain incapable of acting autonomously, and hence remain unfree.

The defenders of the ideal of liberty as independence believe, in short, that what it means to be free is essentially to possess a distinctive status in social life. By contrast, those who defend the claim that liberty consists in absence of restraint think of it simply as a predicate of choices and

⁹ Patten 1996, p. 25; Kalyvas and Katznelson 2008, pp. 4, 8, 10; Haakonssen 2007; Podoksik 2010, pp. 225–7. For further statements to the same effect see Larmore 2001, pp. 234–5; Goodin 2003, pp. 60–1; Kramer 2008, p. 56; McBride 2015, p. 351; Moen 2022. For a robust rebuttal see Lovett 2022, pp. 17–20.

¹⁰ Straumann 2016, p. 9. ¹¹ Podoksik 2010, pp. 221, 240.

¹² Here I have changed my mind since I wrote about this issue in Skinner 1998. For helping me to improve my argument I am indebted to Pettit 1997, pp. 300–3 and Pettit 2002.

¹³ This constitutes my answer to Talisse 2014. See Skinner 2022, pp. 242–3.

4 Introduction

actions.¹⁴ It is surely clear that these are not merely contrasting but rival approaches to thinking about the concept of liberty.

The recent revival of the view that liberty should be understood as independence has been due above all to the pioneering work of Philip Pettit, who has devoted a sequence of outstandingly important books to the subject.¹⁵ I have been greatly influenced by his work, but it is worth registering that, when I refer to this ideal of liberty, I do so in terms somewhat different from those employed by Pettit and most of his followers. The contrast they generally draw is between liberty as non-interference and liberty as non-domination, the latter of which they treat in turn as a distinctively republican way of thinking about freedom and government.¹⁶ They also focus on how the pivotal concept of arbitrary power should be understood, and here some of Pettit's followers have continued to adopt his initial suggestion that it needs to be equated with a capacity to act without being obliged to track the interests of those who will be affected.¹⁷ One of my aims in what follows will be to show that it would be beneficial to pay more attention to the terms in which the so-called republican theory of liberty was originally articulated. As we shall see, it turns out to be significant that those who embraced the theory rarely spoke of non-domination, and never contrasted arbitrariness with the tracking of interests.¹⁸ Still more important, few showed any inclination to describe themselves as republicans in their political allegiances. My suggestion here is that, if we wish to improve our understanding of liberty as independence, it will be worth paying more attention to the vocabulary and political circumstances in which the ideal was originally discussed.

The historical sources from which I draw my narrative also differ from those usually cited in recent discussions of liberty as independence. There has been a tendency to focus on a relatively small number of prominent authors and texts. But since my aspiration is to trace the formation of an ideology I have tried to cast my net more widely. I have drawn on novels,

¹⁴ The point is especially well made in Pettit 2007. See also Pettit 2008 and Skinner 2008a. Cf. also Benn and Weinstein 1971. My argument thus needs to be distinguished from the claim that liberty consists in independence from interference, as argued in List and Valentini 2016. According to the theory with which I am concerned, liberty consists not in independence from interference but in independence from any arbitrary power or capacity to restrain or interfere.

¹⁵ See Pettit 1997; Pettit 2001; Pettit 2012; Pettit 2014. For another series of discussions to which I am much indebted see Lovett 2010; Lovett 2018; and Lovett 2022.

¹⁶ See Pettit 1997, pp. 51–73, and for a restatement Pettit 2014, pp. 28–54. On non-domination see also Lovett 2018.

¹⁷ See Pettit 1997, pp. 36–7, 55–6; and cf. Arnold and Harris 2017.

