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One Cheer for Constantinople: A Comment on Pettit and Skinner on Hobbes and Freedom

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Abstract
Philip Pettit and Quentin Skinner find Hobbes's understanding of freedom as non-interference inadequate because it fails to appreciate what is wrong with a life lived as a slave. Though their critiques have some force, however, Hobbes's view of freedom has virtues of its own. It is highly sensitive to the fact that freedom is a matter of degree. It is also unlikely to mistake freedom for something else, like security or dignity. Moreover, Hobbes is not as unmindful of the dangers of servility as many think.

Keywords
freedom; non-interference; slavery; servility; republicanism

> There is written on the turrets of the city of Lucca in great characters at this day the word LIBERTAS; yet no man can thence infer that a particular man has more liberty, or immunity from the service of the commonwealth, there than in *Constantinople*. Whether a commonwealth be monarchical or popular, the freedom is still the same.[1]

Both Philip Pettit and Quentin Skinner credit Hobbes with responsibility for bringing about a profound shift in the understanding of freedom. Whereas the neo-Roman or republican perspective had presented freedom as a description of the protected standing of a citizen, Hobbes revised its meaning to cast it as a property of those actions that were neither physically impeded nor humanly forbidden. Freedom, in Hobbes's hands, became a property not of persons but of action. To be free was a matter of not being interfered with

[1] Thomas Hobbes, *Leviathan*, ed. by Edwin Curley (Indianapolis, IN: Hackett, 1994), XXI, 140.

intentionally by others. In the struggle for the semantic soul of freedom, Hobbes was victorious; and the modern liberal theory of freedom is his legacy.[2] Yet while Hobbes won the battle, he did not, according to Pettit and Skinner, win the argument. Nor, presumably, the war.

Hobbes, on their view, gives us a very thin account of freedom. The liberty of the subject is something each individual enjoys simply insofar as he is capable of avoiding obstacles to their action, or escaping the sanctions that might discourage him from pursuing them. Thus for Hobbes there is as much liberty to be found in Constantinople as there might be in Lucca, even though the latter proclaims the freedom of its citizens as a matter of principle. It is not the status of citizens that matters but their effectual circumstances. An individual subject to the arbitrary will of a capricious ruler is free if the ruler's will does not impede his actions or hinder his pursuit of his ends. The trouble with this account is that it counts the life of the fugitive slave, or of the supplicant ingratiating himself with his superiors, as no less free than that of a citizen who is able to look his rulers—no less than his fellows—directly in the eye, and move about his city as of right.

Hobbes, it seems clear enough, did not care that much for liberty. Indeed he might have cared more to get his account of the concept of liberty right than to secure the freedom of the subjects of a commonwealth. His concern was peace and his most important contention was that securing it required that we establish a sovereign power to rule over us. The act of authorizing a sovereign to govern us *obligates* us to obey that power, even though the exercise of that power can diminish our freedom; but there is no reason to complain since fulfilling this obligation ensures our safety while leaving more than enough liberty in place as a matter of fact—even if that liberty is not guaranteed by right. This contrasts with Rousseau, for whom the act of authorizing the sovereign power *ensures that we remain free* even as we make ourselves subject to its will. For Hobbes, though we reduce our contractual freedom when we agree to accept the sovereign's word as law, we do not lose much "liberty in the proper sense"[3] or corporal freedom.[4] We might say that for Hobbes this freedom is a quantifiable good, so a loss of a part of it is just that: a loss of some portion. For Rousseau, as for Kant and others who followed their way of

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[2] P. Pettit, *Made with Words: Hobbes on Language, Mind, and Politics* (Princeton, NJ: Princeton University Press, 2008), 140; Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008), 216.

[3] *Leviathan* XXI, 140.

[4] See the discussion in Pettit, *Made With Words*, pp. 136-38.

thinking, freedom is a condition and not something that can be traded away for profit a little at a time. The modern republican tradition, revived in different ways by Pettit and Skinner, repudiates Hobbes because he repudiated the idea of freedom as a protected status in favor of a view of freedom as a kind of residue in a society where some were necessarily ruled by others. For the republican, being subject to the arbitrary will of another renders us unfree even if that will never exercises its power to impede us. For Hobbes it is not the *presence* but only the *exercise* of that arbitrary power that can render us unfree. Thus "absolute monarchies may be no less deserving of the name of commonwealth than the freest and most democratic of free states".[5]

For Pettit and Skinner what is most unattractive about the Hobbesian view is that it has no appreciation of what is wrong with a life lived under the thumb of another—a life lived as a slave. The important insight of the republican theorists Hobbes rejected, Skinner notes, is that "servitude breeds servility".[6] The slavishness contrasts with the frankness of free-men, as the republican writers of the English revolution recognized.[7]

Though this is a powerful riposte to the Hobbesian account of freedom, however, it is not clear that it is enough to undermine it altogether. Perhaps Hobbes's view has virtues of its own.

