

# **Freedom as non-dependence**

**An interview with Quentin Skinner**

**By Thijs Bogers and Bert Drejer**

**Amsterdam Centre for Political Thought**

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by Thijs Bogers

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## Skinner's engines of social change

By Bert Drejer

Quentin Skinner operates at the intersection of a few academic disciplines, and is the world's leading writer on political concepts, both on their histories and on their contemporary relevance. Since 2008 he is Barber Beaumont Professor of the Humanities at Queen Mary, University of London. Previously he held the chair of political science and was Regius Professor of History, both at Cambridge University. He combines his deep knowledge of the intellectual history of early modern Europe with a philosophical expertise of historical method. Skinner has a critical political voice. He is much engaged in present-day political thought, and is especially involved in debates on the key concepts of liberty and the state. Concepts, according to Skinner, must be central to the studies of philosophy and its history. For as he puts it: 'in tracing their changing applications we find ourselves looking at one of the engines of social change'.<sup>1</sup> It is first and foremost in the field of the history of political concepts, then, that we find the various proficiencies of Skinner brought together.

Skinner did not always speak out in favour of conceptual histories. In 1969 he even called it 'a mistake to write histories of ideas tracing the morphology of a given concept over time'.<sup>2</sup> Skinner considered many such histories to be *unhistorical*, because he saw them as tales of the appearance of some present doctrine in past texts, wherein 'the writers of the past are simply praised or blamed according to how far they may seem to have aspired to the condition of being ourselves'.<sup>3</sup> However, Skinner was soon to propagate a different kind of conceptual history. As Skinner sees it, if an author employs his concepts to legitimise some sort of questionable behaviour, he will need to stretch the existing meanings of the evaluative terms available to him, and in his acting alter the concepts he uses.<sup>4</sup> Skinner's pivotal Wittgensteinian assertion is that concepts are inherently ambiguous, and therefore only intelligible as they feature 'in argument'.<sup>5</sup> From this rhetorical perspective, concepts do change over time.<sup>6</sup>

<sup>1</sup> Retrospect: Studying rhetoric and conceptual change' in: *Visions of Politics I: Regarding Method* (Cambridge 2002) 178.

<sup>2</sup> 'Meaning and understanding in the history of ideas', *History and Theory* 8 (1969) 48.

<sup>3</sup> *Ibid.*, 10-2.

<sup>4</sup> Skinner's earliest satisfactory statement of this point was, I think, his 'Some problems in the analysis of political thought and action', *Political Theory* 2 (1974) 277-303.

<sup>5</sup> 'A reply to my critics' in: James Tully (ed.) *Meaning and Context: Quentin Skinner and his Critics* (Cambridge 1988) 283. Cf. the revision of 'Meaning and understanding' in: *Visions I*, 86.

<sup>6</sup> Kari Palonen, 'Quentin Skinner's rhetoric of conceptual change', *History of the Human Sciences* 10 (1997) 61-80.

Crucially, Skinner maintains that only human agents, like ourselves, can fabricate new concepts from the old. Thus conceptual change is no mere reflection of deeper transformations in social life. Nor does Skinner see any plausibility to a theory 'in which Time itself appears as an agent of change'.<sup>7</sup> Skinner vindicates human agency by emphasising two somewhat paradoxical claims concerning social action. First he stresses that all forms of behaviour, including our thinking, are linguistically conditioned by whatever set of cultural conventions we act against at a given time.<sup>8</sup> But he also contends that through our struggles with the available normative vocabularies – the language that shapes us all – we may in turn move to remodel language itself, and open up new courses of action accordingly. After all, so Skinner shows us, history is littered with such examples of human ingenuity.<sup>9</sup> We are intellectually free to shift the boundaries of speech by changing our concepts, and to draw on them to legitimise all sorts of social practices.<sup>10</sup> Language is a 'resource' only by virtue of its power as a 'constraint', and vice versa.<sup>11</sup>

Instead of blindly following the intellectual traditions already triumphant in contemporary life, Skinner presses us to think on how we might do better. Through his historical work, and his conceptual histories in particular, he provides us both with examples of political innovation, and with past ideas we might use to criticise current conventions of thought and action. As a historian, Skinner considers himself to be 'a kind of archaeologist, bringing buried intellectual treasure back to the surface, dusting it down and enabling us to reconsider what we think of it'.<sup>12</sup> The point is not, however, that we ought simply to replace the normative concepts currently in use with some past alternative dug up by Skinner or any other intellectual historian. Rather the uptake must be to work a little harder, and, as Skinner put it so frankly in 1969, 'learn to do our thinking for ourselves'.<sup>13</sup>

More than ever before in his career, Skinner is now expressing his own thoughts towards contemporary politics, which he bases on his historical research. The original version of the following interview was conducted at

<sup>7</sup> 'Retrospect', 180.

<sup>8</sup> 'Conventions and the understanding of speech-acts', *Philosophical Quarterly* 20 (1970) 118-38.

<sup>9</sup> A particularly striking historical example is Skinner's discussion of the relationship between thought and action in the politics of the early Reformation in *The Foundations of Modern Political Thought. Volume II: the Age of Reformation* (Cambridge 1978) 194-206.

<sup>10</sup> 'Moral principles and social change' and 'The idea of a cultural lexicon', both in: *Visions* I, 145-57 and 158-74 respectively.

<sup>11</sup> 'Introduction: Seeing things their way' in: *Visions* I, 7.

<sup>12</sup> *Liberty before Liberalism* (Cambridge 1998) 112.

<sup>13</sup> 'Meaning and understanding', 52.

the Eye Film Institute of the Netherlands, in Amsterdam. Here Skinner presented his first steps towards a comprehensive account of his political theory. He draws on his histories of rights, liberty, the state and representation. Furthermore, in discussing these central concepts he displays his concerns for political language *and* for political life. As he explains with regard to his notion of liberty, for example, what we mean when we say we want to be free affects how we see our relationships towards government, to each other, and ultimately it determines how we see ourselves. Concepts and their histories indeed are fundamental to our societies and their futures.

