

ISAIAH BERLIN LECTURE

A Third Concept of Liberty

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I

I TAKE AS MY STARTING-POINT one of the claims most widely accepted in current discussions about the theory of liberty. There must be one overarching formula, we are told, under which all intelligible locutions about freedom can be subsumed.¹ The prevalence of this belief appears to be due in large part to the influence of a single classic article, Gerald MacCallum's 'Negative and Positive Freedom'.² Whenever the freedom of an agent is in question, MacCallum maintains, it will always be freedom from some element of constraint upon doing or becoming (or not doing or becoming) something.³ Freedom is 'always one and the same triadic relation' between agents, constraints, and ends. To speak of the presence of freedom is always, in consequence, to speak of an absence:

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¹ For different versions of this 'coherentist' approach see, for example, Rawls (1971), pp. 201–5; MacCallum (1972); Day (1983); Megone (1987); Narveson (1988), pp. 18–21; Swanton (1992); Carter (1999); Swift (2001), pp. 51–89.

² See MacCallum (1972, originally published 1967).

³ MacCallum (1972), p. 176.

absence of constraint upon an agent from realising some goal or end. There is, in other words, only one concept of liberty.⁴

These observations bring me to the theorist of liberty in whose memory I have the honour to be speaking today. I did not know Sir Isaiah Berlin well, so I am not in a position to reminisce about him. But that does not seem to me a disadvantage, for Berlin was a professional thinker, and what matters about him is what he argued and thought. What he most influentially argued about—as no one here will need reminding—was the theory of freedom. It is accordingly on that topic that I propose to concentrate. I shall focus in particular on Berlin's most celebrated contribution to the debate, his essay—just republished in a handsome new edition—entitled 'Two Concepts of Liberty'.⁵

Let me state at once what I take to be the abiding merit of Berlin's text, which has recently and I am sure rightly been characterised as the most influential single essay in contemporary political philosophy.⁶ By contrast with the conventional wisdom I began by citing, Berlin succeeds in showing—beyond doubt, it seems to me—that a strong distinction needs to be marked between two rival and incommensurable concepts of liberty. He succeeds in showing, in other words, that any attempt to bring together our particular judgements about freedom under a single theory or overarching formula will be foredoomed to failure.

As all the world knows, the manner in which Berlin draws the distinction in which he is primarily interested is by speaking of negative and positive freedom or liberty.⁷ When he discusses negative liberty, he gives an account closely resembling the analysis that, according to MacCallum and his numerous followers, must be given of any claim about freedom if it is to be intelligible. To see, therefore, where Berlin has something challenging to add to the argument, we need to turn to his account of what he describes as positive liberty.

Berlin's attempt to mark off this separate concept is admittedly dogged by several false starts. He begins by suggesting that, whereas

⁴ For this very strong way of putting the point, see for example Day (1983), p. 18; Swift (2001), p. 53.

⁵ See Berlin (2002). This edition incorporates Harris (2002), a valuable survey of the critical literature on Berlin's 'Two Concepts' lecture.

⁶ Swift (2001), p. 51.

⁷ Although the terms *freedom* and *liberty* are obviously not interchangeable, Berlin clearly thought of them as sufficiently synonymous for his purposes. Ignatieff (1998) p. 222 neatly captures Berlin's expression of this commitment when (speaking into a tape-recorder) he first gave a title to his lecture: 'Two Concepts of Freedom—no . . . of Liberty'. I have followed Berlin in using the terms as if they are synonyms.

negative liberty is freedom *from* constraint, positive liberty is freedom *to* follow a certain form of life.⁸ But this distinction cannot be used to disclose two different concepts of liberty, if only because all cases of negative liberty are at once cases in which I am free from constraint and, *eo ipso*, free to act should I choose. (If I assure you that you will not be impeded *from* leaving this lecture if you don't like it, I could equally well assure you that you will be free *to* leave.)⁹ Berlin next suggests that the positive sense of the word refers to the idea of being one's own master as opposed to being acted upon by external forces.¹⁰ But this too fails to isolate a separate concept of positive liberty. For the situation in which I am free to act in virtue of not being hindered by external forces is, according to Berlin's own analysis, that of someone in possession of their liberty in the ordinary negative sense.

It soon emerges, however, that Berlin's concern is not with the idea of being your own master. Rather he is interested in the very different notion (although he sometimes runs them together) of mastering your self. When he first employs this latter formula, he uses it to refer to the familiar thought—equally familiar to students of Plato and of Freud—that the obstacles to your capacity to act freely may be internal rather than external, and that you will need to free yourself from these psychological constraints if you are to act autonomously.¹¹ But this too fails to capture a separate concept of positive liberty. For while the notion of an internal obstacle extends the range of things that can count as constraints, we are still speaking about the need to get rid of an element of constraint if we are to act freely, and are still speaking in consequence about the idea of negative liberty.

The principal claim, however, that Berlin wishes to make about self-mastery proves to be a different and more convincing one. According to those who have wished to give a positive content to the idea of liberty, he suggests, the freedom of an agent consists in their having managed most fully to become themselves. Freedom is thus equated not with self-mastery but rather with self-realisation, and above all with self-perfection,

⁸ Berlin (2002), p. 178.

⁹ Here I dissent from Gray (1984), p. 326 (and Gray (1995), p. 18 where the point is repeated), who sides with Berlin against MacCallum in supposing that the term 'liberty' can sometimes refer to a merely dyadic relationship.

¹⁰ Berlin (2002), p. 178.

¹¹ Traditionally this argument has been couched in the form of the claim that our passions enslave us. On the metaphors associated with the workings of the passions see James (1997), pp. 11–14.

with the idea (as Berlin expresses it) of my self at its best.¹² The positive concept is thus that, as Berlin finally summarises, ‘whatever is the true goal of man . . . must be identical with his freedom’.¹³

If there is any one philosopher whom Berlin had in mind in formulating this definition, it must I think have been Bernard Bosanquet.¹⁴ In *The Philosophical Theory of the State*, first published in 1899, Bosanquet speaks in so many words about the ‘negative idea’¹⁵ of being ‘free from constraint’¹⁶ and contrasts this juristic concept, as he calls it, with what he describes as the ‘fuller’ or ‘positive’ understanding of the term.¹⁷ Furthermore, when Bosanquet proceeds to characterise the negative ideal as that of being preserved against trespass, and contrasts it with the positive view of the ‘real’ or ‘ideal’ self whose activity is identical with freedom, Berlin echoes his phraseology almost word for word.¹⁸

Behind Bosanquet’s analysis, however, lies the overwhelming influence of T. H. Green.¹⁹ As Bosanquet acknowledges in the chapter I have been quoting, he makes ‘great use’ of the analysis of freedom offered by Green in his *Principles of Political Obligation*, originally published in 1886. Green does not explicitly speak in that work (although he does elsewhere)²⁰ of ‘positive’ liberty, but he provides a subtler and more careful analysis than Bosanquet does of what might be meant by giving a positive content to the ideal. ‘Real freedom’, according to Green, ‘consists in the whole man having found his object.’²¹ To attain freedom is thus to have attained ‘harmony with the true law of one’s being’.²² To speak of the freedom of a man is to speak of ‘the state in which he shall have realised

¹² Berlin (2002), p. 179.

¹³ See Berlin (2002), p. 180 and cf. Berlin (2002), p. 37: ‘freedom was identified . . . with the realisation of the real self’. It is thus a misunderstanding of the idea of self-mastery to assume (as does Carter (1999), p. 148) that it can be equated with the idea of internal constraints on liberty.

¹⁴ Although Berlin (2002) mentions Hegel’s positive theory of freedom (p. 196), he refers more specifically to the British Idealists (p. 194 n) and singles out Green (pp. 180 n, 196) as well as Bradley and Bosanquet (p. 196).

¹⁵ Bosanquet (1910), p. 124.

¹⁶ *Ibid.*, p. 134.

¹⁷ *Ibid.*, p. 136.

¹⁸ See *ibid.*, pp. 125, 127, 141 and cf. Berlin (2002), pp. 179, 180, 204.

¹⁹ Nicholson (1990), p. 199 convincingly argues (against the interpretation in Hobhouse, 1918) that ‘Bosanquet is repeating Green’s ideas with only a little reworking and extension of them’.

²⁰ See, for example, Green (1991), p. 21 and the discussion in Roberts (1984), pp. 251–2.