One virtue of the Hobbesian view of freedom as the absence of interference is that it is highly sensitive to the fact that freedom is a matter of degree. To see freedom as a matter of status is to think of freedom as a threshold concept: until a certain condition is reached one is simply unfree—either a slave or not a slave. A slave is a slave is a slave. Yet there are degrees of unfreedom even for a slave, and there may be free-men who enjoy less freedom than a slave (a jailed criminal is an obvious example), just as there have been slaves who have enjoyed substantial freedom (the Mamluks being the most prominent example). The Hobbesian account of freedom may be able account for degrees of freedom in a way that the republican alternative might not.

The republican view does recognize that there are degrees of security in one's freedom. One of its main complaints about the idea of freedom as non-interference is that it fails to take account of the importance of the resilience of one's freedom. A person who is constantly looking over his shoulder, fearful that his freedom is about to be taken away, is in an important way less free than someone who is assured of his freedom. This, after all, is one of the

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[5] Skinner, *Hobbes and Republican Liberty*, p. 210.
[6] Skinner, *Hobbes and Republican Liberty,* 213.
[7] Skinner, *Hobbes and Republican Liberty*, 215.

most important reasons why Uncle Tom, the eponymous hero of Harriet Beecher Stowe's novel, asked his first master to manumit him even though he was in practice free to move about as he pleased, and even though his intention on being granted his freedom was to remain with his ailing master to look after him through his dying days. Tom feared that the death of his kindly master would put him at the mercy of a less obliging new owner. The republican view of freedom is highly sensitive to the issue of the resilience of an individual's freedom. But the Hobbesian view is more sensitive to the fact that how much freedom one actually enjoys is an important consideration.

Another way of thinking about this is to see that the Hobbesian view of freedom as non-interference is ready to see the security or resilience of one's freedom as something that might be traded off for a greater quantity of freedom. For the republican, this seems like a bad bargain; so much so that the result of the exchange is in fact a loss of liberty as one's status as a free person is traded away for a greater number of opportunities to act. Yet it is worth noting that people do this all the time. Immigrants often move from one country to another, relinquishing their status as citizens to become mere residents in another—sacrificing many rights they might enjoy in one place in exchange for the opportunities they prefer to have in another. This goes even more strongly for those who immigrate illegally and live, in effect, as fugitives because they prefer the advantages this brings more than they regret the status and dignity they lose. Many will flee Constantinople for Lucca because they value their dignity, but others will head from Lucca to Constantinople if Constantinople has what they want.

This brings us to a second virtue of the Hobbesian understanding of liberty as unimpeded action: its emphasis on thinking about freedom in terms of what we can do rather than in terms of psychological states or in terms of the status a person enjoys. What is bad about slavery, after all, is primarily that one is not free to act as one chooses. To be sure, there are many other aspects of living as a slave that make it an undesirable, if not entirely intolerable, condition. To live in fear, without dignity, and subject to the whims of others who wield arbitrary power is a terrible thing. But a lack of dignity is not itself a lack of freedom; nor is the fear of losing one's freedom itself unfreedom; and a diminution of the security of one's freedom is not in itself a diminution of freedom as such. While the republicans might have a point in complaining that Hobbes is a bit too sanguine about the value of liberty unsecured by protections against arbitrary power, his focus on non-interference does not run the risk of mistaking freedom for something else.

Yet the republicans have a deeper complaint still against Hobbes on this score. In failing to give any credit to the idea of a free citizen—'the person

protected with and against others, under a republic of nonarbitrary law'[8]—he developed an understanding of freedom which would allow him (and others) to put the best possible gloss on absolutist regimes. If Lucca is no better than Constantinople, then absolutism is at least as good as free government—at least insofar as it is in principle possible for any man in the latter to enjoy as much "immunity from the service of the Commonwealth" as a man in the former. This is a fairly damaging criticism. It is surely right that it is not much of a defence of absolutism to say that a subject of such rule might well enjoy a good deal of liberty to the extent that the ruler declines, neglects, or is too incompetent, to intrude into his life. If Hobbes has come to commend Constantinople his praise is unconvincing.