## Part I. On the uses of the past

Throughout your working life you have on occasion been labelled an 'antiquarian' because of your emphasis on a strictly historical intellectual history. In response, you have emphatically rejected the notion that intellectual history serves no purpose in contemporary life. You have repeatedly explicated that next to viewing history as a tool we use to legitimise the world we inhabit, history can also serve as a pool of alternatives. Especially those aspects of the past that do not mirror our contemporary world can force us to 'stand back' and make us reconsider our own beliefs and the concepts through which we express them. History, then, enables us to understand the contingent nature of the world we inhabit and it offers valuable insights whereby we can alter our current arrangements if we wish to do so.

**Do you believe these two functions of history – as legitimisation or as offering alternatives – are able to coexist?**

**QS:** Let me first say that you have given a most elegant and accurate account of what I have tried to argue. Yes, I think the two functions can coexist. The reason is that there are significant continuities in our traditions of moral and political thought. We can, if we wish, call on these traditions and use them to restate and refine our own values. One celebrated example in our own time would be John Rawls's reworking of the political theories of John Locke and Immanuel Kant. My own preference, however, is to turn to the past as a source of what you describe as alternatives. I like to point to roads not taken. It is true of course that many of these roads may not be worth taking. For example, I am not suggesting that it might be worthwhile to reconsider the divine right of kings as a way of thinking about political obligation, or anything like that. But I do believe that, in the ways we have come to reflect on some of the concepts central to our moral and political world, we have lost sight of some earlier ways of thinking that deserve to be reconsidered and perhaps even resuscitated. I have come to feel this in particular about our current ways of thinking about human rights and about political liberty.

**Do you concur with our interpretation of your approach to history as offering tools that enable us to change aspects of contemporary society?**

**QS:** Yes, that would be one way of expressing my point. If, for example, we were to agree that the analysis we currently give of the concept of political liberty fails to capture something essential about what it means to be un-free, then that would be equivalent to saying that, if we cherish the value of liberty, we need to change our ways not just of thinking but of relating to one another.

**And do you believe that it is specifically wrong to use history to legitimise our contemporary beliefs, or would you simply state that it is not history's best use?**

**QS:** We appeal to history all the time in legitimating our beliefs, and I see nothing inherently wrong in doing so. As I've said, there are major continuities in our intellectual traditions, and it's natural and often valuable to draw on them. But problems often arise because of our equally natural tendency to suppose that our current ways of thinking about central concepts in morality and politics must be *the* ways of thinking about them. We then tend to go to the past in search of recognisable interpretations of these concepts, and this in turn has an excessively strong power to legitimise current arrangements. The danger is that of writing about the past as a history of winners, where what it means to be a winner is simply to be a contributor to how we currently think and act. This can hardly fail to produce a stultifyingly self-congratulating vision of the past. If we are serious about the study of history, it should be our aim to reconstitute the beliefs and practices of earlier societies so far as possible on their own terms. In the history of philosophy there may be as much to be learned from some of the losers as from the winners.

**Do you have anything to add to the brief outline of your principles of historical research that we gave?**

**QS:** Yes, there is one thing I would like to add, which is that the accusation of being an antiquarian is one that I want to repudiate as firmly as possible. The assumption underlying the criticism is that, unless the past can be used as a kind of mirror in which we can see ourselves reflected, then it is merely antiquarian to care about it at all. This is not only to ignore the argu-

ment about winners and losers that I have just sketched; it is also to embrace a depressingly philistine view of our relationship to our literary and philosophical past. When we confront this heritage, our aim ought not to be that of finding ourselves in it, but rather of losing ourselves in it, of allowing ourselves to be enriched and changed. I defy you to study any great work of philosophy without finding that you have to some degree become a new person. Imagine reading Montaigne's *Essais*, for example, without being altered in any way. That's just not possible! To think of this as a kind of antiquarianism is to live in a monochrome world.

**How far has the accusation of being an antiquarian actually helped you to formulate your own views on this use of history?**

**QS:** Not very much, I'm afraid. It may have helped me to see that my critics have a triumphalist view of why the past is worth studying, and that this triumphalism tends to be politically reactionary. But mainly my response has been one of shock at the philistinism of their stance. So I'm afraid I don't have anything in the least profound to say at this point. I'm merely registering indignation.

## Part II. On rights and liberty

**Political debate in contemporary western societies is preoccupied with individual rights over collective well-being. In his *A theory of justice*, the influential philosopher John Rawls argues that loss of freedom for some is not made right by a greater good shared by others. How do you view the fact that the inviolability of individual rights overshadows the concern over collective well-being in contemporary political debates?**

**QS:** This seems to me one of the central questions to ask about contemporary liberal political philosophy. Let me begin by saying that I have no objection to being invited to see my relationship to the state basically in terms of the securing of my rights, and to think of liberty as one such right, as well as a means to secure other rights. But I see no obvious incompatibility between thinking about rights in this way and thinking about the promotion of the public interest. There are some policies of which it surely makes sense to say that they are in the interests of each and every one of us, and hence in the public interest. To take one obvious case, we all have an interest in being protected from violence. That's why we have police forces and armies and courts and why no western state thinks we can do without them. We might similarly be said to have an interest in being protected from destitution. It is true that this contention is challenged by libertarian beliefs about the impropriety of calling on the state to take responsibility for us when we ought to be taking responsibility for ourselves. But you might well feel that it makes sense, at this stage in the argument, to invoke the view that we all have what critical theorists would call a real interest in being given this kind of protection, and that the state has a duty to uphold such real interests. Whatever your view of that issue, I see no incompatibility between thinking in terms of such interests and espousing a theory of individual rights. You might even say that the values to which I have just alluded are instances of absolutely fundamental rights – perhaps even human rights – that any state ought to uphold.

Where I do feel critical of the current discourse of rights is when it speaks of rights simply as moral claims. If you look, for example, at the United Nations Declaration of Human Rights, it seems to me – I hope this is not cynical – that there would often be no loss of meaning if, instead of claiming 'you have a right to X', the Declaration were to say 'it would be nice for you to have X'. One of the human rights listed in the Declaration is two weeks paid holiday a year. What's the use of calling that a right? What more is being

said than it would be nice if everyone could have a holiday? We are given no sense of how the burgeoning lists of rights we encounter in recent Declarations and Conventions can possibly be institutionalised and maintained. So this really does not seem to me a fruitful line of thought.

