

The Paradoxes of Political Liberty

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I

These lectures¹ seek to reconsider two connected claims about political liberty which, from the standpoint of most current debates about the concept, are apt to be dismissed as paradoxical or merely confused.

First a word about what I mean by speaking, as I have just done, about the standpoint of most current debates about liberty. I have in mind the fact that, in recent discussions of the concept among analytical philosophers, one conclusion has been reached which commands a remarkably wide measure of assent. It can best be expressed in the formula originally introduced into the argument by Jeremy Bentham and recently made famous by Isaiah Berlin.² The suggestion has been that the idea of political liberty is essentially a negative one. The presence of liberty, that is, is said to be marked by the absence of something else; specifically, by the absence of some element of constraint which inhibits an agent from being able to act in pursuit of his or her chosen ends, from being able to pursue different options, or at least from being able to choose between alternatives.³

¹ For the printed version I have consolidated the two lectures into a single argument. I am much indebted to those who took part in the staff-student seminar at Harvard where the lectures were discussed on 26 October 1984. As a result of that discussion I have recast some of my claims and removed one section of the opening lecture that met with justified criticism.

² See Douglas G. Long, *Bentham on Liberty* (Toronto: Toronto University Press, 1977), p. 74, for Bentham speaking of liberty as 'an idea purely negative.' Berlin uses the formula in his classic essay, 'Two Concepts of Liberty', in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), at p. 121 and *passim*.

³ For freedom as the non-restriction of options, see for example S. I. Benn and W. Weinstein, 'Being Free to Act, and Being a Free Man', *Mind* 80 (1971): 194-211. Cf. also John N. Gray, 'On Negative and Positive Liberty', *Political Studies* 28 (1980): 507-26, who argues (esp. p. 519) that this is how Berlin's argument in his 'Two Concepts' essay (cited in note 2 above) is best understood. For the stricter suggestion that we should speak only of freedom to choose between alternatives, see

Hobbes bequeathed a classic statement of this point of view — one that is still repeatedly invoked—in his chapter ‘Of the Liberty of Subjects’ in *Leviathan*. It begins by assuring us, with typical briskness, that ‘liberty or freedom signifieth (properly) the absence of opposition’ — and signifies nothing more.⁴ Locke makes the same point in the *Essay*, where he speaks with even greater confidence. ‘Liberty, ‘tis plain, consists in a power to do or not to do; to do or forbear doing as we will. This cannot be denied’.⁵

Among contemporary analytical philosophers, this basic contention has generally been unpacked into two propositions, the formulation of which appears in many cases to reflect the influence of Gerald MacCallum’s classic paper on negative and positive freedom? The first states that there is only one coherent way of thinking about political liberty, that of treating the concept negatively as the absence of impediments to the pursuit of one’s chosen ends.⁷ The other proposition states that all such talk about negative liberty can in turn be shown, often despite appearances, to reduce to the discussion of one particular triadic relationship be-

for example Felix Oppenheim, *Political Concepts: A Reconstruction* (Oxford: Basil Blackwell, 1981), ch. 4, pp. 53-81. For a defence of the even narrower Hobbesian claim that freedom consists in the mere absence of external impediments, see Hillel Steiner, ‘Individual Liberty’, *Proceedings of the Aristotelian Society* 75 (1975): 33-50. This interpretation of the concept of constraint is partly endorsed by Michael Taylor, *Community, Anarchy and Liberty* (Cambridge: Cambridge University Press, 1982), pp. 142-50, but is criticised both by Oppenheim and by Benn and Weinstein in the works cited above.

4 Thomas Hobbes, *Leviathan*, ed. C. B. Macpherson (Harmondsworth: Penguin Books, 1968), bk. II, ch. 21, p. 261. (Here and elsewhere in citing from seventeenth-century sources I have modernised spelling and punctuation.)

5 John Locke, *An Essay Concerning Human Understanding*, ed. Peter H. Niddich (Oxford: The Clarendon Press, 1975), 11.21.56.

6 Gerald C. MacCallum, Jr., ‘Negative and Positive Freedom’, in Peter Laslett, W. G. Runciman, and Quentin Skinner, eds., *Philosophy, Politics and Society*, 4th ser. (Oxford: Basil Blackwell, 1972), pp. 174-93.

7 This is the main implication of the article by MacCallum cited in note 6 above. For a recent and explicit statement to this effect, see for example J. P. Day, ‘Individual Liberty’, in A. Phillips Griffiths, ed., *Of Liberty* (Cambridge: Cambridge University Press, 1983), who claims (p. 18) ‘that “free” is univocal and that the negative concept is the only concept of liberty’.

tween agents, constraints, and ends. All debates about liberty are thus held to consist in effect of disputes either about who are to count as agents, or what are to count as constraints, or what range of things an agent must be free to do, be, or become (or not be or become) in order to count as being at liberty.⁸

I now turn to the two claims about political liberty which, in the light of these assumptions, are apt to be stigmatised as confused. The first connects freedom with self-government, and in consequence links the idea of personal liberty, in a seemingly paradoxical way, with that of public service. The thesis, as Charles Taylor has recently expressed it, is that we can only be free within a society of a certain canonical form, incorporating true self-government⁹ If we wish to assure our own individual liberty, it follows that we must devote ourselves as wholeheartedly as possible to a life of public service, and thus to the cultivation of the civic virtues required for participating most effectively in political life. The attainment of our fullest liberty, in short, presupposes our recognition of the fact that only certain determinate ends are rational for us to pursue.¹⁰

The other and related thesis states that we may have to be forced to be free, and thus connects the idea of individual liberty,

8 This formulation derives from the article by MacCallum cited in note 6 above. For recent discussions in which the same approach has been used to analyse the concept of political liberty, see for example Joel Feinberg, *Social Philosophy* (Englewood Cliffs, N.J.: Prentice-Hall, 1973), esp. pp. 12, 16, and J. Roland Pennock, *Democratic Political Theory* (Princeton: Princeton University Press, 1979), esp. pp. 18-24.

