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Liberty Is Too Precious a Concept to Be Left to the Liberals

Quentin Skinner (1998): Liberty before Liberalism. Cambridge: Cambridge University Press, 142 p.

“I hope shortly to publish a monograph on the republican idea of liberty...” Quentin Skinner wrote as early as 1984 (Skinner 1984, 231). Some years later, responding to a circular query among the historians in the *Times Literary Supplement* he spoke more specifically on the topic, but left the question of whether he himself was engaged in such a work open (Skinner 1989, 690).

I was quite sure that he had already shifted his attention to other problems, such as rhetoric, which he dealt with in his great work *Reason and Rhetoric in the Philosophy of Hobbes* (Skinner 1996). For those already familiar with the magnitude of Skinner’s work, there already exists a number of interconnected and overlapping essays on republican liberty. The first was published in a 1983 issue of the Australian journal *Politics* and was followed by the

consistent publication of other essays until the first half of the nineteen nineties (Skinner 1984, 1986, 1987, 1990a, 1990b, 1992a, 1992b, 1993). These essays are rich enough to make republican liberty a thematically separate area of Quentin Skinner's intellectual itinerary and to make him a participant in the contemporary discussion on liberty who cannot be neglected.

However, in October, 1997 I received a postcard from Skinner, in which he wrote that he will be publishing a "tiny" book called *Liberty before Liberalism* (below: LBL) next month. This was, indeed, the case, although with the publishers' old trick "First published in 1998". Was it, then, the monograph Skinner had promised almost 15 years earlier?

There are good reasons to say that LBL is not that book. Skinner has, at least for the specific subject dealt with in the book, renamed the concept from the "republican" to the "neo-roman" theory of liberty. Initially, the book was not planned by Skinner himself, but suggested to him by his editors at Cambridge University Press as a way to expand his Inagural lecture as Regius Professor of Modern History into a book. This small book is neither a summary of nor a revision of his old arguments on republican liberty, which concentrate on the oeuvre of Machiavelli, but is an entirely new text concentrated on English writers around the critical year 1656.

Thus, while from the sixties onwards Skinner had mainly dealt with Hobbes, he now focuses his analysis on his contemporary adversaries: John Milton, James Harrington, Marchamont Needham, Francis Osborne, George Wither, John Hall, John Streater as well as Henry Neville and Algernon Sidney. The shifting of the concept is justified because of the remarkable differences between the views of these contemporaries and Machiavelli and the Italian republicans with regard to liberty.

One of the characteristics of Skinner's republican writings since the eighties is that he uses them in order to simultaneously address several debates (while his critics were only usually aware of one or two of them). Moreover, he intended to shift the terms of the debate or to initiate new ones. All this can be clearly seen from his statement to the TLS, quoted here *in extenso*:

Among the moral and political writers of the Renaissance, it was widely agreed that the only way to maximize the liberty of the individual must be to ensure that everyone plays an active role in political affairs. Only by such participation, it was argued, can we hope to prevent the business of government from falling into hands of a governing class. Since the seventeenth century, however, the leading Western democracies have repudiated this view in favour of a strongly contrasting one. It has become an axiom of liberal theories about the relationship between government and the governed that the only way to maximize freedom must be to minimize the extent to which public demands can legitimately be made upon our private lives.

When and why did we come to change our beliefs in the way about the most fundamental concept in our political vocabulary? By answering these questions, a great work of history could, I think, be written of a kind that no one has hitherto attempted. Such a history would embody the kind of irony that the greatest historians have always particularly relished. For it is surely ironic that the development of Western democracies should have been accompanied by the atrophy of the ideal that the government of the people should be conducted by the people. Such a history might also prompt us, as the great historians have always done, to think anew about our present predicament. We might find ourselves reflecting in particular whether the distinction we have inherited between the public and the private is one that we ought to be upholding or seeking to revise. (Skinner 1989a, 690)

Quentin Skinner's primary interest here is to write a history of the decline of republican liberty from the perspective of doing justice to those who have lost the battle. Their names should be remembered again, in the same sense that Hannah Arendt has revoked this ancient *topos*. The past battles should be actualized in the present; here Skinner is almost following the paradigm of Walter Benjamin's *Geschichtsphilosophische Thesen*. In order to be able to write this sort of *Umschreibung* of the history of liberty in the Koselleckian sense (cf. Koselleck 1988), Skinner is obliged to reconstruct the very concept of liberty and shed new light on its origins.