This is not to deny that there may be some natural rights, even some inalienable natural rights. The right to life is plausibly just such a right. I see no harm in talking like that, so long as we remember that rights often collide with other rights. Apart from a necessarily short list of such claims, however, it seems to me that a more fruitful way of thinking about rights is to conceive of them as the reciprocal of duties. On this account, there will be many rights of action (that is, instances in which others have a duty of non-interference) and there will be many rights of recipience (that is, instances in which others have a duty to act towards us in some way). One merit of thinking about rights in this way is that you can hope to identify how they can be effectively claimed. For example, to say on this account that you have a right as a citizen to be protected from violence becomes equivalent to saying the state has a duty to ensure this protection. Or to say that there is a right of free speech is equivalent to saying that the state has a duty to avoid censorship. You know in all such cases how your claims can actually be made good.

### **So you would basically reduce the list of rights and change the concept of rights?**

**QS:** It sounds as if this is what I'm arguing, but I prefer to say that I'm offering a rival analysis to the view that rights are simply moral claims. The view I'm describing enables you to identify who has a duty of recipience or abstention, and – even more important – requires you to explain why they have those duties. I'm suggesting that the basic rights-generating mechanisms must be prior promises or agreements. If you promise me something, then you have a duty to give it to me and I have a right that you should give it. This view of rights provides us with an account of why certain claims ought to be respected, rather than just offering us a list of desirable states of affairs and labelling them rights.

### **Just to clarify, I have the sense that you equate individual rights with the common interest.**

**QS:** No, I want to say that I see no incompatibility between thinking of my

relationship to the state as one in which the state has a duty to secure me in certain rights, and the idea that there might be some public interest that the state has a duty to uphold.

**They are two different...**

**QS:** I think they might not be. That's my point. I can say that my obligation to obey the state is grounded on the state's performance of certain duties towards me, of which the duty to protect me from violence may be the most basic of all. Or I can say that it's in the interests of every citizen, and hence in the public interest, that the state should protect everyone from violence.

**By serving the public interest your individual rights will be safeguarded?**

**QS:** The protection of my rights and the securing of the public interest will in this type of case be the same thing.

**And would it then also be a duty to preserve that interest?**

**QS:** It would be a duty of the state to uphold this interest.

**Well you might have already answered it, but by focusing our political energy on individual rights, are we missing out on something?**

**QS:** Well, I have made some attempt to answer that question, and in two ways. First, I fear that we may be missing out on some important insights associated with earlier traditions of thought about the public interest and the ideal of the common good. Secondly, I think that our prevailing discourse of rights is unsatisfactory when it comes to asking how to relate it to the reform of institutions and the duties of the state. The whole discussion has become too vague, too generalised, too etiolated. A more helpful way of thinking about rights, I am proposing, would be to see them in one of two ways. Either as basic natural rights, or else as special rights arising out of practices such as contracting, promising and so on.

**You have argued that a curtailment of liberty cannot be said to follow merely from an external impediment to the exercise of our powers. Our liberty can also be limited when we live in dependence on others. In that case constraints will be placed on our freedom of action by**

**ourselves: we will limit our behaviour in order to meet the desires of those to whose whims we are subject. Our liberty is then curtailed even though our freedom of action is not externally obstructed. Can you elaborate why being coerced is also a curtailment of liberty, but a wholly different curtailment from being externally obstructed in your powers?**

**QS:** This question goes to the heart of any theory of liberty. But I do not think I can hope to answer it without laying out what I want to say about the idea of liberty in more general terms. So, if you'll let me, I will try at this stage to do that.

**Of course, yes.**

**QS:** I try to distinguish between two rival views of negative liberty. One is the view that underpins a great deal of contemporary liberal political philosophy. This defines liberty as absence of interference with your choices. Freedom is treated as a matter of choice, of being able to do this or that, and of having freedom to choose between options (or at least alternatives) as a result of not being obstructed. According to this way of thinking, freedom is a wholly *de facto* notion. You are free to act according to your will as long as no one is as a matter of fact interfering with your exercise of that power.

I want to contrast this way of thinking with an older tradition, which has largely become lost to sight. Perhaps the first point to make, in view of how you have posed your question, is that this tradition does not deny that you are unfree if you are coerced or impeded in the exercise of your powers. If, counterfactually, you possess the power to leave this room, but I have locked the door so that you cannot exercise that power, then I have limited your freedom of movement. Or if I tell you, and if it is credible, that I will kill you if you try to leave this room, then that will again limit your power of movement, because you will feel that, as we say, you really have no choice but to remain.

As you rightly say, however, I want to argue that curtailments of liberty cannot be said to follow merely from the imposition of such constraints. In fact I want to offer a stronger argument, which is that freedom is not basically a predicate of actions, as in the two examples I have given; it is a matter of having a certain status in the world. This is the status described in the *Digest* of Roman law – the crucial founding text of this tradition of thought – as that of the *liber homo* or free person. You are absolutely right about how I want to describe this status. I follow the *Digest* in seeing it as the con-

dition of those who live independently of the arbitrary will of others, by contrast with those who live at the mercy of others, and hence in a condition of servitude. So I end up by defining freedom as absence of arbitrary power.

### **What would be examples of this kind of power?**

**QS:** When this Roman way of thinking about freedom was widely revived in the Renaissance, the chief enemy of individual liberty was seen to be the power of absolute monarchical states. All monarchs, it was argued, possess a range of prerogative powers; but all such powers are mere exercises of will, and are consequently arbitrary in nature. But later writers in this tradition were equally interested in two ways in which this form of power can also arise in relationships between citizens. Marxists emphasised how the power of bosses in the workplace can become arbitrary if there is no possibility of bargaining about conditions of work. Marx spoke of wage slavery, and that condition still exists today. If, for example, you are an illegal immigrant, you will be working wholly at the mercy of your employer, who can always decide to end your employment without suffering any adverse consequences. Liberal contemporaries of Marx were more preoccupied with the sphere of domestic life as one in which arbitrary power can similarly be exercised. If a woman is wholly dependent economically on her partner, then she will likewise be living at his mercy, and hence in a condition that, as John Stuart Mill was to put it in *The subjection of women*, will be little different from that of a bondsman.