9 Charles Taylor, 'What's Wrong with Negative Liberty', in Alan Ryan, ed., *The Idea of Freedom* (Oxford: Oxford University Press, 1979), pp. 175-93, at p. 181.

10 For a discussion that moves in this Kantian direction, connecting freedom with rationality and concluding that it cannot therefore 'be identified with absence of impediments,' see for example C. I. Lewis, 'The Meaning of Liberty', in John Lange, ed., *Values and Imperatives* (Stanford: Stanford University Press, 1969), pp. 145-55, at p. 147. (I mention Lewis in particular because, at the request of a Founding Trustee, my lectures at Harvard were dedicated to Lewis's memory.) For a valuable recent exposition of the same Kantian perspective, see the section 'Rationality and Freedom' in Martin Hollis, *Invitation to Philosophy* (Oxford: Basil Blackwell, 1985), pp. 144-51.

in an even more blatantly paradoxical fashion, with the concepts of coercion and constraint. The assumption underlying this further step in the argument is that we may sometimes fail to remember — or may altogether fail to grasp — that the performance of our public duties is indispensable to the maintenance of our own liberty. If it is nevertheless true that freedom depends on service, and hence on our willingness to cultivate the civic virtues, it follows that we may have to be coerced into virtue and thereby constrained into upholding a liberty which, left to ourselves, we would have undermined.

II

Among contemporary theorists of liberty who have criticised these arguments, we need to distinguish two different lines of attack. One of these I shall consider in the present section, the other I shall turn to discuss in section III.

The most unyielding retort has been that, since the negative analysis of liberty is the only coherent one, and since the two contentions I have isolated are incompatible with any such analysis, it follows that they cannot be embodied in any satisfactory account of social freedom at all.

We already find Hobbes taking this view of the alleged relationship between social freedom and public service in his highly influential chapter on liberty in *Leviathan*. There he tells us with scorn about the Lucchese, who have ěwritten on the turrets of the city of Lucca in great characters, at this day, the word LIBERTASI, in spite of the fact that the constitution of their small-scale city-republic placed heavy demands upon their public-spiritedness.¹¹ To Hobbes, for whom liberty (as we have seen) simply means absence of interference, it seems obvious that the maximising of our social freedom must depend upon our capacity to maximise the area within which we can claim ěimmunity from the service of the commonwealth.¹² So it seems to him merely absurd of the

¹¹ Hobbes, *Leviathan*, bk. II, ch. 21, p. 266.

¹² *Ibid.*

Lucchese to proclaim their liberty in circumstances in which such services are so stringently exacted. Hobbes's modern sympathisers regularly make the same point. As Oppenheim puts it, for example, in his recent book *Political Concepts*, the claim that we can speak of 'freedom of participation in the political process' is simply confused.¹³ Freedom presupposes the absence of any such obligations or constraints. So this 'so-called freedom of participation does not relate to freedom in any sense'.¹⁴

We find the same line of argument advanced even more frequently in the case of the other claim I am considering: that our freedom may have to be the fruit of our being coerced. Consider, for example, how Raphael handles this suggestion in his *Problems of Political Philosophy*. He simply reiterates the contention that 'when we speak of having or not having liberty or freedom in a political context, we are referring to freedom of action or social freedom, i.e., the absence of restraint or compulsion by human agency, including compulsion by the State'.¹⁵ To suggest, therefore, that 'compulsion by the State can make a man more free' is not merely to state a paradoxical conclusion; it is to present an 'extraordinary view' that simply consists of confusing together two polar opposites, freedom and constraint.¹⁶ Again, Oppenheim makes the same point. Since freedom consists in the absence of constraint, to suggest that someone might be 'forced to be free' is no longer to speak of freedom at all but 'its opposite'.¹⁷

What are we to think of this first line of attack, culminating as it does in the suggestion that, as Oppenheim expresses it, neither of the arguments I have isolated 'relate to freedom in any sense'?

¹³ Oppenheim, *Political Concepts*, p. 92.

¹⁴ *Ibid.*, p. 162. For a recent endorsement of the claim that, since liberty requires no action, it can hardly require virtuous or valuable action, see Lincoln Allison, *Right Principles* (Oxford: Basil Blackwell, 1984), pp. 134–35.

¹⁵ D. D. Raphael, *Problems of Political Philosophy*, rev. ed. (London: Macmillan, 1976), p. 139.

¹⁶ *Ibid.*, p. 137.

¹⁷ Oppenheim, *Political Concepts*, p. 164.

It seems to me that this conclusion relies on dismissing, far too readily, a different tradition of thought about social freedom which, at this point in my argument, it becomes important briefly to lay out.