²¹ Green (1986), pp. 228–9.

²² *Ibid.*, p. 240.

his ideal of himself'.²³ Freedom is, in short, the name of an end-state; as Green concludes, it is 'in some sense the goal of moral endeavour'.²⁴

It is hard nowadays to recapture how disquieting this analysis seemed to many English moral and political philosophers writing in the aftermath of the first world war. L. T. Hobhouse, for example, whose critique of Hegel, Green and Bosanquet appeared in 1918, went so far as to declare that 'in the bombing of London' he had witnessed 'the visible and tangible outcome of a false and wicked doctrine'.²⁵ To anyone of Berlin's generation, however, these anxieties about Hegelian philosophy remained remarkably acute. One only has to think of the abusive and tendentious attack on Hegel mounted by Karl Popper in *The Open Society and its Enemies*.²⁶ Writing little more than a decade later, Berlin is I think registering many of the same anxieties in his analysis of positive liberty and the dangers to which it allegedly gives rise.

I do not wish, however, to press the historical point. My reason for quoting Green and Bosanquet is to lend further weight to what seems to me Berlin's most important argument. As soon as one reflects on their line of thought, one sees that Berlin was right to insist that there is a coherent concept of liberty completely at odds with the negative idea of absence of constraint. As he rather grandly summarises, we find ourselves confronting 'not two different interpretations of a single concept, but two profoundly divergent and irreconcilable attitudes to the ends of life'.²⁷

Berlin could with profit have carried this central argument of his essay much further. It seems to me a surprising fact about the Introduction to his *Four Essays on Liberty*, in which he replies to his critics, that he never refers to this neo-Hegelian understanding of freedom in responding to MacCallum's insistence that all intelligible locutions about liberty must conform to one and the same triadic scheme. To this objection Berlin merely returns the suggestion—which I have already shown to be confused—that some pleas for negative liberty must reflect a simpler dyadic structure, revealing as they do a desire to be liberated from some measure of constraint, but without any further desire to act in any particular way. What Berlin should have retorted, it seems to me, is that the positive conception of liberty he rightly isolates cannot be made to conform to the

²³ *Ibid.*, p. 241.

²⁴ *Ibid.*, p. 242.

²⁵ Hobhouse (1918), p. 6. On Hobhouse's view of Green and Bosanquet see Collini (1979), pp. 66, 142–3 and the valuable chapter in Bellamy (1992), pp. 9–57.

²⁶ See Popper (1995), pp. 257–310. (Popper's study originally appeared in 1945.)

²⁷ Berlin (2002), p. 212.

triadic structure on which MacCallum and his followers insist.²⁸ The crux of Bosanquet's argument—and even more clearly of Green's—is that the freedom of human agents consists in their having succeeded in realising an ideal of themselves. But this is not to speak of a condition in which someone is free to do or become something, as required by MacCallum's analysis. It is to speak of a condition in which someone has succeeded in becoming something. Freedom is not being viewed as absence of constraint on action; it is being viewed as a pattern of action of a certain kind.²⁹

Berlin's argument can be carried a yet further step if we recognise that what underlies these theories of positive liberty is the belief that human nature has an essence, and that we are free if and only if we succeed in realising that essence in our lives.³⁰ This enables us to see that there will be as many different interpretations of positive liberty as there are different views about the moral character of humankind. Suppose, for example, you accept the Christian view that the essence of our nature is religious, and thus that we attain our highest ends if and only if we consecrate our lives to God. Then you will believe that, in the words of Thomas Cranmer, the service of God 'is perfect freedom'. Or suppose you accept the Aristotelian argument that man is a political animal, the argument restated as a theory of freedom by Hannah Arendt in *Between Past and Future*.³¹ Then you will believe that, as Arendt maintains, 'freedom . . . and politics coincide' and that 'this freedom is primarily experienced in action'.³² More specifically, you will believe that, as Charles Taylor adds, 'freedom resides at least in part in collective control over the common life', because the exercise of such control is the form of activity in which the essence of our humanity is most fully realised.³³

Faced with these equations between freedom and certain forms of life, how can MacCallum and his followers hope to rescue their contention

²⁸ Here I am indebted to Baldwin (1984).

²⁹ Berlin's clearest statement of this distinction occurs in the Introduction to the revised edition of his 'Two Concepts' essay. See Berlin (2002), p. 35, where he speaks of negative liberty as 'opportunity for action' by contrast with the positive idea of liberty as 'action itself'. Geuss (1995), pp. 97–8 helpfully discriminates between two different understandings of liberty as self-realisation: (1) I am free to the extent that my actions most fully realise my purposes; (2) I am free to the extent that I am able to recognise myself in the actions I perform. As Geuss observes, (2) is very hard to grasp, and Berlin confines himself to (1).

³⁰ A point powerfully brought out in Taylor (1979), pp. 180–3.

³¹ For an analysis of Arendt's view of freedom as citizenship see Beiner (1984).

³² Arendt (1968), pp. 149, 151.

³³ Taylor (1979), p. 175. On Taylor as a critic of Berlin see the valuable discussion in Spitz (1995), pp. 106–21.

that all intelligible claims about liberty must be claims about absence of constraint? As far as I can see, their only recourse will be to suggest that the arguments I have cited from Green and Bosanquet are not intelligible as claims about liberty; that they must either be muddled or be talking about something else. As Berlin excellently points out, however, there is no difficulty in seeing how the neo-Hegelians took their thesis, without any incoherence, to be one about human freedom.³⁴ The claim they are advancing is that if and only if we actually follow the most fulfilling way of life shall we overcome the constraints and obstacles to our realisation of our full potential, and thereby realise our ideal of ourselves. The living of such a life alone frees us from such constraints and, by making us fully ourselves, makes us fully free. Liberty consists in following that way of life in which, all passion spent, we finally achieve harmony with our nature.

I am not endorsing the truth of these claims, merely their intelligibility. I happen to agree with Berlin that there are many different ends that we can equally well pursue. Perhaps he was unduly anxious about the authoritarian implications of rejecting this commitment,³⁵ but I also happen to agree with him that those who imagine that human nature has an essence, and thereby hold that there is just one goal to which we all ought to commit ourselves, tend to bully or at least to behave self-righteously towards those of more pluralist allegiances. However, I have no need to lapse in this way into autobiography. It is enough for me, just as it is enough for Berlin, to display the coherence of the neo-Hegelian analysis. That in itself is sufficient to dispose of the prevailing belief that there is only one concept of liberty.

II

As the title of his essay indicates, Berlin's chief concern is to contrast the positive ideal of freedom as self-perfection with what he describes, following much precedent, as negative liberty. As we have seen, by negative liberty Berlin means absence of constraint, and the specific interpretation he believes must be given to the concept of constraint is that it must consist in some act of interference, by some external agency, with the

³⁴ Berlin (2002), pp. 178–81.

³⁵ For convincing arguments to this effect see Macfarlane (1966), Taylor (1979), Swift (2001), pp. 77–87.

capacity of another agent to pursue ‘possible choices and activities’.³⁶ These obstacles or hindrances need not be intentional, for Berlin allows that they may be the result of—as opposed to being deliberately caused by—the actions of others. But his fundamental contention is that the absence which marks the presence of liberty must always be absence of interference. As he puts it in his clearest summary, ‘the criterion of oppression is the part that I believe to be played by other human beings, directly or indirectly, with or without the intention of doing so, in frustrating my wishes. By being free in this sense I mean not being interfered with by others. The wider the area of non-interference the wider my freedom.’³⁷

While this is a familiar vision of human liberty, it is a matter of no small difficulty to state it with precision, and it is worth noting that Berlin’s statement embodies a valuable qualification often omitted in more recent accounts.³⁸ Berlin adds that I am unfree ‘if I am prevented by others from doing *what I could otherwise do*’.³⁹ I may be physically obstructed in such a way that an action within my powers becomes impossible to perform. Or I may be subjected to such a degree of coercion that the action is rendered, in Jeremy Bentham’s phrase, ineligible. But in either case my loss of freedom stems, as Berlin puts it, from ‘the deliberate interference of other human beings within the area in which I could otherwise act’.⁴⁰

I do not wholly agree with Berlin’s formulation, for I do not see why this disempowerment need be the work specifically of human agencies. If I had been prevented by a blizzard from arriving to deliver this lecture, it would make perfect sense on Berlin’s own basic understanding of freedom as absence of interference to say that my freedom had been curtailed.⁴¹ But this is a quibble. What seems to me particularly valuable

³⁶ See Berlin (2002), pp. 32, his final and perhaps most considered definition. Gray (1995), pp. 15–16 lays particular emphasis on the fact that, according to this account, the agent who is said to be at liberty is always someone whose choice among options is unimpeded by others. This leads him to relate Berlin’s analysis to that of Benn and Weinstein (1971), who likewise treat liberty as the non-restriction of options, by contrast with the narrower idea of being able to choose between alternatives.