### **But how can the mere fact of depending on the goodwill of others limit your freedom of action?**

**QS:** That seems to me the crucial question to put to this tradition of thought. Speaking generally, I think we can say that two answers have been given. If you are dependent on the goodwill of somebody else, then you never act exclusively according to your own will, as freedom requires. Any action you perform will always be the outcome both of your own will and at the same time of the silent or explicit permission of the person on whose goodwill you depend. That you have this permission will always be a condition of your being able to act. So you never act exclusively as you choose; you always act under that form of constraint. You could say that the tradition in which I am interested is much preoccupied with the silent operations of power. To put the point more polemically, I would say that contemporary liberal political theory is either culpably naive about, or keeps cynically quiet in the face of,

the significance of such silent power.

The further answer is that, once you come to see that you are living in this kind of dependence on the goodwill of someone else in any domain of your life, you will inevitably become prone to self-censorship. This other person may be the state, or a corporation, or an employer, or someone with whom you live. If you stand in a relationship of dependence to any such agent or person in any important domain of your life – in relation, for example, to freedom of speech or security of employment or safety from violence – then you will have to censor your speech and action in the name of doing your best to keep out of trouble. Classical writers interested in this way of thinking about freedom had a rather brutal epigram with which to summarise this part of the argument, which was to say that slaves are always slavish. If you are living in servitude, you cannot fail to become servile. You are going to have to commend yourself to those at whose mercy you are living, because they can always turn against you with impunity. So the very fact of their having arbitrary power over you – not the exercise of that power, just the fact of it – has the silent effect of moulding your character, and in wholly adverse ways.

One classic text addressed to exactly this issue is Mary Wollstonecraft's *Vindication of the rights of women*. Women who are wholly dependent economically on men have no chance of authenticity. They have to learn how to commend themselves to men, to become the sort of people that men want them to be. They cannot otherwise survive and flourish. So these people are condemned to a kind of servitude. They may of course be living a life of outward security and prosperity, not making any choices as a result of explicit coercion or interference. But only, Wollstonecraft proposes, at the cost of not being able to be themselves.

So the basic idea, to summarise, is that a free choice on this analysis is not just a choice made in the absence of any arbitrary coercion or interference. It is a choice made in the absence of any *possibility* of such coercion or interference. Freedom, to put the same point another way, is something more than – indeed is something other than – the *de facto* absence of constraint. You have freedom of choice not when you have power to act and there is no interference; you have freedom of choice only when you are not *subject* to interference.

**Nobody could interfere.**

**QS:** That's exactly the point. You are secure from interference.

**But from a Marxist perspective, we could say that all of us are always in servitude.**

**QS:** Yes, some Marxists – especially those associated with the Frankfurt School – have wanted to insist that we are all living in servitude in bourgeois societies because we act according to our phenomenal desires instead of according to our real interests. I am not denying that this may be so, but I am interested in a more specific claim about the lack of freedom that different people may suffer in different domains of their lives. As I've noted, Marx himself uses the vocabulary of slavery to describe the predicament of workers who have nothing to offer but their labouring power, and who are obliged to offer it in an unregulated market. The writers in whom I am interested would say that you are only living in complete servitude if you are wholly dependent on the goodwill of a master in each and every domain of your life. According to the *Digest* of Roman law, that is the very definition of slavery. But I'm not of course claiming that any of us are literally slaves, although slavery in the sense of total dependence on others for your life as well as your liberty is unfortunately not unknown even in our contemporary world.

Let me summarise by coming back to the distinction between the self-censoring person and the person who is coerced. To be coerced is generally to alter your behaviour, and in such a way as to limit your liberty, in the face of an explicit threat. But the self-censoring person need not be facing any explicit threat at all. His or her loss of liberty stems from not choosing not to act in certain ways because of a belief that something bad will happen, but simply because of a belief that something bad could or might happen.

**You argue against contemporary writers on political liberty who state that any theory of negative liberty must be a theory of individual rights. According to them, liberty is a natural right and simultaneously a tool to safeguard other rights. These writers strongly reject the possibility of negative liberty – the absence of some impediment that obstructs an individual in pursuing his or her chosen ends – obtained by an obligatory performance of public service. Performing tasks for the general interest at the expense of individual or private ends, they argue, cannot possibly be consistent with any understanding of negative freedom.**

**QS:** It's just as well that I began by distinguishing the two different ways in which you can coherently think about negative freedom. As I've said, much

contemporary liberal and especially libertarian political theory thinks of freedom essentially as non-interference with my powers to act. I have an underlying power, I have the choice to exercise that power – I can do this or that – and my choice is said to be free if I am able to exercise my power without being obstructed or coerced.

It is easy to present this view of freedom as the natural and almost self-evident one to adopt. What are things basically like? Basically I am a body with certain physical powers and powers of reflection. So freedom must surely consist in the ability to exercise those powers of reflection and action without being inhibited or stopped. This in turn gives rise to what can be made to look like an equally natural way of thinking about freedom in relation to the state. How do states operate? Chiefly by making laws and ensuring that they are obeyed. But how is obedience enforced? Chiefly by creating offences, stipulating penalties, and making citizens more inclined to obey than disobey by means of making them frightened of the consequences of disobedience. To put it more simply, states basically ensure obedience by coercion. But one standard way of limiting someone's freedom of action is undoubtedly by interfering coercively with their choices in such a way as to make some possible objects of choice completely ineligible. The outcome of this simple chain of reasoning is to figure the state as the automatic enemy of freedom. The inescapable conclusion appears to be that 'he governs best who governs least'.

As I have intimated, I want to contest this line of thought by challenging the underlying assumption that freedom is fundamentally a matter of non-interference. What is fundamental to being a free person, I have suggested, is that you should not be obliged, in any domain of your life, to endure a condition of dependence upon the arbitrary will of anyone else. But this is to say that you will want to be ruled by laws alone, not by the arbitrary will of a ruling elite, and also that you will want these laws to be an expression of your own will (or at least your represented will) rather than the will of anyone else. But this in turn is to say that securing your own liberty must depend in part on your being ready to make your own will and voice heard in public affairs. The seeming paradox on which the neo-Roman theory of liberty insists is that the performance of such public services may be a condition of upholding your own negative liberty. According to this analysis, the state is not the enemy of individual liberty but a means to prevent conditions of dependence developing, and is thus a friend of equal freedom. This, for example, seems to me the basic structure of John Locke's theory of government. We begin with the threat of arbitrary power; we end with an account

of the state in which the possibility of arbitrary power is excluded.