These four tasks – the history of lost liberty, the reconstruction of the old concept, a reinterpretation of its origins and the assessment of its significance to the contemporary discussion on liberty – are also evoked by Skinner in *Liberty before Liberalism*. He is “bringing buried intellectual treasure back to the surface” (LBL, 112). In a footnote he also makes it clear that no nostalgia or even instrumental advocacy of the neo-roman theory of liberty is intended:

The point of considering this example has not been to plead for the adoption of an alien value from a world we have lost; it has been to uncover a lost reading of a value common to us and to the vanished world. (op.cit., 118 n. 29)

The perspective is now also altered in relation to Skinner's ‘Machiavellian writings’. The Roman moralists and historians – Cicero, Seneca, Sallust and Livy – remain the source common to both Machiavelli and the English neo-roman writers of the seventeenth century. For the English neo-roman writers, however, there is an additional source which is of utmost importance. Namely, the Roman legal tradition codified in the Justinian Digest, which

hardly plays a role in Machiavelli's *Discorsi*, shaped by the rhetorical tradition of the Renaissance (cf. esp. Skinner 1987, 1990a).

This difference of sources has a central significance in the dissimilarities in the very concept of liberty between Machiavelli and the English neo-roman writers. The legal inheritance led the English neo-romans to insist on freedom as a right, a view completely alien to Machiavelli:

...these writers generally assume that the freedom or liberty they are describing can be equated with – or, more precisely, spelled out as – the unconstrained enjoyment of specific civil rights. It is true that this way of expressing the argument is not to be found in any of their ancient authorities, nor in any of the neo-roman writers on the *vivere libero* from the Italian Renaissance. Machiavelli, for example, never employs the language of rights. (LBL, 18)

This concept was not only related to Roman law but also to the struggles on Reformation, especially to the 'Monarchomach' version of the right to resistance, dealt with extensively in the second volume of Skinner's *Foundations of Modern Political Thought*. The insistence on freedom as a "birthright" and that "the state of liberty is the natural condition of mankind" also relativizes the sharp distinction between the contractualist and the republican modes of political argument present in Skinner's earlier writings.

The fact that a certain contractualist optimism in the view on human nature also touched the neo-roman theorists' language is noticeable throughout the LBL. Machiavelli used his specific anti-naturalism as a means to struggle against the almost inevitable human tendency towards corruption, which then led to the self-destructive use of liberty. This concept of freedom plays no definite role among the neo-roman theorists of liberty. Machiavelli's view is best explicated in the first of Skinner's republican essays:

The indispensable role of the law is thus to deter us from *corruzione* and impose on us the ‘artificial necessity’ of behaving as *virtuosi* citizens by making it ‘less eligible’ to follow our natural tendencies to pursue our own interests at the expense of the common good... In a strikingly Rousseauian phrase, he adds that all citizens ought ideally to be ‘chained by the laws’ as a means to coerce them into respecting the ideal of liberty and behaving ‘in a well-ordered way’. (Skinner 1983, 8-9)

Although at this point Skinner mentions Milton as a proponent of the idea “that people may have to be *forcé d’être libre*” (LBL, 33 n.101), this type of consciously political use of laws as instruments of increasing the *Spielraum* of action by making it “less eligible” to follow ‘natural tendencies’ seems to be alien to the neo-roman writers. Engaged politically, above all, against the royal prerogatives, they tend to regard the law as a limitation of arbitrary power and not as a means of republican politicking against people’s own self-destructive tendencies. In this sense the neo-roman theorists resist the tendency to see liberty and politics as counter-concepts less radically than Machiavelli and the programmatic republicans. Correspondingly, with the contemporary example of Cromwell in mind, they tend also to view the Roman and Machiavellian ideals of glory and greatness as political aims with suspicion (op.cit., 65).

The ‘Opportunist’ Horizon of Liberty

For those interested in Quentin Skinner’s intellectual itinerary, the footnotes of the “tiny” volume are worth careful examination. For example, Skinner now admits in one of his footnotes that Philip Pettit has persuaded him to change his views concerning the quarrel with the contemporary advocates of liberalism. He writes that what “is at issue” not only consists of a disagreement about the con-

ditions of securing liberty – or, to use Skinner’s earlier jargon: of the “range of reference” (cf. e.g. Skinner 1979) – but also concerns the fact that the two schools of thought do in fact disagree about (among other things) the meaning of “liberty itself” (LBL, 70, n. 27). The question is thus not limited to the relationship between individual and public liberty, but the heart of the matter is the understanding of what counts as ‘liberty’.