But to the extent that Hobbes's purpose is to raise a skeptical eyebrow at Lucca, he may have more of a point. The trouble with Lucca may be that, for all its formal guarantees of freedom, corporal freedom cannot be made with words, even if contractual freedom can be. One might be a free citizen in principle, but enjoy very little freedom in practice. A state might be a constitutional order in which citizens have the right not to be subject to the arbitrary power of the rulers or their minions, and yet find themselves limited and constrained all the same. For example, it is perfectly conceivable that a liberal democratic state, with regular elections, an unintimidated parliamentary opposition, an independent judiciary, and a long tradition of respect for the rule of law and civil liberties, might come to involve itself in a foreign war despite the general opposition of its citizens, increase the surveillance of those citizens in the name of protecting them from terrorist attack, intrude into their private lives and onto their private property in the name of security, and restrict their right to travel even when they have committed no offence.[9] The existence of a written constitution, or membership of an international organization with formal guarantees of human rights, even if it makes some difference, may not make all the difference—or even enough of a difference. Liberty can still be traduced in deed, even if not in words, in a republican polity.

Now a republican might, of course, argue that such a state, to the extent that it exercises power to dominate its citizens rather than secure them from domination by others, is not a fully republican regime. Not every republican regime can be perfect, and a state need not be perfect to meet the standards

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[8] Pettit, *Made With Words*, 140.

[9] Those who think this is possible in Britain sometimes point to the *Police Act 1997*, the *Regulation of Investigatory Powers Act 2000*, the *Terrorism Act 2000*, and the *Anti-Terror, Crime and Security Act 2001*—just to cite a few examples.

republicans set. But then, Hobbes in effect claimed as much for his own preferred regime. The authority of a sovereign to rule as he pleased might have left everyone with an obligation to obey his every command. But they retained plenty of liberty when his laws were silent. No less importantly, Hobbes fully recognized that even though the covenant with the ruled gave the sovereign absolute authority, any ruler who exercised that authority capriciously ran a serious risk of being deposed. The sovereign is entrusted with power for one reason: "the procuration of the *safety of the people*, to which he is obliged by the law of nature"; and "by safety here is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger or hurt to the commonwealth, shall acquire to himself."[10] Now to keep the people safe the sovereign must above all not renounce any part of his own authority. He would be derelict in his duty were he to do so. But no less crucially, "it is against his duty to let the people be ignorant or misinformed of the grounds and reasons of those his essential rights, because thereby men are easy to be seduced and drawn to resist him, when the commonwealth shall require their use and exercise."[11] The great danger to the commonwealth comes from a breakdown of authority as the people reject the right of the ruler to govern. This cannot be prevented by sheer force of arms and the ruler's only sure means of preventing the dissolution of the commonwealth is to ensure that the people are persuaded of his right to govern. For this he needs to educate his subjects, and not simply rule with the sword. More than this, he needs to make good laws—"laws that are *needful* for the *good of the people*, and withal *perspicuous*."[12] In the end, the good of the sovereign and the good of the people are congruent. An absolute ruler could, if he so determined, rule capriciously and without regard for the good of his subjects; but he would be in violation of the laws of nature, and he would not survive. Like the republicans, Hobbes prescribes not arbitrary government but good government; he differs from them in good part because he doubts that one kind of regime is incapable of providing it, and that another is assured of doing so.

Hobbes was not a great defender of liberty. But it may be too strong to suggest that he was completely indifferent to it, and entirely unmindful of the dangers of a servile population. Slaves, after all, are not kept in thrall by reasons; but Hobbesian subjects can only be kept willing to obey by being persuaded. A stable commonwealth is made up not of ignorant brutes, who could easily be swayed by the preachers of sedition, but by reasoning subjects.

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[10] *Leviathan* XXX, 219.
[11] *Leviathan* XXX, 220.
[12] *Leviathan* XXX, 229.

An enslaved population would, for Hobbes, be entirely undesirable since it would tend to the rapid dissolution of the commonwealth. Servility could not be conducive to the civility he sought to promote. His favorable remarks about Constantinople should be read in this light. It earns at least one cheer only because Lucca cannot win all three.