The tradition I have in mind stems from Greek moral thought and is founded on two distinctive and highly influential premises. The first, developed in various subsequent systems of naturalistic ethics, claims that we are moral beings with certain characteristically human purposes. The second, later taken up in particular by scholastic political philosophy, adds that the human animal is *naturale sociale et politicum*, and thus that our purposes must essentially be social in character.¹⁸ The view of human freedom to which these assumptions give rise is thus a *ëpositiveí* one. We can only be said to be fully or genuinely at liberty, according to this account, if we actually engage in just those activities which are most conducive to *eudaimonia* or *ëhuman flourishingí*, and may therefore be said to embody our deepest human purposes.

I have no wish to defend the truth of these premises. I merely wish to underline what the above account already makes clear: that if they are granted, a positive theory of liberty flows from them without the least paradox or incoherence.

This has two important implications for my present argument. One is that the basic claim advanced by the theorists of negative liberty I have so far been considering would appear to be false. They have argued that all coherent theories of liberty must have a certain triadic structure. But the theory of social freedom I have just stated, although perfectly coherent if we grant its premises, has a strongly contrasting shape.¹⁹

¹⁸ See for example Thomas Aquinas, *De Regimine Principum*, bk. I, ch. 1, in A. P. DiEntrÈves, ed., *Aquinas; Selected Political Writings* (Oxford: Basil Blackwell, 1959), p. 2.

¹⁹ For a fuller exploration of this point see the important article by Tom Baldwin, *ëMacCallum and the Two Concepts of Freedomí*, *Ratio* 26 (1984): 125–42, esp. at 135–36.

The contrast can be readily spelled out. The structure within which MacCallum and his numerous followers insist on analysing all claims about social freedom is such that they make it a sufficient condition of an agent's being at liberty that he or she should be unconstrained from pursuing some particular option, or at least from choosing between alternatives. Freedom, in the terminology Charles Taylor has recently introduced, becomes a pure opportunity concept.²⁰ I am already free if I have the opportunity to act, whether or not I happen to make use of that opportunity. By contrast, the positive theory I have just laid out makes it a necessary condition of an agent's being fully or truly at liberty that he or she should actually engage in the pursuit of certain determinate ends. Freedom, to invoke Taylor's terminology once more, is viewed not as an opportunity but as an exercise concept.²¹ I am only in the fullest sense in possession of my liberty if I actually exercise the capacities and pursue the goals that serve to realise my most distinctively human purposes.

The other implication of this positive analysis is even more important for my present argument. According to the negative theories I have so far considered, the two paradoxes I began by isolating can safely be dismissed as misunderstandings of the concept of liberty.²² According to some, indeed, they are far worse than misunderstandings; they are 'patent sophisms' that are really designed, in consequence of sinister ideological commitments, to convert social freedom 'into something very different, if not its opposite'.²³ Once we recognise, however, that the positive view of liberty stemming from the thesis of naturalism is a perfectly

²⁰ Taylor, 'Negative Liberty', p. 177.

²¹ Ibid.

²² See for example the conclusions in W. Parent, 'Some Recent Work on the Concept of Liberty', *American Philosophical Quarterly* 11 (1974): 149–67, esp. 152, 166.

²³ Anthony Flew, ' "Freedom Is Slavery": A Slogan for Our New Philosopher Kings', in Griffiths, ed., *Of Liberty*, pp. 45–59, esp. at pp. 46, 48, 52.

coherent one, we are bound to view the two paradoxes in a quite different light.

There ceases, in the first place, to be any self-evident reason for impugning the motives of those who have defended them.²⁴ Belief in the idea of "human flourishing" and its accompanying vision of social freedom arises at a far deeper level than that of mere ideological debate. It arises as an attempt to answer one of the central questions in moral philosophy, the question whether it is rational to be moral. The suggested answer is that it is in fact rational, the reason being that we have an interest in morality, the reason for this in turn being the fact that we are moral agents committed by our very natures to certain normative ends. We may wish to claim that this theory of human nature is false. But we can hardly claim to know *a priori* that it could never in principle be sincerely held.

We can carry this argument a stage further, moreover, if we revert to the particular brand of Thomist and Aristotelian naturalism I have singled out. Suppose for the sake of argument we accept both its distinctive premises: not only that human nature embodies certain moral purposes, but that these purposes are essentially social in character as well. If we do so, the two paradoxes I began by isolating not only cease to look confused; they both begin to look highly plausible.

Consider first the alleged connection between freedom and public service. We are supposing that human nature has an essence, and that this is social and political in character. But this makes it almost truistic to suggest that we may need to establish one particular form of political association —thereafter devoting ourselves to serving and sustaining it —if we wish to realise our own natures and hence our fullest liberty. For the form of association we shall need to maintain will of course be just that form in

²⁴ At this point I am greatly indebted once more to Baldwin, "Two Concepts", esp. pp. 139–40.

which our freedom to be our true selves is capable of being realised as completely as possible.

