



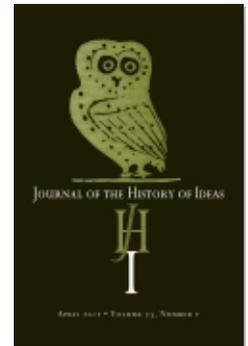
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*Freedom in Hobbes's Ontology and Semantics:
A Comment on Quentin Skinner*

Philip Pettit

In the contextualist methodology that Quentin Skinner has championed throughout his career, “the history of thought should be viewed not as a series of attempts to answer a canonical set of questions, but as a sequence of episodes in which the questions as well as the answers have frequently changed.”¹ Bringing this methodology to bear on the work of a single thinker, Skinner argues in his recent book that in a short span of just over ten years Hobbes, stung by the work of radical and parliamentary writers, went through just such a radical shift in his thinking about the meaning of political liberty.² While describing Hobbes as concerned throughout that period with the single “question of human liberty,” he maintains that his 1651 “analysis of liberty in *Leviathan* represented not a revision but a repudiation of what he had earlier argued” in his 1640 manuscript, *The Elements of Law*, and indeed his two editions of *De Cive* in the mid 1640s.³ In upholding this thesis he describes my claim that there is “no evidence of any significant change” in Hobbes’s theory between those works as an example of the sort of position he rejects.⁴

I think that the methodology articulated by Quentin Skinner, John

¹ Quentin Skinner, “A Reply to My Critics,” *Meaning and Context: Quentin Skinner and his Critics*, ed. James Tully (Cambridge: Polity, 1988), 234.

² Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).

³ *Ibid.*, xiv and xvi.

⁴ *Ibid.*, xv.

Dunn, and others is of enormous importance; that it yields fruit in application to the development of Hobbes's thinking about liberty, as Skinner shows; and yet that there is a limited sense—perhaps more limited than I originally envisaged⁵—in which no significant change takes place in Hobbes's thinking over the 1640's. In defending this viewpoint I hope to underscore a more general lesson: that the conceptual shifts tracked in contextualist analysis may sometimes be “semantic” rather than “ontological” in character. They may be changes in how certain words and concepts are defined over the recognized constituents of social and political reality rather than a change in the accepted account of those constituents and their relationships. I do not think that Skinner need differ from me on this issue but I believe that it may be useful to make the distinction.

My paper is in three parts. In the first, I describe Hobbes's unchanging account of the ways—particularly, the power-relevant ways—in which people relate to one another in private association and in the public world of the commonwealth: I call this, his political ontology. This ontology is fairly clearly present in *Leviathan* and *De Cive*, as I shall indicate, and the main aim of the section is to demonstrate its presence in *Elements* as well. With that ontology set out, I then go on in the second section to show that what shifts between *Elements* and *Leviathan*, as Skinner's argument demonstrates, is the semantics of the word “liberty” and its cognates. Despite having the same picture of social and political reality in his different works, Hobbes varies on the question of how to define liberty and more specifically on whether the definition allows us to describe the members of a commonwealth as free. Skinner's work provides a persuasive argument for a development in the semantics of freedom but not—as he may be happy to agree—for any change in the ontology that that semantics presupposes. Finally, in the third section of the paper, I argue that the break in Hobbes's thinking comes in *De Cive*, not just in *Leviathan*, and that Skinner is mistaken to present the former work as transitional in character.

I. HOBBS'S POLITICAL ONTOLOGY

In the brief compass available the best way to set out Hobbes's view of how people relate in power-relevant ways within the private and public worlds

⁵ Philip Pettit, “Liberty and Leviathan,” *Politics, Philosophy and Economics* 4 (2005): 131–51. For a later account, broadly in line with the present paper, see Philip Pettit, *Made with Words: Hobbes on Language, Mind and Politics* (Princeton: Princeton University Press, 2008), 132–40.

may be to itemize the crucial propositions that he endorses. I will set out eight such propositions in the form they assume in *Elements*, and then add some brief comments on the evidence for their appearance in the later works as well.

1. There are two forms in which someone may be the slave or servant of another; in one the slave is bound by corporal restraints, in the other by contractual bonds.

Hobbes sets out his view of these matters in Chapter 22 of *Elements*, entitled “Of the Power of Masters.”⁶ In corporal slavery or servitude the person “is kept bound in natural bonds, as chains, and the like, or in prison; there hath passed no covenant from the servant to his master.” Such a person has “a right of delivering himself, if he can, by what means soever”; there being no contract, there is no obligation. In contractual slavery, as we may call it, the person makes a “voluntary offer of subjection” or submits out of fear; he enters “a covenant . . . not to resist” the master, waiving his natural right of resistance and incurring a corresponding tie or obligation: the slave is tied by “verbal bonds,” as Hobbes puts it, though not by “natural bonds.” While the Romans used the word “servus” for both kinds of slave, as he notes, they made a clear distinction between the two. They restrained corporal slaves with “natural impediments,” while they allowed contractual slaves to operate without restraint, even to hold office, “both near to their persons, and in their affairs abroad.”