³⁷ Berlin (2002), p. 170.

³⁸ For references to some of these contrasting accounts see below, nn. 45 and 46.

³⁹ Berlin (2002), p. 169. Italics added.

⁴⁰ Ibid.

⁴¹ Hobbes (1996), ch. 21, p. 146 offers a strong statement of this commitment when he claims that there is no difference between saying of the body of a man while imprisoned, and of a body of water while ‘kept in by banks’, that they are ‘not at Liberty’. For a recent endorsement see Parent (1974), p. 149, from whom I take the example of being rendered unfree by a blizzard.

about Berlin's way of stating the case is his insistence that lack of freedom must be categorically distinguished from lack of ability, and that the right way to mark this distinction is to say that we lack freedom only when an action within our powers has been rendered impossible or ineligible.

Berlin's way of articulating this distinction is strongly reminiscent of Hobbes's analysis of free action in his *Leviathan* of 1651. Hobbes compares the predicament of two men who are unable to leave a room: one possesses the power to leave, but has been 'restrained, with walls, or chayns' and thereby disempowered; the other straightforwardly lacks the ability, because he is 'fastned to his bed by sicknesse'.⁴² According to Hobbes's analysis, the first man is unfree to leave, but the second is neither free nor unfree; he is simply unable. The reason, Hobbes explains, is that the idea of free action presupposes the idea of deliberating between alternatives.⁴³ But it makes no sense to deliberate as to whether to perform an action we already know to be beyond our powers. Hence Hobbes's definition of human freedom: 'a free man' is someone who '*in those things, which by his strength and wit he is able to do, is not hindred to doe what he has a will to*'.⁴⁴

Contrast this understanding with the view, currently prevalent, that we need to distinguish between the formal and the effective possession of negative liberty. One of the examples Berlin gives in distinguishing lack of freedom from inability is the case of a man who cannot read because he is blind. If we apply the distinction between formal and effective freedom, we arrive at the view that the blind man is formally free to read, because no one is interfering with him in this pursuit.⁴⁵ But he is not effectively free, since he is not in a position to make use of his formal liberty.⁴⁶

⁴² Hobbes (1996), ch. 21, p. 146.

⁴³ Hobbes (1996), ch. 6, p. 44. This Hobbesian point is excellently brought out in Swanton (1992), pp. 58–60, 91–5. Benn and Weinstein (1971) defend a strong version of this commitment when they claim that it makes sense to speak of an agent as free to pursue a given option only if the option itself is a possible object of reasonable choice.

⁴⁴ Hobbes (1996), ch. 21, p. 146.

⁴⁵ For an analysis along exactly these lines, arguing that a person who is crippled [*sic*] is nevertheless free to dance, see Gert (1972) and cf. the similar analysis in Oppenheim (1981), pp. 82–8.

⁴⁶ See, for example, van Parijs (1995), Swift (2001), pp. 55–9 and the discussion in Pettit (1997), p. 76 and note. It might seem that Sen, in his classic discussion of freedom and development, also agrees that to lack power is to lack liberty. See, for example, Sen (1999), pp. 15, 20, 24. But in the examples he considers Sen is always concerned with people who have in fact been disempowered by identifiable agencies, and the moral force of his argument stems from his account of how their freedom can be enlarged by empowering them. Furthermore, one of Sen's great achievements has been to show that, even where it may appear obvious that certain people simply lack power, it frequently turns out on closer analysis that they have in fact been disempowered by a failure to remedy conditions that could easily have been remedied.

Berlin's more Hobbesian approach enables us to see that this kind of analysis results at best in confusion and at worst in a kind of mockery of freedom. There are two contrasting points to be brought out here. One is that, on Berlin's account, the blind man is neither formally nor effectively free to read. As Berlin insists, I am free only if I am capable of exercising an ability, should I choose, without interference. But the predicament of the blind man is that he is incapable of exercising the ability to read under any circumstances. The contrasting point is that, on Berlin's account, the blind man is neither formally nor effectively unfree to read. To be unfree is to have been rendered incapable of exercising an ability I possess. But the blind man has not in this way been disempowered; he is simply not in possession of the relevant ability.

Although Berlin's analysis of negative liberty is exceptionally acute and valuable, it nevertheless seems to me to suffer from a serious limitation of coverage. This weakness, moreover, is one that it shares with almost every other recent statement of the theory of negative liberty that I have come across. This being so, the nature of the weakness seems to me well worth trying to identify and remedy, and this is the task to which I shall devote myself in the rest of these remarks.

When Berlin first introduces his view of negative liberty, he rightly observes that 'this is what the classical English political philosophers meant' by freedom, and he specifically refers us to Hobbes's definition in *Leviathan*.⁴⁷ What Berlin misses, however, is the fiercely polemical character of Hobbes's analysis. When Hobbes announces, in words that Berlin echoes closely, that our liberty consists of nothing more than 'absence of externall Impediments' to the exercise of our powers,⁴⁸ he is attempting at the same time to discredit and supersede a rival and strongly contrasting understanding of negative liberty. This rival theory had risen to prominence in English public debate in the early decades of the seventeenth century, and it appeared to Hobbes to be extremely dangerous as well as hopelessly confused.

I can best bring out the significance of Hobbes's critique if I try to answer a question raised by Berlin in the Introduction to his revised edition of 'Two Concepts of Liberty'. He asks when the idea of freedom as nothing other than non-interference was first explicitly formulated,

⁴⁷ Berlin (2002), p. 170 and note.

⁴⁸ Hobbes (1996), ch. 14, p. 91 and ch. 21, p. 145. I have further discussed Hobbes's theory of liberty in Skinner (2002b), pp. 209–37.

and what prompted its rise to its present hegemonal prominence.⁴⁹ I would answer that it is very hard to find an explicit statement of such a theory any earlier than Hobbes's in *Leviathan*, and that what prompted him to articulate it was his sense of the need to respond to the 'Democratical Gentlemen',⁵⁰ as he called them, who had deployed their very different theory to promote the cause of Parliament against the crown and to legitimise the execution of King Charles I.

Hobbes's counter-revolutionary challenge eventually won the day. To cite Berlin's own litany, we find his basic line of argument taken up by David Hume, Jeremy Bentham, to some degree by John Stuart Mill, and even more closely (Berlin could have added) by Henry Sidgwick.⁵¹ This great tradition of classical utilitarianism proved impressively successful at occupying the entire conceptual space, thereby managing to dismiss any rival interpretations of liberty as either pernicious or confused. As a result of this profound and enduring ideological success, the alternative vision of negative liberty that Hobbes originally set out to discredit has virtually sunk from sight. What I now want to do is to try to lift it back to the surface.

As I have indicated, the theory in question formed part of the armoury of the Parliamentarians in their disputes with the crown in the opening decades of the seventeenth century. Critics of the royal prerogative began to argue that, to the extent that they were obliged to live in dependence on the power of the king, and obliged in consequence to rely on his goodwill for the continuation of their rights and liberties, they were living in a state of servitude. They insisted, in other words, that freedom is restricted not only by actual interference or the threat of it, but also by the mere knowledge that we are living in dependence on the goodwill of others.⁵² These writers are not making the obvious point that the possibility of such arbitrary interference renders our liberty less robust or secure. They are arguing that a mere awareness of living under an arbitrary power—a power capable of interfering in our activities without

⁴⁹ Berlin (2002), pp. 32–3.

⁵⁰ Hobbes (1969), p. 26.

⁵¹ Sidgwick (1897), pp. 45–7 refers to Hobbes and follows his argument with particular closeness. It goes without saying, however, that a full exploration of this tradition of thought would need to take account of the fact that these thinkers likewise make use of the neo-Hobbesian theory for their own polemical purposes.