A neo-Roman state will thus be interested in constructing institutions that, by preventing arbitrary power from developing, will have the effect of forcing citizens to be free, to cite Rousseau's easily misunderstood way of putting the point. The institutions of the state will aim to prevent citizens from falling into the natural but dangerous habit of leaving government to be conducted by ruling elites, which are always liable to run the state in their own interests and consign the rest of the people to living in a state of dependence. As the Irish politician John Curran put it in a famous speech of 1790, 'the condition on which liberty is given to man is eternal vigilance', and if anyone breaks this condition 'servitude is at once the consequence of his crime and the punishment of his guilt'. As you say, liberal writers have been prone to retort that the performing of tasks for the general good at the expense of private ends is inconsistent with maximising negative liberty. But the neo-Roman writers maintain that this is simply a myopic mistake. If you want your rights to be secured, they argue, you will have to be active in securing them.

### Part III. On the idea of the state

**Rather than equating states with governments we should view the state as a distinct moral person in whose name the powers of government need and ought to be exercised. To this end, you advocate the fictional theory of the state. Why do you believe it is necessary to think of the state as a distinct moral person rather than simply as the sum of our governmental institutions?**

**QS:** You raise what seems to me another very important issue in contemporary political philosophy. I can best try to respond by asking a very large question: what is the state? Among the early-modern writers on whom I have been concentrating, the state is understood to be the name of a body politic, a union of people living under government. Some in turn regard this union as a natural one, treating the body of the people as a kind of corporation. Think of John Locke's account in his *Two treatises of government*, or Rousseau's in his *Contrat social*. Both consider the union of the people to be akin to a legal entity possessed of a single will. They accordingly treat the contract of government as one in which the people make an agreement with a sovereign to obey him on certain stipulated terms. Alternatively, you can think of the people in the state of nature not as a natural body but as a mere disunited multitude. Think of Hobbes's contrasting account in *Leviathan*. For him the union of the people is not a precondition of having a political covenant but a consequence. The individual members of the multitude agree among themselves who shall be their sovereign representative. This in turn has the effect of transforming them from a multitude into a unified people, because they now have a single will, that of their sovereign, whose will is considered to be the will of all.

Whichever way you think about the political covenant, you end up with the idea of the state as the name of a corporate body of people united under sovereign power. This is how the state comes to be imagined as a distinct person, while the sovereign is taken to be the name of the natural person (or body of persons) representing the person of the state. The clearest exposition of these ideas in the Anglophone tradition is the one to be found at the beginning of Book II of Hobbes's *Leviathan*, where three types of person are distinguished. First there is the natural person of the sovereign. Then there is the artificial person assumed by the sovereign as a result of taking on the role of representative of the people. And finally there is the fictional body created by the multitude of the people by way of submitting their wills

to a sovereign representative. The name of this fictional person is the state, and it is in the name of the state that all legitimate acts of government are performed.

It is of course only a fiction of the law, according to this theory, to say that the state performs any actions at all. The actions in question are always those of sovereigns and governments. But it is the duty of any government to act in such a way as to promote the good of the state, that is, to promote the common good of the people as a whole. When any government acts in this way, its actions are *attributed* to the fictional person of the state and count as actions of the state. So it is the state that imposes taxes, declares war and peace, punishes criminals and in general acts for the good of all.

**But why do we need to introduce this fictional person into our theory of government at all? Why not endorse current usage and accept that 'state' and 'government' are synonymous terms?**

**QS:** There are I think a number of answers, and I should like to mention three of them. Some writers on the law of contract have focused on the worry that, in the absence of a theory of state personality, it is difficult to make sense of such phenomena as sovereign debt. The great English legal historian F. W. Maitland placed much emphasis on this argument in his essays on the law of corporations. If a government suddenly incurs an immense debt, as most western governments have recently done, who counts as the debtor? It makes little sense to respond that the debtor must be the government. Governments come and go, but the debt will remain, and indeed current levels of sovereign debt in western nations will probably not be paid off in our lifetime. To make sense of the idea that someone has an obligation to honour these debts, we need to envisage a person who possesses what Hobbes calls 'an artificial eternity of life', a life longer not merely than that of any government but of any citizen. This can only be the person of the state, and this is one reason, as Maitland and others argued, why we cannot do without the idea of state personality.

A second and closely connected reason has often been emphasised by theorists of international relations. Most governments have complex relations with other governments, including trade-agreements, treaties safeguarding territories and the like. If a government enters into a new agreement of this kind, who counts as making the relevant promises? Again, it makes little sense to answer that the signatory must be the government itself. Governments come and go, but treaties remain to be respected. As before, the suggestion

is that we cannot make sense of such arrangements – or at least not in the present state of contract law – without thinking in terms of a fictional but enduring person of the state.

I am much more interested, however, in a third and very different kind of answer that I have already mentioned, I think, in some of my earlier remarks. One of the merits of thinking about the state as the name of a person distinct from both rulers and ruled is that this provides us with a means of talking about the grounds and limits of political obligation. The duty of government is on this account taken to be that of promoting the good and interests of the state, that is, of the underlying corporate body of the people. The legitimacy of government action, in other words, is taken to depend on the effective discharge of this duty, and the obligation of citizens to obey the state is taken to be connected with their capacity to recognise that their government is in fact pursuing this ideal of the common good. To separate state from government is, in other words, a way of reminding us that governments have a specific moral purpose and a corresponding duty towards those who live under them. This is why it seems to me that there may even be a danger in our current discourse, in which ‘state’ and ‘government’ have come to be treated – as you say – as synonymous terms.

### **But what is this basic moral duty of government?**

**QS:** This is where my argument comes full circle. I believe that the fundamental obligation of government is to establish and protect freedom as non-dependence. If any state, acting through its governmental institutions, manages to establish freedom as non-dependence, it will have succeeded in creating equal rights among its citizens. It will thus have succeeded in creating a condition of social justice, which consists, I take it, in maintaining the equal freedom of all. A fully legitimate state would thus be one in which relations of domination and dependence have been successfully reduced to a minimum. Similarly, a morally satisfactory relationship between states would be one in which freedom as non-dependence replaced current relations of domination and dependence.