The difference (from) to Machiavelli makes it clear that there is a remarkable common ground between the neo-roman writers and that concept of liberty advocated by their contractarian opponents, above all by Hobbes. This concerns, above all, the use of coercion as a counter-concept to liberty:

...the exercise of force or the coercive threat of it must be listed among the forms of constraint that interfere with individual liberty. (op. cit., 83)

Skinner’s point, however, is to insist that the significance of this common ground was decisively reduced given the fact that the neo-roman theorists also were aware of other forms of constraint, namely, dependence:

What the neo-roman writers repudiate *avant la lettre* is the key assumption of classical liberalism to the effect force or coercive threat of it constitute the only forms of constraint that interfere with individual liberty. The neo-roman writers insist, by contrast, that to live in a condition of dependence is in itself a source and a form of constraint. (op. cit., 84)

It is here that the role of the Roman legal heritage of the English writers becomes most clearly visible. Dependence is used as a kind of translation of the Justinian concept of slavery into the contemporary context and is presented in it as a counter-concept of liberty (op.cit., 39).

According to Skinner, the neo-roman writers by no means reduced liberty to a counter-concept of dependence in a manner echoing later writers, such as Kant. Rather, they introduced dependence as another dimension of constraint, which is not reducible coercion or interference. Slavery could be used as a paradigm for a lack of liberty in cases in which dependence was a result not of the interference by the master to the slave's freedom of movement, but of the difference in status. The master was a *sui juris*, while the slaves were held to be *in potestate domini* (op.cit., 40-41). The point of neo-roman authors was to show that there were forms of dependence which were analogous to slavery in the contemporary world, and which also deserved to be treated as expressions of coercion.

We can now sketch the conceptual horizon of the two neglected concepts of liberty in order to accentuate their relations to the contemporary discussion. Both the republican and the neo-roman theories of liberty remain within the confines of the 'negative' understanding of liberty, as opposed to the 'positive' view, represented classically by the Aristotelian and scholastic view and in contemporary discussions by the so-called communitarians. Skinner has, in clear words, recurrently distanced himself from the critique of liberalism in the name of a substantialistic, 'positive' view on liberty (cf. e.g. Skinner 1986, 232; 1993, 408).

He now repeats this more or less explicitly, but moves on to criticize the whole famous distinction between positive and negative liberty proposed by Isaiah Berlin:

Berlin in effect equates (or confuses) the 'negative' idea of liberty with the classical liberal understanding of the concept, and then contrasts this understanding with what he calls the 'positive' concept of liberty as self-realisation. I agree that the 'positive' view must account to a separate concept. Rather than connecting liberty with opportunities

for action – as in the neo-roman as well as in the liberal analysis – the ‘positive’ view connects liberty with the performance of actions of a determinate type... Whether the understanding of liberty as (in Charles Taylor’s terms) an ‘exercise’ and not merely an ‘opportunity concept’ can be vindicated is a separate question, and one with which I am not concerned. (op.cit., 114, N 22)

We could take this quotation as a suggestion to revise the vocabulary of the concept of liberty in terms which would be more historically accurate but also rhetorically provocative enough to analyze the politically crucial conceptual distinctions. Thus, the opposition between positive and negative liberty could be, by further accentuation of Skinner’s implications, renamed as an opposition between the ‘opportunist’ and the ‘determinist’ view. The point of this vocabulary can also be seen there, in that it establishes a link between freedom and contingency.

Skinner’s discussion moves only within the opportunist horizon. While Berlin spoke of negative liberty as if it were a single and homogeneous concept, Skinner is able to distinguish four different variants within the opportunist horizon of liberty. Let us name them the Hobbesian, the autonomist, the dual and the Machiavellian views. The relationships between them can be recapitulated in the following manner:

- in the Hobbesian view only coercion or interference counts as a constraint of liberty
- for the autonomist view only dependence counts as a constraint of liberty
- for the neo-roman dual view both coercion and dependence count as constraints of liberty
- the Machiavellian republican view moves on another level, which perhaps could be viewed as a combination of the opportunity and exercise concepts within the opportunist horizon.

This discussion remains within the conceptual struggles on the level of individual liberty. Another dimension in the debate, both in Hobbes' time and in ours, concerns the aforementioned "range of reference" of the concept and more specifically, the relation between individual and public liberty. In Skinner's earlier work the discussion of liberty has mainly been concerned with this relation (cf. esp. 1983, 1984, 1986, 1990b).