⁵² Special thanks to Ingmar Persson for pressing me to emphasise that it is not the mere fact of our dependence, but this fact combined with our awareness of it, that has the effect of restricting our liberty.

having to consider our interests—serves in itself to limit our liberty.⁵³ Knowing that we are free to do or forbear only because someone else has chosen not to stop us is what reduces us to servitude.

The immediate inspiration for this way of thinking appears to have stemmed from a number of Medieval common-law texts, above all those of Bracton and Littleton. These were the authorities that Sir Edward Coke and his followers in the early Stuart Parliaments loved to invoke, and proceeded to quote with so much reverence that they acquired an authority they had never before enjoyed and have never subsequently lost. Henry de Bracton in his *De Legibus et Consuetudinibus Angliae* of c.1260 distinguishes in his opening chapter between free persons and slaves, and proceeds to define as a slave anyone who ‘lives in subjection to the dominion of someone else’.⁵⁴ Sir Thomas Littleton’s fifteenth-century treatise, *Un lyver de exposicion de parcell de les tenures*,⁵⁵ draws a very similar set of distinctions between freemen, villeins, and slaves, and repeats that a slave is someone whose lack of liberty is such that his person—and not merely, as with a villein, his property—is *sub potestate*, within the power or at the mercy of someone else.

The most striking feature of these definitions (although later common lawyers did their best to ignore the fact) is that they owe their phraseology entirely to the analysis of freedom and slavery at the outset of the *Digest* of Roman law. There we are first informed that ‘the fundamental division within the law of persons is that all men and women are either free or are slaves’.⁵⁶ Next we are given a formal definition of slavery. ‘Slavery is an institution of the *ius gentium* by which someone is, contrary to nature, subjected to the dominion of someone else’.⁵⁷ This in turn is held to yield a definition of individual liberty. If everyone in a civil association is either bond or free, then a *civis* or free citizen must be someone who is not under

⁵³ Note the implicit definition here of arbitrariness. A power is arbitrary if the person wielding it is capable of interfering with others, with impunity, solely on the basis of his or her own *arbitrium* or will, and hence with no obligation to take into account the interests of those subject to the interference.

⁵⁴ Bracton (1968–77), vol. 2, p. 30: ‘*Quid est servitus. Est quidem servitus . . . qua quis dominio alieno . . . subicitur.*’

⁵⁵ This is the title found in the earliest extant manuscript. See Cambridge University Library MS Mm. v. 2, fos. 2–77, at fo. 2^r.

⁵⁶ Mommsen and Krueger (eds.) (1985), I. V. 3. 35: ‘Summa itaque de iure personarum divisio haec est, quod omnes homines aut liberi sunt aut servi’. (Note that, in this and subsequent quotations from the *Digest*, I have made my own translations.)

⁵⁷ *Ibid.*, I. V. 4. 35: ‘*Servitus est constitutio iuris gentium, qua quis dominio alieno contra naturam subicitur.*’

the dominion of anyone else, but is *sui iuris*, capable of acting in their own right.⁵⁸ It likewise follows that what it means for someone to lack the status of a free citizen must be for that person not to be *sui iuris* but instead to be *sub potestate*, under the power or subject to the will of someone else.⁵⁹

By the time these distinctions were summarised in Justinian's *Codex*, they had been the common coin of Roman political theory for generations. They had been popularised in particular by the great sequence of historians—Sallust, Livy, Tacitus—who had traced the subversion of the republican *civitas libera* and its collapse into the servitude of the principate.⁶⁰ This being so, it is a fact of singular importance that it was in the generation immediately prior to the disputes between crown and Parliament in the early seventeenth century that all their works were translated into English for the first time. Henry Savile's version of Tacitus's *Histories* and *Agricola* appeared in 1591, with Richard Grenewey's rendering of the *Annals* and *Germania* following in 1598.⁶¹ Two years later Philemon Holland issued his enormous folio containing the whole of the extant sections of Livy's *History*,⁶² while in 1608 Thomas Heywood published his translations of Sallust's *Bellum Catilinae* and *Bellum Iugurthinum*.⁶³

If you turn to any of these authorities, you will find it argued once again that what it means to possess your liberty is, as Livy puts it, not to be subject to the power of anyone else. When, for example, Livy describes the surrender of the Collatines to the people of Rome, he stresses that they were able to take this decision because (in the words of Holland's translation) they were 'in their owne power', and hence 'at libertie to doe what they will'.⁶⁴ The same view emerges still more clearly from the later passage in which Livy discusses the efforts of the Greek cities to restore their good relations with Rome. To enter into such negotiations, one of

⁵⁸ *Ibid.*, I. VI. 1. 36: 'Some persons are in their own power, some are subject to the power of others, such as slaves, who are in the power of their masters'. [*quaedam personae sui iuris sunt, quaedam alieno iuri subiectae sunt . . . in potestate sunt servi dominorum. . .*]

⁵⁹ Berlin (2002), p. 33 maintains that we find no clear formulation of the concept of negative liberty in the ancient world. Perhaps there was no concept of liberty as non-interference, and perhaps there was no concept of a right. As my quotations show, however, there was undoubtedly a clear (and immensely influential) concept of negative liberty as absence of dependence.

⁶⁰ See Wirszubski 1968, pp. 1–30.

⁶¹ See Tacitus (1591) and Tacitus (1598) and cf. Peltonen (1995), pp. 124–35 on these translations and their influence.

⁶² See Livy (1600) and on Holland's translation see Peltonen (1995), pp. 135–6.

⁶³ Sallust (1608).

⁶⁴ Livy (1600), p. 28.

their spokesmen is made to say, presupposes the possession of ‘true libertie’, that condition in which a people ‘is able to stand alone and maintain it selfe, and dependeth not upon the will and pleasure of others’.⁶⁵

It was this understanding of political liberty that a number of spokesmen in Parliament began to deploy in criticism of the crown in the early decades of the seventeenth century. One aspect of their campaign has of course been extensively discussed, and forms the cornerstone of the traditional ‘whig’ explanation for the outbreak of the English Civil War in 1642. They repeatedly accused the government, most conspicuously in the Petition of Right of 1628, of forcibly interfering with a number of fundamental rights and liberties. Charles I was charged with compelling and requiring his people to make loans to him, and with imprisoning and even executing subjects without due cause being shown.⁶⁶ These actions were taken to constitute an obvious violation of rights and liberties, since they involved (in the words of the Petition) molesting large numbers of subjects contrary to the laws and franchise of the land.⁶⁷

None of the spokesmen I am considering ever doubted that these acts of oppression undermined their freedom as subjects. As I have intimated, however, they were more concerned with a very different argument about the relations between their liberties and the royal prerogative. The further claim they advance is that such acts of violence are merely the outward manifestations of a deeper affront to liberty. The underlying principle to which they object is that, in times of necessity, the crown possesses a prerogative right, and hence a discretionary power, to imprison without trial and impose levies without parliamentary consent. The objection they develop is that, if the crown is the bearer of any such prerogatives, this is as much as to say that our property and personal liberties are held not ‘of right’ but merely ‘of grace’, since the crown is claiming that it can take them away without injustice at any time.

As these democratical gentlemen make clear, what troubles them is the view of rights implied by this understanding of the prerogative. To maintain that our basic rights and liberties are subject to being taken away with impunity is to declare that they do not have the status of rights; it is to say that they are mere licences or privileges. This is the insight that prompts them to reach for their Bracton—and indeed their Livy and Tacitus. To accept, they retort, that we hold our rights and liberties at

⁶⁵ Livy (1600), p. 907.

⁶⁶ Gardiner (1906), pp. 66, 67.

⁶⁷ *Ibid.*, p. 69.

discretion is to accept that we are living in subjection to the will of the king. But to admit that we are living in such a state of dependence is to admit that we are living not as free citizens but as slaves. The mere knowledge that the crown possesses such prerogatives serves in itself to undermine our liberty and leave us in servitude.