Finally, consider the paradox that connects this idea of freedom with constraint. If we need to serve a certain sort of society in order to become most fully ourselves, we can certainly imagine tensions arising between our apparent interests and the duties we need to discharge if our true natures, and hence our fullest liberty, are both to be realised. But in those circumstances we can scarcely call it paradoxical — though we may certainly find it disturbing — if we are told what Rousseau tells us so forcefully in *The Social Contract*: that if anyone regards what he owes to the common cause as a gratuitous contribution, the loss of which would be less painful for others than the payment is onerous for him, then he must be forced to be free, coerced into enjoying a liberty he will otherwise allow to degenerate into servitude.²⁵

III

I now turn to assess the other standpoint from which these two paradoxes of liberty have commonly been dismissed. The theorists I now wish to discuss have recognised that there may well be more than one coherent way of thinking about the idea of political liberty. Sometimes they have even suggested, in line with the formula used in Isaiah Berlin's classic essay, that there may be more than one coherent *concept* of liberty.²⁶ As a result, they have sometimes explicitly stated that there may be theories of liberty within which the paradoxes I have singled out no longer appear as paradoxical at all. As Berlin himself emphasises, for example, several positive theories of freedom, religious as well as political, seem readily able to encompass the suggestion that people may

²⁵ Jean-Jacques Rousseau, *The Social Contract*, trans. Maurice Cranston (Harmondsworth: Penguin Books, 1968), p. 64.

²⁶ This is how Berlin expresses the point in the title of his essay, although he shifts in the course of it to speaking instead of the different senses of the term. See *Four Essays*, esp. p. 121.

have to act in certain self-improving ways, which they could be coerced to do if there is to be any prospect of realising their fullest or truest liberty.²⁷

When such writers express doubts about the two paradoxes I am considering, therefore, their thesis is not that such paradoxes are incapable of being accommodated within any coherent theory of liberty. It is only that such paradoxes are incapable of being accommodated within any coherent theory of negative liberty — any theory in which the idea of liberty itself is equated with the mere absence of impediments to the realisation of one's chosen ends.

This appears, for example, to be Isaiah Berlin's view of the matter in his *Two Concepts of Liberty*. Citing Cranmer's epigram *Whose service is perfect freedom*, Berlin allows that such an ideal, perhaps even coupled with a demand for coercion in its name, might conceivably form part of a theory of freedom — without thereby rendering the word *freedom* wholly meaningless. His objection is merely that, as he adds, *all this has little to do with the idea of negative liberty as someone like John Stuart Mill would ordinarily understand it.*²⁸

Considering the same question from the opposite angle, so to speak, Charles Taylor appears to reach the same conclusion in his essay, *What's Wrong with Negative Liberty*. It is only because liberty is *not* a mere opportunity concept, he argues, that we need to confront the two paradoxes I have isolated, asking ourselves whether our liberty is *realisable* only within a certain form of society, and whether this commits us *to justifying the excesses of totalitarian oppression in the name of liberty.*²⁹ Taylor's final reason, indeed, for treating the strictly negative view of liberty as an impoverished one is that, if we restrict ourselves to such an under-

²⁷ *Ibid.*, esp. p. 152.

²⁸ *Ibid.*, pp. 160-62.

²⁹ Taylor, *Negative Liberty*, p. 193.

standing of the concept, these troubling but unavoidable questions do not arise.³⁰

What are we to think of this second line of argument, culminating in the suggestion that the two paradoxes I am considering, whatever else may be said about them, have no place in any ordinary theory of negative liberty?

It seems to me that this conclusion depends on ignoring yet another whole tradition of thought about social freedom, one that it again becomes crucial, at this point in my argument, to try to lay out.

The tradition I have in mind is that of classical republicanism.³¹ The view of social freedom to which the republican vision of political life gave rise is one that has largely been overlooked in recent philosophical debate. It seems well worth trying to restore it to view, however, for the effect of doing so will be to show us, I believe, that the two paradoxes I have isolated can in fact be accommodated within an ordinary theory of negative liberty. It is to this task of exposition, accordingly, that I now turn, albeit in an unavoidably promissory and over-schematic style.³²

Within the classical republican tradition, the discussion of political liberty was generally embedded in an analysis of what it means to speak of living in a *ēfree stateī*. This approach was

³⁰ See Taylor, *ibid.*, insisting (p. 193) that this is *ēaltogether too quick a way with themī*.

³¹ I cannot hope to give anything like a complete account of this ideology here, nor even of the recent historical literature devoted to it. Suffice it to mention that, in the case of English republicanism, the pioneering study is Z. S. Fink, *The Classical Republicans*, 2d ed. (Evanston: Northwestern University Press, 1962). On the development of the entire school of thought, the classic study is J. G. A. Pocock, *The Machiavellian Moment* (Princeton: Princeton University Press, 1975), a work to which I am much indebted.

³² I have tried to give a fuller account in two earlier articles: *ēMachiavelli on the Maintenance of Libertyī*, *Politics* 18 (1983): 3–15, and *ēThe Idea of Negative Liberty: Philosophical and Historical Perspectivesī*, in Richard Rorty, J. B. Schneewind, and Quentin Skinner, eds., *Philosophy in History* (Cambridge: Cambridge University Press, 1984), pp. 193–221. The present essay may be regarded as an attempt to bring out the implications of those earlier studies, although at the same time I have considerably modified and I hope strengthened my earlier arguments.

largely derived from Roman moral philosophy, and especially from those writers whose greatest admiration had been reserved for the doomed Roman republic: Livy, Sallust, and above all Cicero. Within modern political theory, their line of argument was first taken up in Renaissance Italy as a means of defending the traditional liberties of the city-republics against the rising tyranny of the *signori* and the secular powers of the Church. Many theorists espoused the republican cause at this formative stage in its development, but perhaps the greatest among those who did so was Machiavelli in his *Discorsi* on the first ten books of Livy's History of Rome. Later we find a similar defence of free states being mounted —with acknowledgements to Machiavelli's influence —by James Harrington, John Milton, and other English republicans as a means of challenging the alleged despotism of the Stuarts in the middle years of the seventeenth century. Still later, we find something of the same outlook —again owing much to Machiavelli's inspiration —among the opponents of absolutism in eighteenth-century France, above all in Montesquieu's account of republican virtue in *De l'esprit des Loix*.