### **I think you have already answered the following question: How does your alternative concept of liberty fit into the fictional theory of the state?**

**QS:** Well, I think I have, but let me just underline the connection I have tried to draw. According to the theory I am putting forward, the fundamental

moral purpose of the state is to provide and secure freedom as non-dependence. I take freedom as non-dependence to be *the* political value, and hence the value that states should above all strive to uphold. Within the neo-Roman tradition, states that succeed in this task are called free states.

**If government actually succeeds in securing freedom as non-dependence, then are all the citizens in the union of that state automatically free?**

**QS:** Yes. Furthermore, the neo-Roman writers want to say, you can be free only in such a free state. A free state is one in which no member of the body politic depends on the arbitrary power either of other citizens or the state itself.

**But what would have to be the institutions of such a state?**

**QS:** According to the neo-Roman writers, there are two defining constitutional features of a free state. First of all, there must be a rule of law in the strong sense that only the laws must rule. No one can be allowed to possess any discretionary powers. There must be no prerogative rights, and no official can be permitted any discretion to vary an agreed law. Notice that monarchical forms of government are de-legitimised straight away. All monarchs have prerogatives, but all prerogatives are inherently discretionary, and all discretionary powers are arbitrary, grounded as they are on the mere will of those who exercise them. But as we have seen, the mere presence – not the exercise – of arbitrary power within a political system inevitably generates self-censorship and hence undermines liberty. So if liberty as non-dependence is the basic ideal, monarchical forms of power must be avoided at all costs.

The second constitutional feature of free states is that every citizen must be capable of seeing his or her will (or at least represented will) reflected in the laws under which they live. To say that you cannot recognise some particular law as an expression of your will is to concede that you must to that degree be living subject to the will of someone else. But according to the theory I have been sketching, that is equivalent to saying that you are living in a state not of civic freedom but of servitude. If you are to count as a free citizen, you must be in a position to give or withhold your consent to any proposed law.

If and only if these two conditions are satisfied can you claim to be living 'in a free state'. When these conditions are met, you will be living in a state free from any arbitrary control by anyone within the state. The body politic

will not be under any degree of control by ruling elites, or by the military, or by multi-national corporations; it will be moved to act only by its own will, the will of the body politic itself, what Rousseau called the general will. To express the same claim differently, freedom presupposes popular sovereignty. The theory of freedom as non-dependence is the only inherently democratic conception of political liberty.

**In this view our current Dutch monarchy wouldn't be recognized as a monarchy because the ministers are responsible for all the actions of the King.**

**QS:** Yes, it would not I think be regarded as a monarchy in the full and dangerous sense of the term. For writers in the neo-Roman tradition, the question as to whether it is possible for a monarch to preside over a free state was never a simple one. Some writers, among whom Machiavelli in his *Discorsi* was perhaps the most influential, suggested that it may not be impossible to live freely under a monarchy. They generally added, however, that this will only be possible if the monarch has been stripped of all independent political power, and above all of any prerogative rights. More radical republican writers feared that even this might not be enough. All systems of hereditary power encourage deference, and to be expected to defer to someone simply on the basis of their birth is obviously incompatible with a neo-Roman view of citizenship, based as it is on an ideal of equality and independence.

Even if the writers I am considering might be willing to acknowledge the legitimacy of a purely ceremonial monarchy such as that of the Dutch, however, they would I think still be liable to view the British monarchy with great suspicion. This is because there are still extensive royal prerogatives within the British constitution, although they are nowadays exercised not by the crown but by the Executive. Until recently they even included the power to declare war and peace. When the British were drawn into war in Iraq in 2003, the decision to support the invasion was taken not by Parliament but by the Executive; Parliament was only asked afterwards to ratify what had already been decided. But prerogative powers, as I have been stressing, are inherently discretionary; they are not expressions of the represented will of the people, but merely of the will of a leader, in relation to whose decisions the rest of us – including Parliament – are left in a state of dependence. It seems to me a serious matter, from the point of view of the freedom of citizens, that there are still so many such prerogative powers at large within the British constitution.

**And in the American constitution as well.**

**QS:** Yes, the constitution of the United States invests the President with what some commentators think of as objectionably monarchical powers. The use of Executive Orders by President Obama has lately become an object of vociferous criticism by his Republican adversaries. Because Obama does not have control of Congress, it is frequently impossible for him to legislate in matters where regulation is required, for example, in relation to minimum wages, or laws about safety at work, and so on. So he has taken to issuing Executive Orders, and even went so far as to declare that 'I've got a pen' which as he warned he is willing to use to govern in defiance of Congress's refusal to help.

**In the fictional theory of the state, how do you know what the universal public interest amounts to?**

**QS:** I am arguing that there is a universal public interest in the promotion and securing of freedom as non-dependence. As I've been stressing, this is in my view the basic value that states ought to promote. This alone produces a civil society in which everyone is treated equally and secured in the enjoyment of equal rights. So for me it's as simple as that.

**But it's provided by the state, and not by government?**

**QS:** As I've been arguing, it is the duty of government to act in the name of the state, and with the aim of producing the good of the state, that is, the good of the corporate body of the people as a whole. And I see the promotion of freedom as non-dependence as the fundamental value that governments ought to promote. The result will be what the writers I have been discussing would call a free state.

**How far are the community that you spoke of before and the state that we are focussing on now, different words for one and the same thing?**

**QS:** I think it's more complicated than that. When a community agrees to further its purposes by submitting to government, the act it performs is that of creating a state and a government to represent the person of the state. When the resulting government acts legitimately, it does so in the name of the person of the state, that is, in the name of the underlying community.

So there are three entities that we need initially to keep apart: community, government, state. But when a community submits to government, it creates a state by way of creating a representation of the community as a whole.

**In the fictional theory of the state, the role of the citizen is said to be continuous and indispensable. It appears to us, however, that this continuous role is limited to the awareness of being the author of the actions of the holders of sovereign power. Apart from this awareness, the citizen has no necessary active duties in public affairs. This passive role for the citizen forms a stark contrast with the active role of the citizen which you advocated is necessary to safeguard negative liberty. Do these two roles attributed to the citizen indeed differ as much from one another as we believe they do?**

**QS:** You are absolutely right that, if we think of representation simply as authorisation, then we cannot hope to end up with what I am calling a free state. It seems to me that we have never properly sorted out what we want to say about political representation. According to the theory that currently prevails, it is a sufficient condition of my being validly represented that I authorise someone to speak and act in my name. According to this view, anyone can represent anyone else. Hobbes classically deploys this view in *Leviathan* to create a form of state in which subjects authorise a single sovereign to act as their representative, whose will thereafter counts as their will, and hence leaves them – as you say – with no active or continuous role in government at all.