These arguments were vigorously deployed in the debates of 1628 about the right to imprison without cause shown. As Edward Littleton proclaimed, the effect of this prerogative is to make what he describes as 'personall libertye' dependent on the will of the king, so permitting the 'invasion' of the most fundamental freedom 'established & confirmed by the whole State'.⁶⁸ Richard Cresheld, another common lawyer, agreed that if the crown is permitted such a right, then we 'become bondage'. To which he added, referring directly to the definition of slavery in the *Digest*, that this condition 'I am sure is contrary to and against the law of nature'.⁶⁹ Later in the session Henry Sherfield, yet another lawyer, made the same point by way of distinguishing between freemen, villeins and slaves. 'If the King may imprison a freeman without a cause', then 'he is in worse case than a villein,' for a villein at least enjoys personal liberty, whereas 'to be imprisoned without cause, that is a thralldom'.⁷⁰ Speaking in support, Sir John Eliot agreed that without this 'common right of the subject' we are nothing better than bondmen.⁷¹ Summarising at the end of the session, Sir Roger North put it to the Commons that their principal duty was to question these prerogatives: we must 'save ourselves and them that sent us from being slaves'.⁷²

The belief that dependence undermines liberty was even more extensively invoked in the numerous debates about the alleged prerogative right to impose levies without consent of Parliament. The argument was first prominently deployed in the session of 1610. Thomas Wentworth opened the debate by declaring that, unless this prerogative is questioned, we might as well be sold for slaves.⁷³ Later he went on to add that, if we allow this prerogative 'of imposing, even upon our lands and goods', the effect will be to leave us 'at the mercy' of the king.⁷⁴ Sir Thomas Hedley in his

⁶⁸ Cambridge University Library MS II. 5. 32, fos. 218^r-221^v: 'Mr Littletons Argument concerning the personall libertye of the Subject', a speech delivered on 4 April 1628. Quotations from fos. 218^{r-v} and 221^v.

⁶⁹ Johnson *et al.* (eds.) (1977a), p. 149.

⁷⁰ *Ibid.*, pp. 189, 208.

⁷¹ *Ibid.* (1977b), p. 6.

⁷² *Ibid.*, p. 269.

⁷³ Foster (1966), II, p. 83; cf. Sommerville (1999), p. 97.

⁷⁴ *Ibid.*, II, p. 108.

great speech about the liberties of subjects agreed that such a prerogative places the property of free subjects 'in the absolute power and command of another'.⁷⁵ As they both insist, however, to live at the mercy or under the absolute power of another is what it means to live in slavery. Hedley reminded the Commons that Cicero ('though an heathen yet a wise man') and Tacitus had both drawn exactly this distinction between freedom and servitude. If you 'take away the liberty of the subject in his profit or property' then 'you make a promiscuous confusion of a freeman and a bound slave'.⁷⁶

The same issue was later to resurface with a vengeance in the Parliaments of Charles I. Sir Dudley Digges returned to the argument at the outset of the debate over the Forced Loan in 1628. We are told, he observes, that 'he is no great monarch' who cannot take 'whatsoever he will'. But any king who 'is not tied to the laws' and thereby rules by his arbitrary will is nothing better than 'a king of slaves'.⁷⁷ The same argument was restated yet again in the wake of Charles I's extension of Ship Money into a general levy in the 1630s. Perhaps the most influential attack came from Henry Parker, who emerged at this juncture as by far the most formidable and influential defender of the parliamentary cause. To coincide with the assembling of the Long Parliament, Parker published his tract entitled *The Case of Shipmony briefly discoursed* in November 1640.⁷⁸ He begins by recurring to the Roman Law view of what it means to live in servitude. 'Where the meere will of the Prince is law' we can expect 'no mediocrity or justice' and 'wee all see that the thraldome of such is most grievous, which have no bounds set to their Lord's discretion'.⁷⁹ Parker is clear that the mere existence of such powers is what reduces us to slavery. 'It is enough that we all, and all that we have, are at his discretion,' for where all law is 'subjecte to the King's meer discretion,' there 'all liberty is overthrowne'.⁸⁰ With these considerations in mind, Parker turns to the case of Ship Money. If we accept that the king has a right to impose this levy, so that 'to his sole indisputable judgement it is left to lay charges as often and as great as he pleases', this will 'leave

⁷⁵ Foster (1966), II, p. 196. For an analysis of Hedley's speech see Peltonen (1995), pp. 220–8.

⁷⁶ *Ibid.*, II, p. 192.

⁷⁷ Johnson *et al.* (eds.) (1977a), p. 66.

⁷⁸ For the attribution, and an account of the context in which this tract appeared, see Mendle (1995), pp. 32–50.

⁷⁹ [Parker] (1999), vol. 1, p. 98.

⁸⁰ *Ibid.*, pp. 110, 112.

us the most despicable slaves in the whole world'.⁸¹ The reason is that this will leave us in a condition of total dependence on the king's goodwill. But as Parker rhetorically asks, if we have no alternative but to 'presume well of our Princes', then 'wherein doe we differ in condition from the most abject of all bondslaves?'⁸²

These were serious enough assaults on the foundations of the royal prerogative, but the moment at which they finally provoked a fatal crisis came in the opening months of 1642. When the House of Commons brought forward a proposal early in February to take control of the Militia, Charles I made it clear that he would veto any such legislation by exercising his so-called prerogative of the Negative Voice. Parliament then took the revolutionary step of claiming that, at least in times of emergency, it must possess the right to legislate even in the absence of the royal assent. The reason why this must be so, a number of spokesmen now declared, is that the alternative is national servitude. If the crown can block any legislation with the Negative Voice, this will reduce Parliament—which represents the whole people of England—to a state of complete dependence on the will of the king. But if we are condemned to living under such a constitution, this will reduce the freeborn English to a nation of slaves.

Henry Parker again came to the fore at this climacteric moment, arguing exactly this case in the most important of all the defences of the Parliamentary cause, his *Observations upon some of his Majesties late Answers and Expresses* of July 1642.⁸³ The existence of the Negative Voice, Parker now maintains, has the effect of subjecting the whole nation 'to as unbounded a regiment of the Kings meere will, as any Nation under Heaven ever suffered under'. For 'what remains, but that all our lawes, rights, & liberties, be either no where at all determinable, or else onely in the Kings breast?'⁸⁴ With this prerogative, the king 'assumes to himselfe a share in the legislative power' so great as to open up 'a gap to as vast and arbitrary a prerogative as the Grand Seignior has' in Constantinople.⁸⁵ For he assumes to himself a power to 'take away the being of Parliament meerely by dissent'.⁸⁶ But if we permit the King 'to be the sole, supream competent Judge in this case, we resigne all into his

⁸¹ Ibid., p. 108.

⁸² Ibid., p. 109.

⁸³ For the attribution, and an account of the context in which this tract appeared, see Mendle (1995), pp. 70–89.

⁸⁴ [Parker] (1933), pp. 175–6.

⁸⁵ Ibid., pp. 182–3.

⁸⁶ Ibid., p. 187.

hands, we give lifes, liberties, Laws, Parliaments, all to be held at meer discretion' and thereby consign ourselves to bondage.⁸⁷

Charles I had complained in his *Answer to the XIX Propositions* that without the Negative Voice he would be reduced from the status of 'a King of *England*' to a mere 'Duke of *Venice*'.⁸⁸ Parker daringly picks up the objection as a means of clinching his argument about national servitude. 'Let us look upon the Venetians, and other such free Nations', he retorts, and ask ourselves why it is that they are 'so extreemly jealous over their Princes.' It is because they fear 'the sting of Monarchy', which stems (as Livy had said) from the power of monarchs to 'dote upon their owne wills, and despise publike Councils and Laws'.⁸⁹ The jealousy of the Venetians arises, in other words, from their recognition that under a genuine monarchy they would be reduced to slavery. It is 'meerely for fear of this bondage' that they prefer their elected Dukes to the rule of hereditary kings.⁹⁰

Parker was not the first to put forward this claim about the Negative Voice,⁹¹ but his *Observations* offered the most confident statement of the case, and undoubtedly helped to make this neo-Roman argument pivotal to the rhetoric of the ensuing civil war. We encounter the same argument in virtually all the defences of the parliamentary decision to take up arms in the autumn of 1642.⁹² They regularly insist that, if the king is permitted a Negative Voice, 'this whole Kingdome shall consist only of a King, a Parliament, and Slaves'.⁹³ We encounter the argument again in Parliament's own call to arms of August 1642, in which we are told that the Malignant Party advising the king now aspires 'to destroy his Parliament and good people by a Civill War; and, by that meanes to bring ruine, confusion, and perpetuall slavery upon the surviving part of a then wretched Kingdome'.⁹⁴ Finally, we encounter the same argument yet again at the conclusion of the war, when it is wheeled out once more to justify not merely the regicide but the abolition of the monarchy. The charge against Charles I at his trial was that he had sought 'to erect, and

⁸⁷ [Parker] (1933), pp. 209–10.