The neo-roman authors seems to presuppose a close parallel or even a necessary condition between individual and public freedom. They are, indeed, mainly interested in "common liberty", "free government" or even – in Needham's terms using the neologism (cf. Skinner 1989b) – "the free state" (LBL, 23-24). They use the metaphor body politic and speak of "the will of the people", which however, according to Skinner, can be interpreted nominalistically as "the sum of the wills of each individual citizen" (op.cit., 28-29). Their political ideal was "to enable each individual citizen to exercise an equal right of participation in the making of laws" (op.cit, 30), but in practice they accepted a representative government:

The right solution, they generally agree, is for the mass of the people to be represented by a national assembly of the more virtuous and considering, an assembly chosen by the people to legislate on their behalf. (op.cit., 32)

The contemporary threat to public freedom was due to royal prerogatives, the veto-power over the parliament and other forms of arbitrary power. All of these threatening conditions were actualized in the conflict of the House of Commons with Charles I in early 1640s. For the neo-roman authors, these conditions were expressions of "having its actions determined by the will of anyone other than the representatives of the body politic as a whole" (op.cit., 49). (He applied the idea of slavery to this situa-

tion with regard to the relations to both foreign and domestic powers.)

The point, in the Hobbesian sense, is that the freedom of the “Commonwealth” and of “particular men” are not at all related concepts. Freedom is a natural condition of men and is not lost by submission to the sovereign: “if he submits, he is acting freely” (quoted in Skinner 1990c, 148). Furthermore, Hobbes rejects the distinction between tyrants and lawful rulers as well as calls the ancient *poleis* ‘anarchies’:

...challenging the traditional distinction between lawful rulers and tyrants, and especially the alleged implication that it must be legitimate not merely to disobey tyrannical rulers but if possible to assassinate them. He (Hobbes, KP) regards this doctrine as typical of classical and humanist theories of government, associating it above all ‘with Plato, Aristotle, Cicero, Seneca, Plutarch and all other admirers of the Greek and Roman anarchies’. (quoted from Skinner 1996, 315, with his translation of Hobbes’ Latin. The Latin version is contained in note 128 on this page.)

In a provocative example Hobbes holds, in Skinner’s formulation, that “we have no reason to believe that, as ordinary citizens, they have any more liberty than they would have had under the sultan in Constantinople”. For him it is “not on the source of law but its extent” that liberty depends (LBL, 85). This view did not remain unanswered. Skinner refers to the Harringtonian critique:

If you are a subject of the sultan, you will be less free than a citizen of Lucca, simply because your freedom in Constantinople, however great in extent, will remain wholly dependent on the sultan’s goodwill... The very fact that the law and the will of the sultan are one and the same has the effect of limiting your liberty. Whether the commonwealth be monarchical or popular, the freedom is not still the same. (op.cit., 86)

When invoking the above distinctions on the meanings of liberty it seems that both Hobbes and Harrington seem to hold two dimensions of freedom inseparable, although they take opposing stands on them: Harrington's advocacy of the idea of dependence as a constraint presupposes a necessary connection between public and individual freedom, while Hobbes simultaneously rejects both. This identification seems to be excellently suited to Hobbes' aim of discrediting both aspects of "neo-roman liberty" at the same time, while, on the contrary, it seems to have contributed to the decline of this liberty in the changing situation.

Skinner's account indicates that the problematic aspect of neo-roman theory was the way in which the theorists interpreted the expressions of dependency as analogous to slavery in the contemporary era. They certainly developed a critique towards some conspicuous forms of modern dependency, such as, in Sidney's jargon, "the corruption typical to those who made their career as advisers and ministers to the princes of the age" (op.cit., 90). The figure to which they were compared was "the independent country gentleman as the leading depository of moral dignity and worth in modern societies" (op.cit., 95). Skinner's main thesis on the history of the decline of neo-roman liberty concerns the anachronistic character of this ideal in an increasingly commercial age:

With the extension of the courtiers of the court to the bourgeoisie in the early eighteenth century, the virtues of the independent country gentleman began to look irrelevant and even inimical to a polite and commercial age. (op.cit., 97)

Thus, neither parliamentary debates nor free and regular elections were thought of as the primary political resources of individual freedom or as a source of independence

from slavish tendencies. On the contrary, they relied on a country paradigm of independence, in an age in which it began to lose its force. In this respect, I think, concerning the search for alternatives to the Hobbesian view on liberty in the eighteenth and nineteenth centuries, Machiavellian republicanism, with its paradigm of the clever politician, would probably be a more relevant adversary than the neo-roman conception of liberty.