¹⁸ However, as Lovett 2010, pp. 236–7 rightly points out, some Roman writers, especially Cicero and Sallust, speak of *dominatio* by contrast with *libertas*.

sermons, newspapers, debates in Parliament and above all an extensive pamphlet literature. Most of the writers I discuss are relatively obscure, and many of them published anonymously. There were moments, however, when some celebrated authors joined the debate. Among the novelists, these included Smollett, Richardson and above all Fielding. Here, I argue, there is something to be said about the much-discussed phenomenon of ‘the rise of the novel’ in the middle decades of the eighteenth century. Why did these writers move away from using the novel to tell tales of romance and towards the project of chronicling the mores of contemporary civil society? Among literary scholars who have seen a political motivation for this development there has been a tendency, especially in the case of Fielding, to concentrate exclusively on his pro-Whig and anti-Jacobite political commitments.¹⁹ But his aspiration to find a new use for the novel can in part be explained, I suggest, by his desire – fully shared by Smollett – to reflect less as a historian and more as a satirist on the contemporary social and political scene.²⁰ One of Smollett’s as well as Fielding’s concerns was to scrutinise how far the promise made in the constitutional settlement of 1688–9 to institute a free state and a peaceful civil society was being fulfilled, and how far this promise of equal freedom from dependence was being ignored and betrayed.²¹

A number of major political philosophers also contributed to the early modern debate about liberty, including Hobbes, Locke, Hume, Bentham and Wollstonecraft. It seems worth adding an introductory word about each of these canonical names, if only because my attempt to contextualise them sometimes has the effect of showing them in an unfamiliar light. Hobbes in his *Leviathan* of 1651 has rightly been seen as a pioneer in arguing that liberty should be defined as an absence of impediments or restraint. But it has tended to be assumed that this made him virtually the sole protagonist of a view that only came to be broadly accepted at the end of the following century.²² As I show in Chapter 7, however, it was not long before Hobbes’s distinctive analysis of liberty began to be widely discussed and embraced. By the beginning of the eighteenth century, due largely to the influence of Pufendorf and his disciples, Hobbes’s political theory was being taught in a number of law schools in Switzerland and

¹⁹ See, for example, Beasley 1982, pp. 203–8; Cleary 1984, pp. 207–72. In Watt’s classic study of the rise of the novel (Watt 1957) the question is not discussed. On Fielding as a political journalist see McCrea 1981.

²⁰ On the satire of Fielding and Smollett see Paulson 1967, pp. 52–99, 165–79. See also Tavor 1987, who concentrates on Fielding’s satirical concern with faulty reasoning.

²¹ See Monod 2005, esp. pp. 277–81, 286–90.

²² See, for example, Pettit 1997, pp. 43, 45; Elazar 2015, p. 418.

6 Introduction

Germany by such jurists as Barbeyrac, Burlamaqui and Heineccius, and the works of all these writers soon became available in English. Pufendorf's *De iure naturae et gentium* appeared in 1703 as *On the law of nature and nations*, and was reprinted with Barbeyrac's commentary in 1729. During the 1740s Heineccius and Burlamaqui were also translated, and by the middle decades of the century there was a growing interest in their work among English legal theorists. These developments in turn raise a question about the 'great breakthrough' and the 'innovative and subversive definitions' that Jeremy Bentham is said to have produced in the 1770s when he insisted that liberty amounts to nothing more than an absence of restraint or constraint.²³ I argue that there was no such sudden breakthrough, and that the process by which this understanding of liberty came to be embedded in anglophone political theory was more gradual and more complex than has generally been recognised.

As in the case of Hobbes's *Leviathan*, the influence of John Locke's *Two treatises of government* in the eighteenth century has long been a subject of scholarly debate. Here the consensus has come to be that, although Locke's philosophical works were widely read, this is much less clear in the case of his *Two treatises*.²⁴ One prominent strand in the historiography of the American Revolution centres on the claim that a far greater influence on the colonists was exercised by the 'commonwealth' tradition of neo-Machiavellian republican thought.²⁵ Here it is arguable that two caveats need to be entered. We must take care not to mark too sharp a distinction, as Pocock has arguably done, between the figure of Locke as 'no kind of classical or Machiavellian republican' and the 'unmistakably Machiavellian' allegiances of the 'commonwealth' writers from the first half of the eighteenth century.²⁶ As we shall see in Chapters 2 and 3, Locke's views on liberty, subjection and arbitrary power were wholly in line with 'commonwealth' principles.²⁷ We also need to recognise that

²³ See Long 1977, p. 55; Pettit 1997, pp. 43–4; Elazar 2015, p. 418.