By this time, however, the ideals of classical republicanism had largely been swallowed up by the rising tide of contractarian political thought. If we wish to investigate the heyday of classical republicanism, accordingly, we need to turn back to the period before the concept of individual rights attained that hegemony which it has never subsequently lost. This means turning back to the moral and political philosophy of the Renaissance, as well as to the Roman republican writers on whom the Renaissance theorists placed such overwhelming weight. It is from these sources, therefore, that I shall mainly draw my picture of the republican idea of liberty, and it is from Machiavelli's *Discorsi* —perhaps the most compelling presentation of the case —that I shall mainly cite.³³

³³ All citations from the *Discorsi* refer to the version in Niccolò Machiavelli, *Il Principe e Discorsi*, ed. Sergio Bertelli (Milan: Feltrinelli, 1960). All translations are my own.

IV

I have said that the classical republicans were mainly concerned to celebrate what Nedham, in a resounding title, called the excellency of a free state. It will be best to begin, therefore, by asking what they had in mind when they predicated liberty of entire communities. To grasp the answer, we need only recall that these writers take the metaphor of the body politic as seriously as possible. A political body, no less than a natural one, is said to be at liberty if and only if it is not subject to external constraint. Like a free person, a free state is one that is able to act according to its own will, in pursuit of its own chosen ends. It is a community, that is, in which the will of the citizens, the general will of the body-politic, chooses and determines whatever ends are pursued by the community as a whole. As Machiavelli expresses the point at the beginning of his *Discorsi*, free states are those which are far from all external servitude, and are able to govern themselves according to their own will.³⁴

There are two principal benefits, according to these theorists, which we can only hope to enjoy with any degree of assurance if we live as members of free states. One is civic greatness and wealth. Sallust had laid it down in his *Catiline* (7.1) that Rome only became great as a result of throwing off the tyranny of her kings, and the same sentiment was endlessly echoed by later exponents of classical republican thought. Machiavelli also insists, for example, that it is easy to understand the affection that people feel for living in liberty, for experience shows that no cities have ever grown in power or wealth except those which have been established as free states.³⁵

But there is another and even greater gift that free states are alone capable of bequeathing with any confidence to their citizens. This is personal liberty, understood in the ordinary sense to mean

³⁴ Ibid., I.ii, p. 129.

³⁵ Ibid., II.ii, p. 280.

that each citizen remains free from any elements of constraint (especially those which arise from personal dependence and servitude) and in consequence remains free to pursue his own chosen ends. As Machiavelli insists in a highly emphatic passage at the start of Book II of the *Discorsi*, it is only in lands and provinces which live as free states that individual citizens can hope to live without fear that their patrimony will be taken away from them, knowing not merely that they are born as free citizens and not as slaves, but that they can hope to rise by their abilities to become leaders of their communities'.³⁶

It is important to add that, by contrast with the Aristotelian assumptions about *eudaimonia* that pervade scholastic political philosophy, the writers I am considering never suggest that there are certain specific goals we need to realise in order to count as being fully or truly in possession of our liberty. Rather they emphasise that different classes of people will always have varying dispositions, and will in consequence value their liberty as the means to attain varying ends. As Machiavelli explains, some people place a high value on the pursuit of honour, glory, and power: 'they will want their liberty in order to be able to dominate others'.³⁷ But other people merely want to be left to their own devices, free to pursue their own family and professional lives: 'they want liberty in order to be able to live in security'.³⁸ To be free, in short, is simply to be unconstrained from pursuing whatever goals we may happen to set ourselves.

How then can we hope to set up and maintain a free state, thereby preventing our own individual liberty from degenerating into servitude? This is clearly the pivotal question, and by way of answering it the writers I am considering advance the distinctive claim that entitles them to be treated as a separate school of thought. A free state, they argue, must constitutionally speaking

³⁶ *Ibid.*, II.ii, p. 284.

³⁷ *Ibid.*, I.xvi, p. 176.

³⁸ *Ibid.*, I.xvi, p. 176; cf. also II.ii, pp. 284-85.

be what Livy and Sallust and Cicero had all described and celebrated as a *res publica*.

We need to exercise some care in assessing what this means, however, for it would certainly be an oversimplification to suppose that what they have in mind is necessarily a republic in the modern sense. When the classical republican theorists speak of a *res publica*, what they take themselves to be describing is any set of constitutional arrangements under which it might justifiably be claimed that the *res* (the government) genuinely reflects the will and promotes the good of the *publica* (the community as a whole). Whether a *res publica* has to take the form of a self-governing republic is not therefore an empty definitional question, as modern usage suggests, but rather a matter for earnest enquiry and debate. It is true, however, that most of the writers I have cited remain sceptical about the possibility that an individual or even a governing class could ever hope to remain sufficiently disinterested to equate their own will with the general will, and thereby act to promote the good of the community at all times. So they generally conclude that, if we wish to set up a *res publica*, it will be best to set up a republic as opposed to any kind of principality or monarchical rule.