Contribution to the Contemporary Debate

Quentin Skinner's story of the neo-roman theory of liberty, as well as that of the republican theory in the Machiavelli essays, can be considered as a sort of prologue to the history of lost alternatives. His reference to the continuing signs of this view, for example in Marx and J.S. Mill, seem to be of lesser importance (op.cit. ix-x). What is essential in Skinner's story is the creation of a sketch of the history of discrediting alternatives. Skinner refers especially to William Paley, an important textbook author of the late eighteenth century (op.cit. 78-81) and Henry Sidgwick, who in his *Elements of Politics* (1897) explicitly denies a connection between individual liberty and the form of the polity, for according to him "it is perfectly possible for a representative legislature to interfere with the free action of individuals more than an absolute monarch" (op.cit., 98-99). Skinner characterizes the hegemonial situation – within the provinces of the Anglophone political theory – of this view, which is now referred to as liberal, in the following manner:

...the neo-roman theory has been so much lost to sight that the liberal analysis has come to be widely regarded as the only coherent way of thinking about the concept involved. (op.cit, 113)

The name Quentin Skinner is closely linked to his critique of anachronisms and to his attempt to recover the original point of the agents covered by an ocean of interpretations. Critics have often overstated his thesis as being an advocacy of a pure 'antiquarian' historicism, a claim which Skinner has always rejected and which he once again confronts in *Liberty before Liberalism* (op.cit., 106-109).

For me, as a non-specialist of English seventeenth-century politics, Skinner's writings appear more readable than the work of 'ordinary' historians. His work is always more than 'pure' historiography in that he makes a contribution to political theory through the utilization of case studies in a context in which he has the specialist's competence of an historian.

He has, however, used other means as well, in particular the review articles in the *New York Review of Books* in the late seventies and early eighties on Rorty, Habermas, Geertz and others. These less known writings are valuable in helping to illuminate the links between Skinner's substantive historical writings and contemporary debates. The contemporary discussions then seem to offer him not only a horizon of choices of problems, but also heuristic devices to reinterpret the past, without 'functionalizing' past agents to some universal tendencies or global forces. The present volume contains some remarkable reformulations of Skinner's strategy of interpretation, especially the thesis that discontinuities are more important than continuities for the intellectual historian:

The continuities after all, are so omnipresent that they have made it all too easy to conceive of the past as a mirror. But the discontinuities are often no less striking values set in stone at one moment melt into air at the next. (op.cit., 111)

Reviving such strange currents of thought as the neo-roman theory of liberty should thus not be taken too literally,

as if it were a realistic contemporary alternative. In securing what should be obvious, he – in addition to the footnote quoted against a nostalgic use of the neo-roman theory – also refers to problems which should be taken into consideration in any contemporary debate on liberty:

They have little to say about dimensions of freedom and oppression inherent in such institutions as the family or the labour market. (op.cit., 17)

The value orientation – *Wertbeziehung* in the Weberian sense – of Skinner's writing concerns neither the neo-roman theorists nor the liberals themselves. It is of more general character and concerns both present-day politics and the politics of historiography:

The intellectual historian can help us to appreciate how far the values embodied in our present way of life, and our present ways of thinking about these values, reflect a series of choices made at different times between different possible worlds. The awareness can help to liberate us from the grip of any one hegemonal account of these values and how they should be interpreted and understood. (op.cit., 117)

Elsewhere I have characterized Quentin Skinner as a 'Weberian' thinker (Palonen 1997). The last quotation is a clear manifestation of this Weberian tone. Like Weber, he manifests an openness towards alternatives and a readiness to understand conceptual changes and their political point. Like Weber, he looks for struggles and politicking behind the apparent fixations in intellectual history and he questions the legitimacy of claims made in the name of coherence or truth. Like Weber, Skinner is a critic of the apolitical dimension inherent in liberalism.

Rhetoric and Republicanism?

There is, to me, one puzzling feature in Skinner's new book. Why does he not mention in his recent book on rhetoric at all? Rhetoric is not even mentioned in the index. The historical rehabilitation of the *ars rhetorica* as a constituent part of renaissance culture as well as a style or argumentation in *utramque partem* is, in my opinion, one of Skinner's most important achievements as an historian and political theorist.

Why does he keep the republican writings separate from the rhetorical ones? Has he already changed his mind on the significance of the renaissance rhetorical culture? Or was he simply tired of commenting again on rhetoric, a topic he has dealt more or less throughout the entire nineteen-nineties? Or did he, rather, notice a break just between the Hobbesian generation, still grown up in this rhetorical culture, and the generation of neo-roman theorists, who were already beyond its horizon? Or is the rhetorical style of politics better suited to a militant republicanism à la Machiavelli than to the legal language of the neo-roman theorists?

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