⁸⁸ Charles I (1999), p. 167.

⁸⁹ [Parker] (1933), p. 192.

⁹⁰ *Ibid.*, p. 192.

⁹¹ It is already adumbrated, for example, in the parliamentary Remonstrance of 26 May 1642. See *Husbands et al.* (1643), pp. 263–4.

⁹² On the repeated contrast in these tracts between freedom and national servitude see Skinner (2002a), pp. 338–42.

⁹³ *Reasons* (1642), p. 14.

⁹⁴ *Husbands et al.* (1643), p. 509.

uphold in himself an unlimited and Tyrannical power to rule *according to his Will*, a course of action designed not merely 'to overthrow the Rights and Liberties of the People' but 'to take away, and make void the foundations thereof'.⁹⁵ The Act of March 1649 abolishing the office of king duly confirmed that monarchy is 'dangerous to the liberty, safety, and public interest of the people', adding that in England the effect of the prerogative has been 'to oppress and impoverish and enslave the subject'.⁹⁶ It was at this moment that an apoplectic Hobbes picked up his pen.⁹⁷

III

It would be unfair to Berlin to imply that he fails to notice the tradition that conceptualises the idea of negative liberty not as absence of interference but as absence of dependence. It seems worth underlining this observation, if only because of how his work has been handled by those philosophers who have begun to revive this alternative way of thinking about the concept of human freedom. By far the most important of these writers has been Philip Pettit, who initially presented the argument in his *Republicanism* (1997) and has since elaborated it in *A Theory of Freedom* (2001).⁹⁸ Pettit's work is of outstanding importance, and I am deeply indebted to it, but I cannot agree with him when he contends that the effect of Berlin's argument has been to 'conceal from view' the theory that, as Pettit phrases it, negative liberty consists in non-domination, not in non-interference.⁹⁹

It is true that Berlin fails to present the argument about non-domination with the same historical specificity as he brings to bear on the other two concepts he examines, and that he never singles out any

⁹⁵ *Charge* (1649), pp. 3–4.

⁹⁶ Gardiner (ed.) (1906), p. 385.

⁹⁷ For the detailed evidence suggesting that Hobbes began writing *Leviathan* only in the course of 1649 see Skinner (2002b), pp. 15–20.

⁹⁸ See Pettit (1997) and Pettit (2001). While Pettit (1997) was his first full-scale presentation of the case, it had been preceded by numerous important articles. For a list see Pettit (1997), pp. 315–16.

⁹⁹ See Pettit (1997), pp. 19, 41. A further question is whether the idea of freedom as non-domination (which I assume to be more or less equivalent to absence of dependence) is a strictly negative concept of liberty. Pettit (1997), p. 51 suggests that it may embody positive as well as negative elements. But this commitment appears to depend on treating positive liberty as an ideal of autonomy rather than self-perfection. As I have already tried to make clear in Skinner (1998), my own conviction is that the concept is a wholly negative one. But for further doubts see Woolcock (1998), p. 47 and Brown (2001).

particular theorist or movement capable of being associated with this alternative standpoint. Given, however, that he was writing at the height of the debate about decolonialisation, he could scarcely have been unaware that nations as well as individuals often claim to be unfree when they are condemned to social or political dependence. Berlin devotes considerable attention at the end of his essay to what he describes as the resulting ‘search for status’,¹⁰⁰ and he explicitly asks himself whether it might not ‘be natural or desirable to call the demand for recognition and status a demand for liberty in some third sense’.¹⁰¹

Having raised the question, however, Berlin confidently answers that no such third concept of liberty can be coherently entertained. To speak of social or political dependence as lack of liberty, he writes, is to confound freedom with other concepts in a manner at once misleading and confused.¹⁰² Stating his grounds for this conclusion, he goes on to enunciate his most general claim about the concept of liberty. He insists that it is true not merely of any coherent account of negative freedom, but of any concept of freedom whatever, that it must embody, at least as a minimum, the idea of absence of interference. If we are to speak of restrictions on liberty, we must be able to point to some intruder, some act of trespass, some actual impediment or hindrance to the exercise by an agent of their powers at will.¹⁰³ As Berlin summarises, ‘the essence of the notion of liberty, in both the “positive” and the “negative” senses, is the holding off of something or someone—of others who trespass on my field’.¹⁰⁴

We can perhaps bring out more clearly what is at stake here by putting the argument the other way round. We can ask, that is, what it is that we cannot coherently claim, according to this reading, about the concept of negative liberty. We cannot claim that a mere awareness of living in a state of social or political dependence has the effect of restricting our options and thereby limiting our freedom. If we are to speak of constraints on liberty, we must be able to point to some identifiable act of hindrance, the aim or consequence of which was to impede or interfere with us in the exercise of our powers.

It is precisely this assumption, however, that the writers I am considering reject. The distinctive claim they defend is that a mere awareness of

¹⁰⁰ Berlin (2002), p. 200.

¹⁰¹ *Ibid.*, p. 204.

¹⁰² *Ibid.*, pp. 200, 204.

¹⁰³ *Ibid.*, p. 204.

¹⁰⁴ *Ibid.*, p. 204. The formulation in Berlin (1969), p. 158 is slightly different.

living in dependence on the goodwill of an arbitrary ruler *does* serve in itself to restrict our options and thereby limit our liberty.¹⁰⁵ The effect is to dispose us to make and avoid certain choices, and is thus to place clear constraints on our freedom of action, even though our ruler may never interfere with our activities or even show the least sign of threatening to interfere with them.¹⁰⁶

It is of course true that the form of constraint on which these writers concentrate is self-constraint. They envisage that those living in a state of dependence will reflect on their predicament and generally decide on a course of action involving some measure of self-censorship. But the same is no less true of agents who act in the face of coercive threats. They too review their options and generally choose a course of action different from the one they would otherwise have pursued. The agent's sense of constraint is mediated in the two cases in the same way. It follows that, if we are prepared to grant that freedom can be limited by coercion,¹⁰⁷ we cannot exclude that it may also be limited by servitude, or at least not on the grounds that the constraint involved is merely self-constraint.

The exploration of this argument became one of the leading pre-occupations of the classical writers I have singled out. If we return to Sallust, and above all to Tacitus, we find them offering an agonised analysis of the psychological impact of slipping into a state of subjection to arbitrary power. It was this analysis that in turn exercised perhaps the most formative influence on the democratical gentlemen who went on to challenge the government of Charles I and to institute the first and only English republic. So far.

¹⁰⁵ If we are to speak of dependence as a source or form of constraint, it cannot be the case that we *know* that our absolute ruler will never in fact interfere. For in that case we are not under any constraint. This is not to say, however, that the probability of interference must rise above a certain level for liberty to be constrained. If there is the slightest probability of interference, we are under some corresponding pressure and our liberty will to that degree be constrained. For those who like formulae, it could perhaps be said that the pressure equals the probability of interference multiplied by its anticipated degree of harmfulness.

¹⁰⁶ Gray (1984), p. 327 rightly stresses Berlin's interest in 'the conception of social freedom as possessing a certain social status', but adds that this conception 'seems hard, if not impossible, to accommodate within MacCallum's triadic analysis'. It is perhaps worth underlining that, as my own account makes clear, there is no difficulty about this accommodation. The liberty enjoyed by citizens of free states, by contrast with slaves, is that citizens are free *from* the constraint of dependence *to* pursue their own chosen ends.

¹⁰⁷ It is important to register, however, that by no means all contemporary theorists of liberty have been willing to grant that coercion limits liberty. The contention in Hobbes (1996), p. 146 to the effect that 'Feare, and Liberty are consistent' has been echoed and developed by a number of recent writers. See, for example, Parent (1974), Steiner (1974-5), Taylor (1982), pp. 142-8 and the discussion in Swanton (1992), pp. 67-9.