²⁴ For the extent to which Locke in eighteenth-century America was seen as the author of *An essay concerning human understanding* rather than *Two treatises of government* see Arcenas 2022, pp. 1–3, 19–24, 49–52. On the marginal role of the *Two treatises* at the time of the 1688 revolution and in the ensuing generation see Kenyon 1977, pp. 1, 17; Dunn 1980, pp. 62–7; Tully 1993b, pp. 253–66. See also Goldie 2006, pp. 47–50, although he rightly warns against overstatement. But see Ward 2004, pp. 1–18 on those who have supported a 'comeback' of Locke's *Two treatises*.

²⁵ See Bailyn 1967, pp. 22–54; Pocock 1975, pp. 423–552; Rahe 1994.

²⁶ Pocock 1975, pp. 424, 426–8, 467–77.

²⁷ Clark 2023 seeks to reinstate 'Lockean liberalism' and 'classical republicanism' as rival schools of thought, while treating both as unsatisfactory when it comes to explaining the American Revolution. A more satisfactory way forward might be to acknowledge that, in their accounts of tyranny and the liberty of subjects, these were not in fact rival schools of thought. The view of liberty and tyranny espoused by the anti-imperialists in the American colonies had been endorsed no less strongly by the 'liberal' John Locke than

there was one juncture at which Locke's *Second treatise* was extensively and admirably invoked in English political debate. At the time of the Jacobite rebellion in 1745–6 a large number of pamphlets and sermons were published on the need to avoid arbitrary government, and during these years Locke's views on political liberty were quoted frequently and with deep respect. It is perhaps not surprising, however, that this episode has been overlooked, because the writers who quoted Locke with so much enthusiasm preferred in almost every instance not to acknowledge him.

Hume's place in the political debates of the same period has also been much discussed, and here too there may be room for some reassessment. Hume was always emphatic about what he liked to describe as his moderation and impartiality in handling political subjects.²⁸ Some commentators have agreed that he is 'remarkably detached', and have sought to mark a distinction between his scientific approach to the political issues of his time and the 'vulgar Whiggism' from which he distanced himself.²⁹ But this is arguably to accept him too much at his own estimation. If we survey the range of topics on which the pro-government Whigs of the 1730s and 1740s were most anxious to pronounce, we find that Hume almost never failed to support the pro-government cause.³⁰

It needs no underlining that Mary Wollstonecraft is the only woman among the canonical figures I have singled out. An overwhelming majority of the texts I discuss were written by men, and it cannot be denied that, throughout the historical period on which I concentrate, the enjoyment of liberty in the sense of not being subject to arbitrary power was largely the preserve of a small male elite. These considerations have led some commentators to conclude that the ideal of liberty as independence is 'inherently conservative and elitist'.³¹ This way of thinking about freedom is said to have 'a dark side', to be 'overtly oppressive', and to exhibit 'a pervading hostility to democratic tendencies'.³² As I try to illustrate, however, Wollstonecraft is only the most celebrated of a number of eighteenth-century feminist writers who remind us that there is nothing inherently conservative or elitist about the ideal itself. Wollstonecraft fervently believed in liberty as independence, but always as the best means to win equality for women and create a more democratic society for all.³³

by the classical republican writers singled out by Robbins and subsequently by Bailyn and Pocock.

²⁸ Hume 1741, p. iv. ²⁹ Forbes 1975, pp. 125–92; Skjösberg 2021, pp. 138–9.

³⁰ Here I agree with Dickinson 1977, pp. 132–3 and Pocock 1985, p. 138.

³¹ Maddox 2002, p. 430.

³² Goodin 2003, pp. 56–7, 61–2; Brennan and Lomasky 2006, p. 222; Maddox 2002, p. 425.

³³ On Wollstonecraft's equation of liberty with independence see Halldenius 2015, pp. 19–32.