The right conclusion to draw, it seems to me, is that this cannot be an adequate way of thinking about political representation. We need to get back to the rival view that Hobbes was trying to discredit, the view that it is a further condition of valid representation that representatives should resemble those whom they represent. This is not merely to say that authorisation is not a sufficient condition in itself. It is to deny the fundamental assumption of the authorisation model, the assumption that anyone can validly represent anyone else. It is to insist that men cannot validly represent women, that the old cannot validly represent the young, that minorities cannot validly be represented except by members of those minorities themselves. It is to insist, in short, that the whole body of the people can only be validly represented by what one might call a representative sample of the people, by an assembly in which the variety of the corporate body of the people is fairly re-presented or portrayed.

This latter view of representation is the one on which the neo-Roman theorists of liberty insist, and they usually described it as 'virtual' in character. They use this term to bring out the fact that a properly representative body of the people must itself be a representation – a picture in miniature, if you like – of the people as a whole. The reason why they insist on this model is that, if you conceive of representation in this way, you automatically ensure that a considerable body of people are in fact able to discharge what you describe as a continuous and indispensable role in government. Here the role of the people is not limited to authorisation, as in the Hobbesian model; to repeat your helpful term, it is instead a continuous one.

**You insist that the state can only be a fictional person. Why do you emphatically deny the possibility of a collectivity acquiring a life of its own?**

**QS:** Why, that is, do I not want to say that the state is the name of a real person? One reason is that I find it ontologically strange to speak of persons who outlive our natural life-span as being real persons. When we institute the person of the state, as Hobbes says, our intention is that it should be immortal. But it is the very definition of real persons that they are mortal. My main reason, however, for wanting – as you put it – to avoid speaking of collectivities as having a life of their own is that the resulting theory can look somewhat sinister. Consider the rather crude formulation of the idea of the state as a real person to be found in Bernard Bosanquet's book, *The Philosophical Theory of the State*, an avowedly Hegelian retort to Hobbes that was first published in 1899 and for a long time enjoyed a considerable vogue in Anglophone political thought. The state, for Bosanquet, is the name of a real person with a will and interests of its own, and is at the same time the name of the person whose actions are those that we would ourselves undertake as citizens if we were acting with full rationality. The outcome of this line of thought is the conclusion that it will always be rational to obey the state, and that's not a view of state power to which any sane person should in my view subscribe.

## Part IV. On the constitution of the free state

Renaissance political theorists, such as those you have studied in your work, often took great interest in concrete governmental institutions, like Venice's, because they believed these institutions to be highly important in maintaining liberty. Now, could we ask you for your own designs for the institutional government of a state? Let's suppose that a mass of land on mainland Europe has been found where nobody seems to be living. You have been assigned the task of creating a state there by the European commissioner for home affairs. The state will be populated by Europeans and African migrants who have all declared in advance that they will live according to whatever constitution you design. You yourself are not allowed to live in the state nor reap any economic rewards from the state's activities. You are also not allowed to hold public office after the state has been created.

**QS:** You are right to press me here, because I have not yet said anything systematic about what Hayek called the constitution of liberty. Responding to your specific question, I cannot help feeling that the migrants whom you describe have already made a terrible mistake in agreeing to whatever constitution I may choose to design for them. They ought to insist on designing it for themselves. As I've been trying to insist at various stages in our discussion, I take freedom as non-dependence to be a core political value, and freedom thus understood is in effect equivalent to self-government, both at the personal and political level. So in my view, if we value freedom we must always do our best to decide for ourselves.

I'm happy to try to say something about what you describe as the design of a state, but I fear that my proposals will sound rather obvious and commonplace. But here goes. I assume that, even before we start to worry about how to institutionalise the value of freedom as non-dependence, we are interested in certain basic elements of security; security from tyranny within and invasion from abroad. A basic minimum of state apparatus will therefore be required. We need physical and legal protection, including a system of laws and coercive mechanisms to ensure that they are enforced, and we need a system of taxation to pay for these and other institutions of the state. It would take an out-and-out anarchist to doubt the need for this kind of minimal state.

As I have been stressing, however, in addition to security we want – or ought to want – personal and political liberty. How much more this requires

in the way of a state apparatus will depend on your view of liberty. If you define it as absence of coercion, then you will be likely to reflect that states basically operate by means of coercion and you will want little more than a nightwatchman state. But if you think, as I do, that the fundamental duty of the state is to try to institute freedom as non-dependence, then you will want a much stronger and more extensive state.

First of all, you will want a set of laws directly aimed at fostering and upholding freedom as non-dependence. You will want labour regulation and a structure of family law to rescue people from living in conditions of economic dependence, and you will want legislation to alleviate poverty and promote social equality. Next, you will want the institutions of the state itself to be such as to promote freedom as non-dependence. Here I have already tried to indicate what is basically required. You will want to ensure that the law alone rules; there must be an absolute minimum of discretionary power. You will also want to enable each citizen to see his or her will reflected in the law. As I have already emphasised, this will require a reconsideration of our prevailing theory of political representation in the name of ensuring that citizens feel less alienated from politics. But it will also require a great deal more devolution of power in the direction of local government, for it appears to be the remoteness of centralised government in large-scale modern democracies that principally gives rise to feelings of alienation from democracy itself. Finally, the whole system needs to be based on the idea that one of the necessary conditions for legitimacy in a democracy is that all holders of public offices should be elected, and also subject to removal, by the consent of the people. If we accept this principle, then the continued existence of monarchies (as in the Netherlands and the UK) will have to be reconsidered, and there can be no place for non-elected legislative chambers of the kind that we still have in the United Kingdom.