As the classical writers stress, there are two contrasting ways in which you will be constrained by your awareness of living in dependence on the goodwill of an arbitrary prince. You will find in the first place that there are many things you are not free to say or do. As Sallust and Tacitus both emphasise, you will need above all to make sure that you avoid saying or doing anything that might be construed by your ruler as an act of emulation or reproach. Sallust explains the need for this caution in a passage from the *Bellum Catilinae* that the English republican writers of the seventeenth century loved to cite.¹⁰⁸ In the words of Heywood's translation of 1608, 'absolute Princes are alwaies more jealous of the good, then of the badde, because another mans Vertue (as they take it) is a diminution of their respectivenesse, and therefore dangerous'.¹⁰⁹ The moral is that, if you are a person of great talent or virtue living under such a prince, you will have no option but to keep those qualities hidden from view as much as possible. You will otherwise be only too likely to discover that, as Savile puts it in translating Tacitus's description of the reign of Nero, such qualities can be 'the readie broad way to most assured destruction'.¹¹⁰

Sallust and Tacitus are even more concerned about the long-term psychological impact of this form of self-constraint. When a whole nation is inhibited from exercising its highest talents and virtues, these qualities will begin to atrophy and the people will gradually sink into an abject condition of torpor and sluggishness. Tacitus draws the moral when speaking about the German tribe of the Tencteri and their failed uprising against Rome. In the words of Savile's translation, 'even wilde beasts shut up forget their accustomed valour and vertue'.¹¹¹ Sallust in the *Bellum Catilinae* had already drawn the corollary in another passage frequently cited by the English republican writers of the seventeenth century. If we are to enable 'everie man to estimate his owne worth, and to hammer his head on high disseigns', we must be sure to establish and uphold a 'free state', a form of government under which all forms of discretionary or arbitrary power are eliminated.¹¹²

¹⁰⁸ John Milton, for example, closely paraphrases it in Milton (1991), p. 3, puts it on the title-page of Milton (1962) and quotes it in Milton (1962), p. 501.

¹⁰⁹ See also Tacitus (1591), p. 256: 'the manhood and fierce courage of the subject pleaseth not much the jelous Soverayne'.

¹¹⁰ Tacitus (1591), p. 2.

¹¹¹ Tacitus (1598), p. 217.

¹¹² Sallust (1608), p. 17 [*recte* p. 7].

The other way in which you will find yourself constrained by living under an unaccountable power is that you will lack the freedom to abstain from saying and doing certain things. When confronted by an absolute ruler and required to offer counsel and advice, you will find yourself constrained to agree with whatever he says and to endorse whatever policies he already wishes to pursue. Tacitus dramatises the predicament in his *Annals* when describing the conduct of the political classes under Tiberius, and his tone of withering contempt is finely caught in Grenewey's translation of 1598:

But those times were so corrupted with filthie flatterie: that not only the chieft of the citie were forced in that servile maner to keepe their reputation; but all such as had beene Consuls; the greatest part of such as had bin Pretors; & also many pedary Senators rose up & strove, who should propound things most base and abject. It is written, that as *Tiberius* went out of the Curia, he was woot to saie in Greeke. O men ready to servitude! as though he, who could of all things least suffer publicke libertie; did yet abhorre such base and servile submission: falling by little and little from unseemely flatteries, to lewder practises.¹¹³

As Tacitus makes clear, the senators were in no way acting under coercion or threat. The mere recognition of their dependence was enough to make them do whatever they felt was expected of them.

It is of course true that, even in such a state of servitude, you retain some freedom of manoeuvre, at least as long as you are not directly threatened or forced. Tacitus in his account of Tiberius's descent into tyranny sardonically praises those who refused to accept that their liberty had been completely undermined. One remaining if drastic option will always be to evade the tyrant's attention altogether, as Tacitus reports of Arruntius at the end of the reign:

I foresee (said he) a heavier servitude; and therefore I will flie as well from that which is already past, as that which is at hand. Speaking these things as it had bin in the maner of a Prophesie, he cut his vaines.¹¹⁴

A further if less heroic option is to try to say as little as possible, as Tacitus reports of Piso, the high priest:

About the same time *L. Piso* high Priest died a naturall death, which was a rare matter in those times in a man of so great nobilitie: He never of himselfe propounded any matter which smelled of flatterie or base minds; & if he were forced thereto, he used great moderation in doing it.¹¹⁵

¹¹³ Tacitus (1598), p. 84.

¹¹⁴ *Ibid.*, p. 139.

¹¹⁵ *Ibid.*, p. 125.

As Tacitus makes vividly clear, however, the Roman senatorial class overwhelmingly took the view that, once Augustus had established himself in absolute control, they had no option but to submit to whatever he asked of them, as a result of which ‘the Consuls, the Senators, and Gentlemen ran headlong into servitude’.¹¹⁶

As before, what chiefly interests Sallust and Tacitus are the long-term psychological consequences of enduring a life of so much anxiety and uncertainty. The principle on which they insist is that servitude inevitably breeds servility. Sallust in his *Bellum Iugurthinum* puts the argument into the mouth of Memmius in his denunciation of the Roman plebs for submitting to the domination of the nobility. He mocks them for their ‘slavish patience’, for allowing themselves to live ‘as a scorn to the Pride of a few’ and for remaining ‘corrupted with the same sloth and cowardice’.¹¹⁷ Tacitus similarly takes a sour pleasure in describing the constantly increasing slavishness of the Roman people under the principate. He draws Book I of his *Histories* to a close with an account of the speech in which the emperor Otho, after the fall of Nero, announced his decision to go to war. ‘The commons after their flattering fashion received the speech with cries and acclamations without either measure or truth, contending to pass one another in applause and wishes, as if it had been to Caesar the Dictator, or the Emperour Augustus; neither for feare nor for love, but onely upon a delight in servility.’¹¹⁸

These arguments were endlessly invoked by the democratical gentlemen of seventeenth-century England. They too were much preoccupied by the dangerous implications of the fact that arbitrary rulers are inevitably surrounded by servile flatterers, and have little hope of hearing frank advice. But their main anxiety was that, under such rulers, no one will perform any deeds requiring public spirit or courageous and great-hearted qualities. As they liked to put it, the final effect of living under absolutism is that everyone becomes dispirited, discouraged, disheartened, and finally dejected and debased.

We already find Sir Thomas Hedley speaking in exactly these terms in his great speech to the House of Commons in 1610:

If the liberty of the subject be in this point impeached, that their lands and goods be any way in the king’s absolute power to be taken from them, then they are (as hath been said) little better than the king’s bondmen, which will so dis-

¹¹⁶ Tacitus (1598), p. 3.

¹¹⁷ Sallust (1608), p. 29.

¹¹⁸ Tacitus (1591), p. 51.

courage them, and so abase and deject their minds, that they will use little care and industry to get that which they cannot keep and so will grow poor and base-minded like to the peasants in other countries.¹¹⁹

The same moral is drawn in still more minatory tones by Henry Parker at the outset of his *Observations* in 1642:

This is therefore a great and fond error in some Princes to strive more to be great over their people, than in their people, and to eclipse themselves by impoverishing, rather than to magnify themselves by infranchising their Subjects. This we see in France at this day, for were the Peasants there more free, they would be more rich and magnanimous, and were they so, their King were more puissant.¹²⁰

From these beginnings we can date one of the most enduring and vain-glorious legacies of the classical belief that deeds of greatness can be expected only from those who live in so-called free states. The proof of this, we are assured, can be seen in the lives of the European peasantry or, still more clearly, among the subjects of the Sultan at Constantinople. They have become so discouraged and dispirited by the experience of living under arbitrary power that they have become totally supine and base, and nothing can now be expected of them.

IV

You might agree with everything I have so far said and still want to deny that I have isolated a third *concept* of liberty. Whether you think I have done so will obviously depend on your sense of what it means to possess a concept and of how concepts are best individuated. Berlin's response to this question emerges only implicitly from his 'Two Concepts of Liberty', but it seems to me that, if I have understood his view correctly, it is one that we have good reason to endorse. His answer appears to be that, if a given descriptive term can be coherently used with more than one range of reference, so that it can be used to pick out more than one distinct phenomenon or state of affairs, then the term may be said to express more than one concept.

If that is your concept of a concept, then you will agree that I have identified a third concept of liberty. But I have no wish to press the point. A better way of summarising my position would be to say that, while I

¹¹⁹ Foster (ed.) (1966), pp. 194–5.

¹²⁰ [Parker] (1933), p. 168.

agree with Berlin that there are two concepts of liberty, one positive and the other negative, I do not agree with his further assumption that, whenever we speak about negative liberty, we must be speaking about absence of interference. It seems to me that, as I have tried to show, we have inherited two rival and incommensurable theories of negative liberty, although in recent times we have generally contrived to ignore one of them.