8 Introduction

I have been stressing that this ideal of liberty has recently undergone a revival in anglophone political philosophy. But I do not mean to imply that this development followed a long period in which it was wholly overlooked. There is no doubt that the ideal was successfully banished to the margins of political debate at the end of the eighteenth century. But it continued to flourish among the pioneers of English socialism, and it subsequently played an important role in Marxist thought, as Marx's frequent references to wage-slavery remind us.³⁴ As I argue in my opening and closing chapters, the recent revival of interest is merely the latest attempt to reaffirm an ideal that has always had a presence in Western political thought.

The origins of this presence can largely be traced, I argue, to a specific range of classical sources, and above all to the jurists, historians and moral philosophers of ancient Rome. I accordingly begin by examining the provenance of the ideal of liberty as independence in this body of texts. But here I need to underline that my examination of these sources is deliberately circumscribed. I am exclusively concerned with the development of the so-called republican concept of liberty, not with the broader history of republicanism in Europe. Any engagement with this further and vastly larger question would require many additional lines of enquiry to be pursued, most obviously in ancient Greek and Hebrew traditions of thinking about self-government.³⁵ Furthermore, my engagement with the Roman republican sources is limited in itself. My aim is to highlight the concepts and arguments taken from these sources by the early modern writers on whom I chiefly concentrate. I make no attempt to provide a socio-political analysis of liberty in ancient Rome. Any such account would need to include (as many scholars have rightly pointed out) a discussion of how the republic, although notionally a *civitas libera* or free state, continued to be dominated by a senatorial oligarchy, and how the plebeians were always subjected to a paternalistic form of rule.³⁶

I want to round off these opening remarks by underlining one element in the ideal of liberty as independence that seems to me of particular importance in relation to contemporary debates. Those who defended the ideal in the historical period I discuss took it for granted that to speak of liberty is at the same time to speak of slavery. Here they made a number of connections that have largely been lost to sight in contemporary

³⁴ See Gourevitch 2015; Leipold 2020; Leipold 2022.

³⁵ On the Greek contribution see Nelson 2004; De Dijn 2020, pp. 15–68. On Hebrew sources see Boralevi 2002; Nelson 2011. On ancient and modern liberty see Skinner 2012.

³⁶ See Maddox 2002; Kapust 2004; Ando 2010. For a full analysis of Roman republican constitutionalism see Straumann 2016.

discussions of liberty as absence of interference or restraint. It is true that, as we shall see in Chapter 8, some proponents of liberty as independence were rightly criticised for arguing that anyone subject to the power of others must be accounted a slave, thereby drastically understating the special horror of chattel slavery. But the insistence of these writers on equating subjection with servitude had the salutary effect of drawing attention to the fact that liberty can be undermined by many different forms of dependence.³⁷ As we confront the increasing disgrace of modern slavery, there is much to be learned from the distinctions to be found in these earlier debates.

I have already published two brief books that may be regarded as preliminary studies for this present work. One examined the evolution of Hobbes's thinking about the concept of liberty.³⁸ The other focused on the conception of liberty as independence as it was expounded at the time of the English civil wars in the mid-seventeenth century.³⁹ With this new work I have moved forward to the era of the Enlightenment. I begin with the revolution of 1688 in England, when the ideal of liberty as independence was promised to the people as the cornerstone of a new constitution. I go on to examine the fortunes of this view of liberty as it was propagated under the Whig oligarchy and subsequently challenged and set aside. I draw mainly on anglophone sources, but I like to think that there is nevertheless a sense in which the outcome is a study of a broader kind. Some concepts are inherently global, and liberty is undoubtedly one of them. The rejection of the ideal of liberty as independence was fundamental to the self-styled 'liberal' political theory that emerged at the end of the eighteenth century, and this development gave rise to some significant and enduring consequences that, for better or worse, have by now reached across the world. The question I finally address in my Conclusion is whether these consequences have in fact been for better or for worse.

³⁷ On the need for such a broad view see Watkins 2016.

³⁸ See Skinner 2008b. For a discussion and critique see Collins 2009.

³⁹ Skinner 1998. For an earlier sketch see Skinner 1990.

Part I

Liberty and the Revolution of 1688