The central contention of the theory I am examining is thus that a self-governing republic is the only type of regime under which a community can hope to attain greatness at the same time as guaranteeing its citizens their individual liberty. This is Machiavelli's usual view, Harrington's consistent view, and the view that Milton eventually came to accept.³⁹ But if this is so, we very much need to know how this particular form of government can in practice be established and kept in existence. For it turns out that each one of us has a strong personal interest in understanding how this can best be done.

³⁹ See Fink, *Classical Republicans*, esp. pp. 103–7, on Milton and Harrington. For Machiavelli's equivocations on the point see Marcia Colish, 'The Idea of Liberty in Machiavelli', *Journal of the History of Ideas* 32 (1971): 323–50.

The writers I am considering all respond, in effect, with a one-word answer. A self-governing republic can only be kept in being, they reply, if its citizens cultivate that crucial quality which Cicero had described as *virtus*, which the Italian theorists later rendered as *virtù*, and which the English republicans translated as civic virtue or public-spiritedness. The term is thus used to denote the range of capacities that each one of us as a citizen most needs to possess: the capacities that enable us willingly to serve the common good, thereby to uphold the freedom of our community, and in consequence to ensure its rise to greatness as well as our own individual liberty.

But what *are* these capacities? First of all, we need to possess the courage and determination to defend our community against the threat of conquest and enslavement by external enemies. A body-politic, no less than a natural body, which entrusts itself to be defended by someone else is exposing itself gratuitously to the loss of its liberty and even its life. For no one else can be expected to care as much for our own life and liberty as we care ourselves. Once we are conquered, moreover, we shall find ourselves serving the ends of our new masters rather than being able to pursue our own purposes. It follows that a willingness to cultivate the martial virtues, and to place them in the service of our community, must be indispensable to the preservation of our own individual liberty as well as the independence of our native land.⁴⁰

We also need to have enough prudence and other civic qualities to play an active and effective role in public life. To allow the political decisions of a body-politic to be determined by the will of anyone other than the entire membership of the body itself is, as in the case of a natural body, to run the gratuitous risk that the behaviour of the body in question will be directed to the attainment not of its own ends, but merely the ends of those who have managed to gain control of it. It follows that, in order to avoid

⁴⁰ This constitutes a leading theme of Book II of Machiavelli's *Discorsi*.

such servitude, and hence to ensure our own individual liberty, we must all cultivate the political virtues and devote ourselves wholeheartedly to a life of public service.⁴¹

This strenuous view of citizenship gives rise to a grave difficulty, however, as the classical republican theorists readily admit. Each of us needs courage to help defend our community and prudence to take part in its government. But no one can be relied on consistently to display these cardinal virtues. On the contrary, as Machiavelli repeatedly emphasises, we are generally reluctant to cultivate the qualities that enable us to serve the common good. Rather we tend to be 'corrupt', a term of art the republican theorists habitually use to denote our natural tendency to ignore the claims of our community as soon as they seem to conflict with the pursuit of our own immediate advantage.⁴²

To be corrupt, however, is to forget — or fail to grasp — something which it is profoundly in our interests to remember: that if we wish to enjoy as much freedom as we can hope to attain within political society, there is good reason for us to act in the first instance as virtuous citizens, placing the common good above the pursuit of any individual or factional ends. Corruption, in short, is simply a failure of rationality, an inability to recognise that our own liberty depends on committing ourselves to a life of virtue and public service. And the consequence of our habitual tendency to forget or misunderstand this vital piece of practical reasoning is therefore that we regularly tend to defeat our own purposes. As Machiavelli puts it, we often think we are acting to maximize our own liberty when we are really shouting Long live our own ruin.⁴³

⁴¹ Book III of Machiavelli's *Discorsi* is much concerned with the role played by great men — defined as those possessing exceptional *virtù* — in Rome's rise to greatness.

⁴² For a classic discussion of 'corruption' see Machiavelli, *Discorsi*, I.xvii-xix, pp. 177-85.

⁴³ *Ibid.*, I.liii, p. 249.

For the republican writers, accordingly, the deepest question of statecraft is one that recent theorists of liberty have supposed it pointless to ask. Contemporary theories of social freedom, analysing the concept of individual liberty in terms of 'background' rights, have come to rely heavily on the doctrine of the invisible hand. If we all pursue our own enlightened self-interest, we are assured, the outcome will in fact be the greatest good of the community as a whole.⁴⁴ From the point of view of the republican tradition, however, this is simply another way of describing corruption, the overcoming of which is said to be a necessary condition of maximising our own individual liberty. For the republican writers, accordingly, the deepest and most troubling question still remains: how can naturally self-interested citizens be persuaded to act virtuously, such that they can hope to maximise a freedom which, left to themselves, they will infallibly throw away?

The answer at first sounds familiar: the republican writers place all their faith in the coercive powers of the law. Machiavelli, for example, puts the point graphically in the course of analysing the Roman republican constitution in Book I of his *Discorsi*. 'It is hunger and poverty that make men industrious', he declares, 'and it is the laws that make them good'.⁴⁵

The account the republican writers give, however, of the relationship between law and liberty stands in strong contrast to the more familiar account to be found in contractarian political thought. To Hobbes, for example, or to Locke, the law preserves our liberty essentially by coercing other people. It prevents them from interfering with my acknowledged rights, helps me to draw around myself a circle within which they may not trespass, and prevents me at the same time from interfering with their freedom in just the same way. To a theorist such as Machiavelli, by con-

** See for example the way in which the concept of 'the common good' is discussed in John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 243, 246.