It is only fair to acknowledge, however, that these conclusions have already been dismissively criticised. According to the most recent of my critics, we need to begin by recognising that, in questioning the view that negative liberty consists in non-interference, what I am claiming in effect is that it consists of 'resilient non-interference'.¹²¹ To speak of such resilience, I am then assured, can only be to speak of certain constitutional safeguards that serve to ensure 'an especially high probability of high degrees of non-interference being maintained over time'.¹²² This reading allows the inference that I am merely offering 'a useful set of empirical hypotheses' about how liberty in the ordinary sense of non-interference 'is best to be maximised'.¹²³ I am far from having shown that 'an *alternative conception* of liberty' is at work.¹²⁴

If I were indeed talking about resilient non-interference (a phrase I have never used) there might be some justification for these somewhat patronising remarks. But I am not talking about resilient non-interference, nor indeed about interference or non-interference of any kind. I am talking about the predicament of those who recognise that they are living in subjection to the will of others, and I am following my classical and early-modern authorities in claiming that the mere fact of

¹²¹ Carter (1999), p. 237 claims that this phrase, which he takes from Pettit (1993), offers 'an interesting conceptual clarification' of my own view of negative liberty. As I argue above, however, it appears to go with the very theory of negative liberty I reject. It needs to be stressed, moreover, that Pettit himself has abandoned this formula in his recent work. He now prefers to contrast liberty as non-interference with liberty as non-domination. See Pettit (1997), pp. 21, 41 and Pettit (2001), pp. 132–44. I have been much influenced by this shift in his thinking, which aligns his theory closely with my own account (and that of my ancient and early-modern authorities) of the predicament of living in dependence on the power of another.

¹²² Carter (1999), p. 239.

¹²³ *Ibid.*, pp. 238–9. For the same contention see Patten (1996), p. 29. Patten's article offers some helpful criticisms of my earlier work on this issue. As I note in Skinner (1998), p. 70 n., however, I have since changed my mind. I am no longer arguing simply about the conditions necessary for maximising negative liberty, but about how to construe the concept itself.

¹²⁴ Carter (1999), p. 239. See also Ferejohn (2001), esp. pp. 85–6 for the related objection, interestingly developed as a critique of Pettit's analysis of non-domination, that this account produces an analysis not of liberty but merely of security, a distinct and more equivocal value.

living in such a predicament has the effect of placing limits on our liberty. If freedom is construed as absence of interference, this is unquestionably to speak of an alternative theory of liberty, since it is to claim that freedom can be restricted and constrained in the absence of any element of interference or even any threat of it.¹²⁵

This contrast can be restated in a different way, and one that perhaps serves more effectively to counter those who have insisted that, as another of my critics has recently put it, ‘there is no interesting disagreement’ between those who espouse the two purportedly different theories of negative liberty.¹²⁶ One undoubted disagreement between them (although it is not for me to say whether it is ‘interesting’) is that they hold rival views about the underlying concept of autonomy. Those who believe that liberty is nothing other than absence of interference are committed to the view that the will is autonomous so long as it is neither threatened nor coerced.¹²⁷ By contrast, those who embrace the neo-Roman argument deny that the will can be autonomous unless it is also free from dependence on the will of anyone else.

So far I have given the impression that Berlin offers a relatively neutral appraisal of the rival merits of negative and positive liberty. But this is far from being the case. Berlin’s essay represents a belated but recognisable contribution to a long-standing debate about the merits of philosophical Idealism that had continued to resonate in the Oxford of his youth. H. A. Prichard and J. P. Plamenatz had relentlessly criticised T. H. Green in the 1930s, arguing that his views of freedom, obligation, and rights were all extremely dubious and confused.¹²⁸ But A. D. Lindsay had kept alive the debate by republishing Green’s *Lectures* in 1941 with an admiring Introduction in which he had spoken sympathetically of Green’s belief that empiricist philosophy and utilitarian psychology ‘had to be fought all along the line’.¹²⁹

¹²⁵ I deliberately speak of a rival theory of liberty here, rather than following Carter in speaking of a rival conception. It has become usual to follow John Rawls (as Carter is here doing) in distinguishing between different *concepts* and different *conceptions* (of liberty, justice, and so forth). I am not wholly clear, however, what difference this distinction is supposed to mark, and for me it is in any case enough to say that I have isolated a theory of negative liberty at once different from—and indeed a rival to—the theory that liberty consists in absence of interference.

¹²⁶ Patten (1996), pp. 27, 36.

¹²⁷ See, for example, Swanton (1992), p. 124, denying that autonomy is limited by lack of independence.

¹²⁸ See Plamenatz (1938), pp. 62–81, 89–97 and Prichard (1949) (reprinting work done in the 1930s), pp. 54–86, 120–8.

¹²⁹ Lindsay (1941), p. ix.

As Berlin makes clear, he firmly aligned himself with those who wanted to put such figures as Lindsay in their place. Liberal political theory, Berlin insists, must be grounded after all on empiricist and utilitarian premises, not on the philosophies of Hegel and Kant.¹³⁰ As we have seen, those espousing the opposite point of view had earlier been denounced for accepting an argument that had led to the first world war. By the time Berlin was writing, their successors had laid themselves open to a no less melodramatic attack. They were now assailed for adopting a concept of freedom that directly associated them, as Berlin himself declares, with the outlook of ‘the latest nationalist or Communist dictator’.¹³¹

As this judgement suggests, Berlin’s essay is strongly marked by the geopolitical and ideological divisions of the 1950s. Berlin believes that, while the positive understanding of liberty may have had lofty and even noble origins, it has wandered so far from its liberal beginnings that it has come to rest ‘at the heart of many of the nationalist, Communist, authoritarian, and totalitarian creeds of our day’.¹³² His essay is a warning as much as an exposition, and he finds it correspondingly important to insist that, as he proclaims at the end, the concept of negative liberty offers ‘a truer and more humane ideal than the goals of those who seek in the great disciplined, authoritarian structures the ideal of “positive” self-mastery by classes, or peoples, or the whole of mankind’.¹³³

What are we to make of this valedictory profession of faith? When Berlin asks himself which of the two concepts he has explicated is the ‘truer’ one, the question strikes me as ambiguously phrased. He may have it in mind to ask, in the manner of Habermas, which of the two concepts is truer to our deepest human interests and purposes. But if that is his question, then I cannot see that it has a determinate answer. Perhaps the idea of liberty as absence of interference was truer to the society in which he himself was writing, in which the ideal of freedom as self-perfection had come to be widely seen as a religious and collectivist nightmare from which the ‘free world’ had thankfully awoken. But in earlier periods the same ideal had been a dream, not a nightmare, and in many western societies of the present time there are new movements of religious faith in which the positive concept of liberty may well appear to answer to far

¹³⁰ Berlin (2002), pp. 178–81, 191–200.

¹³¹ *Ibid.*, p. 198.

¹³² *Ibid.*, pp. 190, 198.

¹³³ *Ibid.*, p. 216.

deeper purposes than the negative idea of merely having as much elbow-room as we desire. The question of which concept best answers to our purposes will always depend on what account—if any—we believe should be given of the normative character of human nature. But this is a question that our theologians as well as philosophers have been debating for centuries, and it does not seem at all likely that they will manage in the near future to reach a final agreement.

When Berlin asks about the true concept of liberty, however, he may instead mean to ask which is the true or right way of analysing the terms by which the concept is expressed. But if this is his question, then it seems to me even clearer that it has no determinate answer. As I have tried to intimate throughout this lecture, the belief that we can somehow step outside the stream of history and furnish a neutral definition of such words as *libertas*, freedom, autonomy and liberty is an illusion well worth giving up. With terms at once so deeply normative, so highly indeterminate, and so extensively implicated in such a long history of ideological debate, the project of understanding them can only be that of trying to grasp the different roles they have played in our history and our own place in that narrative. But the more we undertake this kind of study, the more we see that there is no neutral analysis of any such keywords to be given. The history is all there is.

I must try not to end, however, by sounding as dogmatic as my critics, especially as it would be ironic to speak dogmatically about (of all things) liberty. I much prefer the tone of tolerance that Berlin, in his best moments, seems to strike so effortlessly. Speaking of our historical and philosophical debates about freedom, he brings his own analysis to a close on a deliberately anti-rhetorical note. He is content to end by observing—and here I am happy to echo him—that in thinking about the concept of liberty ‘I am well aware of how much more needs to be done’.¹³⁴

¹³⁴ Ibid., p. 54.

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