**Is there currently a state that meets these requirements?**

**QS:** No.

**Is there a state that meets these requirements the most?**

**QS:** I think that the states calling themselves democracies are mostly trying to act at least to some degree along these lines. They have powerful representative assemblies together with non-elected institutions of a regulatory kind. But one problem is that their governments are excessively dependent

on international corporations and markets, while their citizens do not feel adequately represented by any of their major political parties, and are showing an increasing disinclination to take part in the democratic process at all. Yet more seriously, they are not committed to what I see as the core value of promoting freedom as non-dependence, simply because in no democracy at the moment is freedom generally understood to be a relationship of domination and dependence.

**When you talk about non-elected institutions do you have in mind a lottery?**

**QS:** No, I have in mind the sort of democratic checks that Philip Pettit discusses so well in his recent book *On the people's terms*. One of his main arguments is that, in addition to elective democratic bodies, we need a number of non-elected bodies capable of investigating and checking executives and representative assemblies, saving them from being suborned, stopping them from imposing badly-drafted legislation, preventing them from conducting a straightforwardly majoritarian form of rule and so on.

**Interesting is that you are also proposing a very different view within the current western political makeup. As in Europe we are also moving towards the American way of doing things, especially in the United Kingdom but in continental countries also. So seen within our western sphere, you're putting forward an alternative, a very *European* alternative as it is grounded in European political thought and opposes foremost contemporary American political thought.**

**QS:** I am certainly opposed to some of the leading elements in contemporary American political thought. As I've been saying, I am opposed to the current American disposition to treat rights as simply moral claims, and I am even more opposed to the idea that freedom amounts to nothing more than an absence of coercive interference. I am also doubtful about some features of American constitutional practice. The power of the Supreme Court in particular strikes me as excessive, almost ultimately sovereign in character. I strongly agree with Jeremy Waldron that, instead of constantly turning political questions into legal ones, America would do well to reaffirm what he calls in the title of his important book the dignity of legislation. But the most destructive feature of the American constitution as it is currently interpreted is that it so easily brings about political *stasis*, a situation in which

it's almost impossible to get any policies agreed. However, in making these obvious criticisms it is all too easy to sound unjustifiably complacent. One great merit of the American system is that, just as Machiavelli promised in his *Discorsi*, if you set up two legislative assemblies with the aim of checking each other's potential excesses, you will make sure that you prevent anyone from seizing the ship of state and sailing off in a direction that most people may not want. Think by contrast of what happened under Thatcherism in the UK during the 1980s. A social revolution was pushed through in spite of the fact that, as successive general elections showed, it was never supported by as much as forty percent of the electorate.

### **Are you contemplating writing this down in a separate work?**

**QS:** In my recent research I have been working on a very different theme. I have been writing again about the role of classical rhetoric in Renaissance and early-modern culture. In 1996 I published a book about the relations between rhetoric and philosophy; recently I published a book about classical rhetoric and the drama. With this project now completed, however, I should like to return to writing about ideas of freedom, and I am beginning to sketch a book that's provisionally entitled *The idea of a free state*. As I have been intimating throughout our discussion, I believe that in our thinking about the nature of political liberty we have lost sight of some fruitful traditions of thought, and as a result have gone wrong.

### **We've gone American.**

**QS:** We have certainly accepted a typically American liberal way of thinking of freedom simply as absence of constraint. But you could say that America somewhere went wrong as well. The rival tradition I have been trying to excavate, according to which the mere presence of arbitrary power has the effect of undermining liberty, was the view of liberty in the name of which the American Declaration of 1776 was made. Remember that it was a declaration of independence. A declaration, in other words, to the effect that America's lack of representation in the British Parliament left its citizens dependent on the will of Parliament, and hence left it bereft of their liberty. It would be very interesting to know when, and by what process, America's original and powerful endorsement of this view was replaced by the simpler and less exacting claim that liberty simply consists in not being constrained. But that is what happened, and that is largely what has happened in Europe as

well. As a result, the prevailing view of rights and liberty is in equal need of being challenged in both places.

**In this view a European project is not prohibited.**

**QS:** I very much hope not. But the institutions of the European Union are currently very inhospitable to the view of freedom that I want to promote. There is too much willingness, it seems to me, to accept and promote purely market values, and there is too little concern with what is rightly called the democratic deficit. As in America, we are also seeing vastly increased inequalities of wealth. All in all, the world is not at the moment in the mood to listen to those who want, as I do, to promote an ideal of freedom and democracy founded on more egalitarian premises. So it is hard not to end on a pessimistic note.

## The promise of Skinner's alternative vocabulary of freedom as non-dependence

By Thijs Bogers

Notwithstanding the pessimistic note with which Quentin Skinner concluded our interview, his theory of freedom as non-dependence holds great promise for contemporary societies. By amending the understanding of liberty within our present political vocabulary from absence of interference to absence of living in dependence, many ills that continuously afflict our contemporary political arrangements can be overcome. The strength of the alternative vocabulary which Skinner advocates lies in the manner wherein it enables practices of arbitrary interference to be identified and appraised accordingly.

As Skinner has explicated, the alternative vocabulary which he advocates immediately clarifies what those who are governed can and should expect from those who govern. There is thus a clear norm with which to hold those who exercise political power to account. Also, the counterproductive notion of viewing the government as the enemy of freedom and of viewing every instance of governmental interference as a curtailment of liberty is done away with. The view of the government as the enemy of freedom itself prohibits the state from serving the common good. When government acts overtly cautious out of fear for being seen as impeding liberty, it will allow the exercise of what Skinner has labelled silent power throughout society. Through the vocabulary of freedom as non-dependence, government rather becomes an invaluable instrument with which to combat the exercise of such silent power.

Furthermore, by adopting the alternative vocabulary which Skinner advocates feelings of estrangement from the government among the citizens will be averted. The securing of liberty can only be guaranteed when those who are governed make sure that the laws governing them are an expression of their will. The consent citizens give to a law that then becomes enacted will generate a sense of ownership of that law. Through the reciprocal relationship between citizens and the state which Skinner advocates, the political arrangements of society at large will be seen as belonging to the citizens rather than stemming from a select group of individuals who have acquired a position of political power.

Although Skinner's theory of freedom as non-dependence is grounded firmly in European political thought, he adapts it to the needs of the modern state. By doing so, Skinner makes use of the past not simply with the aim of projecting it on the present, but with the aim of encouraging political inno-

vation in the present based on historical examples. Through his plea to adopt the vocabulary of freedom as non-dependence, Skinner exemplifies the historian who is concerned with urgent present-day challenges.