⁴⁵ Machiavelli, *Discorsi*, I.iii, p. 136.

trast, the law preserves our liberty not merely by coercing others, but also by directly coercing each one of us into acting in a particular way. The law is also used, that is, to force us out of our habitual patterns of self-interested behaviour, to force us into discharging the full range of our civic duties, and thereby to ensure that the free state on which our own liberty depends is itself maintained free of servitude.

The justifications offered by the classical republican writers for the coercion that law brings with it also stand in marked contrast to those we find in contractarian or even in classical utilitarian thought. For Hobbes or for Locke, our freedom is a natural possession, a property of ourselves. The law's claim to limit its exercise can only be justified if it can be shown that, were the law to be withdrawn, the effect would not in fact be a greater liberty, but rather a diminution of the security with which our existing liberty is enjoyed. For a writer like Machiavelli, however, the justification of law is nothing to do with the protection of individual rights, a concept that makes no appearance in the *Discorsi* at all. The main justification for its exercise is that, by coercing people into acting in such a way as to uphold the institutions of a free state, the law creates and preserves a degree of individual liberty which, in its absence, would promptly collapse into absolute servitude.

Finally, we might ask what mechanisms the republican writers have in mind when they speak of using the law to coerce naturally self-interested individuals into defending their community with courage and governing it with prudence. This is a question to which Machiavelli devotes much of Book I of his *Discorsi*, and he offers two main suggestions, both derived from Livy's account of republican Rome.

He first considers what induced the Roman people to legislate so prudently for the common good when they might have fallen into factional conflicts.⁴⁶ He finds the key in the fact that, under

⁴⁶ *Ibid.*, I.ii-vi, pp. 129-46.

their republican constitution, they had one assembly controlled by the nobility, another by the common people, with the consent of each being required for any proposal to become law. Each group admittedly tended to produce proposals designed merely to further its own interests. But each was prevented by the other from imposing them as laws. The result was that only such proposals as favoured no faction could ever hope to succeed. The laws relating to the constitution thus served to ensure that the common good was promoted at all times. As a result, the laws duly upheld a liberty that, in the absence of their power to coerce, would soon have been lost to tyranny and servitude.

Machiavelli also considers how the Romans induced their citizen-armies to fight so bravely against enslavement by invading enemies. Here he finds the key in their religious laws.⁴⁷ The Romans saw that the only way to make self-interested individuals risk their very lives for the liberty of their community was to make them take an oath binding them to defend the state at all costs. This made them less frightened of fighting than of running away. If they fought they might risk their lives, but if they ran away — thus violating their sacred pledge — they risked the much worse fate of offending the gods. The result was that, even when terrified, they always stood their ground. Hence, once again, their laws forced them to be free, coercing them into defending their liberty when their natural instinct for self-preservation would have led them to defeat and thus servitude.

V

By now, I hope, it will be obvious what conclusions I wish to draw from this examination of the classical republican theory of political liberty. On the one hand, it is evident that the republican writers embrace both the paradoxes I began by singling out. They certainly connect social freedom with self-government, and in con-

⁴⁷ *Ibid.*, I.xi-xv, pp. 160-73.

sequence link the idea of personal liberty with that of virtuous public service. Moreover, they are no less emphatic that we may have to be forced to cultivate the civic virtues, and in consequence insist that the enjoyment of our personal liberty may often have to be the product of coercion and constraint.

On the other hand, they never appeal to a positive view of social freedom. They never argue, that is, that we are moral beings with certain determinate purposes, and thus that we are only in the fullest sense in possession of our liberty when these purposes are realised. As we have seen, they work with a purely negative view of liberty as the absence of impediments to the realisation of our chosen ends. They are absolutely explicit in adding, moreover, that no determinate specification of these ends can be given without violating the inherent variety of human aspirations and goals.

Nor do they defend the idea of forcing people to be free by claiming that we must be prepared to reason about ends. They never suggest, that is, that there must be a certain range of actions which it will be objectively rational for us to perform, whatever the state of our desires. It is true that, on their analysis, there may well be actions of which it makes sense to say that there are good reasons for us to perform them, even if we have no desire — not even a reflectively considered desire — to do so. But this is not because they believe that it makes sense to reason about ends.⁴⁸ It is simply because they consider that the chain of practical reasoning we need to follow out in the case of acting to uphold our own liberty is so complex, and so unwelcome to citizens of corrupt disposition, that we find it all too easy to lose our way in the argument. As a result, we often cannot be brought, even in reflection, to recognise the range of actions we have good reason to perform in order to bring about the ends we actually desire.

⁴⁸ Although those who attack as well as those who defend the Kantian thesis that there may be reasons for action which are unconnected with our desires appear to assume that this must be what is at stake in such cases.

Given this characterisation of the republican theory of freedom, my principal conclusion is thus that it must be a mistake to suppose that the two paradoxes I have been considering cannot be accommodated within an ordinary negative analysis of political liberty.⁴⁹ If the summary characterisation I have just given is correct, however, there is a further implication to be drawn from this latter part of my argument, and this I should like to end by pointing out. It is that our inherited traditions of political theory appear to embody two quite distinct though equally coherent views about the way in which it is most rational for us to act in order to maximise our negative liberty.

Recent emphasis on the importance of taking rights seriously has contrived to leave the impression that there may be only one way of thinking about this issue. We must first seek to erect around ourselves a cordon of rights, treating these as *trumps* and insisting on their priority over any calls of social duty.⁵⁰ We must then seek to expand this cordon as far as possible, our eventual aim being to achieve what Isaiah Berlin has called *the maximum degree of non-interference compatible with the minimum demands of social life*.⁵¹ Only in this way — as Hobbes long ago argued — can we hope to maximise the area within which we are free to act as we choose.

If we revert to the republican theorists, however, we encounter a strong challenge to these familiar beliefs. To insist on rights as *trumps*, on their account, is simply to proclaim our corruption as

⁴⁹ I should stress that this seems to me an implication of MacCallum's analysis of the concept of freedom cited in note 6 above. If so, it is an implication that none of those who have made use of his analysis have followed out, and most have explicitly denied. But cf. his discussion at pp. 189–92. I should like to take this opportunity of acknowledging that, although I believe the central thesis of MacCallum's article to be mistaken, I am nevertheless greatly indebted to it.

⁵⁰ See for example Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), p. xi, for the claim that *individual rights are political trumps held by individuals*, and pp. 170–77 for a defence of the priority of rights over duties.

⁵¹ Berlin, *Four Essays*, p. 161.

citizens. It is also to embrace a self-destructive form of irrationality. Rather we must take our duties seriously, and instead of trying to evade anything more than the minimum demands of social life we must seek to discharge our public obligations as wholeheartedly as possible. Political rationality consists in recognising that this constitutes the only means of guaranteeing the very liberty we may seem to be giving up.

VI

My story is at an end; it only remains to point the moral of the tale. Contemporary liberalism, especially in its so-called libertarian form, is in danger of sweeping the public arena bare of any concepts save those of self-interest and individual rights. Moralists who have protested against this impoverishment — such as Hannah Arendt, and more recently Charles Taylor, Alasdair MacIntyre and others⁵² — have generally assumed in turn that the only alternative is to adopt an exercise concept of liberty, or else to seek by some unexplained means to slip back into the womb of the polis. I have tried to show that the dichotomy here — either a theory of rights or an exercise theory of liberty — is a false one. The Aristotelian and Thomist assumption that a healthy public life must be founded on a conception of *eudaimonia* is by no means the only alternative tradition available to us if we wish to recapture a vision of politics based not merely on fair procedures but on common meanings and purposes. It is also open to us to meditate on the potential relevance of a theory which tells us that, if we wish to maximise our own individual liberty, we must cease to put our trust in princes, and instead take charge of the public arena ourselves.

⁵² For Arendt's views see her essay 'What Is Freedom?' in *Between Past and Future*, rev. ed. (New York: The Viking Press, 1968), pp. 143–71. For Taylor's, see 'Negative Liberty', esp. pp. 180–86. For MacIntyre's, see *After Virtue* (London: Duckworth, 1981), esp. p. 241, for the claim that the crucial moral opposition is between liberal individualism in some version or other and the Aristotelian tradition in some version or other.

It will be objected that this is the merest nostalgic anti-modernism. We have no realistic prospect of taking active control of the political processes in any modern democracy committed to the technical complexities and obsessional secrecies of present-day government. But the objection is too crudely formulated. There are many areas of public life, short of directly controlling the actual executive process, where increased public participation might well serve to improve the accountability of our *soi disunt* representatives. Even if the objection is valid, however, it misses the point. The reason for wishing to bring the republican vision of politics back into view is not that it tells us how to construct a genuine democracy, one in which government is for the people as a result of being by the people. That is for us to work out. It is simply because it conveys a warning which, while it may be unduly pessimistic, we can hardly afford to ignore: that unless we place our duties before our rights, we must expect to find our rights themselves undermined.

The Paradoxes of Political Liberty
QUENTIN SKINNER
THE TANNER LECTURES ON HUMAN VALUES
Delivered at Harvard University
October 24 and 25, 1984. QUENTIN SKINNER is Professor of Political Science at the University of Cambridge and a Fellow of Christ's College.¹ These lectures seek to reconsider two connected claims about political liberty which, from the standpoint of most current debates about the concept, are apt to be dismissed as paradoxical or merely confused. First a word about what I mean by speaking, as I have just done, about the standpoint of most current debates about liberty. I have in mind the fact that, in recent discussions of the concept among analytical philosophers, one conclusion has been reached which commands a remarkably wide measure of assent. The Paradoxes of Political Liberty. Quentin Skinner. The Tanner Lectures on Human Values. Delivered at Harvard University October 24 and 25, 1984.² These lectures seek to reconsider two connected claims about political liberty which, from the standpoint of most current debates about the concept, are apt to be dismissed as paradoxical or merely confused. First a word about what I mean by speaking, as I have just done, about the standpoint of most current debates about liberty. I have in mind the fact that, in recent discussions of the concept among analytical philosophers, one conclusion has been reached which commands a remarkably wide measure of assent. 12 Ibid. [SKINNER] The Paradoxes of Political Liberty 231 Lucchese to proclaim their liberty in circumstances in which such services are so stringently exacted. Hobbes's modern sympathisers regularly make the same point.³ But in those circumstances we can scarcely call it paradoxical - though we may certainly find it disturbing if we are told what Rousseau tells us so forcefully in *The Social Contract*: that if anyone regards "what he owes to the common cause as a gratuitous contribution, the loss of which would be less painful for others than the payment is onerous for him"