2. The contract in which a slave waives his right not to resist a master must reflect the will of the slave and be in that sense voluntary; else it is void or invalid.

This view of contractual obligation appears in Chapter 15 of *Elements*, prior to the discussion of contractual slavery. Everyone has the right “to all things by nature,” Hobbes says. And to “transfer right to another is by sufficient signs to declare to that other accepting thereof, that it is his will not to resist, or hinder him, according to that right he had thereto before he transferred it.” Thus the person transferring the right—in our example, the slave—is obliged by this declaration of will “to suffer him, to whom he hath transferred the right, to make benefit of the same, without molestation.”⁷ That a contract requires a declaration of will is summed up in the

⁶ The quotations that follow are all drawn from sections 2 and 3 of that chapter. Thomas Hobbes, *Human Nature and De Corpore Politico: The Elements of Law, Natural and Politic* (Oxford: Oxford University Press, 1994).

⁷ *Ibid.*, 15.2 and 15.3.

claim that contracts are void unless they are “*de voluntariis*, that is, *de possibilibus*”: unless they involve matters that are manifestly within the voluntary control of the parties.⁸

3. *This requirement that the slave contract be voluntary in character, however, is consistent with the contract’s being made out of fear, even fear of death.*

Hobbes occasionally uses the term “voluntary” in the familiar sense for an act that is not in any sense forced on the agent—it is chosen from among a set of broadly acceptable alternatives—as in the contrast we saw him make (in 1 above) between a voluntary offer of subjection and submission out of fear.⁹ But in more reflective moments he is absolutely insistent that any act that issues from the will—that is, from the process in which conflicting passions resolve themselves in decision¹⁰—counts as voluntary. “Voluntary actions and omissions are such as have beginning in the will,” he says, and are exemplified in the act that “a man doth upon appetite or fear.”¹¹ “Voluntary,” on this usage, comes to mean “volitional” or “intentional,” i.e. issuing from the interplay of attraction and aversion.¹² But if acts done out of fear count as voluntary, then it follows that a contract may be entered out of fear without counting as involuntary and void. Hobbes makes two points in further support of this rather challenging claim.¹³ First, that if we think that covetousness does not invalidate a contract, neither should we think that fear does so: “both the one and the other make the action voluntary.” Second, that it would be very rash to doubt the claim since otherwise treaties and laws would be undermined; after all, these attract consent, so he thinks, out of “fear of death.”

4. *Despite the other differences between them, corporal and contractual slavery are alike in giving the master dominion, indeed absolute dominion, over the slave.*

A master has dominion over a slave, according to Hobbes, to the extent that the slave is his property. The master “may say of his servant, that he is

⁸ *Ibid.*, 15.16.

⁹ In *Hobbes and Republican Liberty*, 134, Skinner takes this remark to signal an ambivalence in Hobbes’s thinking about voluntariness but I think it is more natural to see it as a perhaps careless relapse into compliance with the more ordinary usage of the term.

¹⁰ *Ibid.*, 12.4.

¹¹ *The Elements of Law*, 12.3.

¹² For a discussion of his conflation of these ideas see Pettit, *Made with Words*, 67–69.

¹³ Both points, and the quotations cited, figure in *The Elements of Law*, 15.13.

his, as he may of any other thing,” where this ownership means in the contractual case that the servant must “obey all his commands as law.”¹⁴ The corporal slave is “tied to obedience . . . by chains, or other like forcible custody”; the contractual slave is tied by “the verbal bonds of covenant.”¹⁵ But whatever the ground of obedience and ownership, the dominion that the master enjoys is equally firm—indeed absolutely firm—in the two cases. He has “no less right over those, whose bodies he leaveth at liberty, than over those he keepeth in bonds and imprisonment; and hath absolute dominion over both.”¹⁶

5. Establishing a commonwealth, which is necessary for the peace, requires people to set up one individual or body as sovereign over them.

This, of course, is the centerpiece of Hobbes’s theory of the state. It requires that “every man by covenant oblige himself to some one and the same man, or to some one and the same council, by them all named and determined, to do those actions, which the said man or council shall command them to do; and to do no action which he or they shall forbid.”¹⁷ Under such a covenant they erect “a common power, by the fear whereof they may be compelled both to keep the peace amongst themselves, and to join their strengths together, against a common enemy.”¹⁸ As in *Leviathan*, Hobbes envisages two ways of establishing such a sovereign, one by institution, the other by acquisition or conquest. There are some distinctive features about the presentation in *Elements*. For example, establishing the commonwealth by institution is always taken to involve setting up a democracy in the first place, contrary to *Leviathan*, if not *De Cive*¹⁹; and establishing it by acquisition appears to involve individual contracts with the sovereign, something that *Leviathan* explicitly rules out.²⁰ But these particular differences need not concern us here.

¹⁴ *Ibid.*, 22.4.

¹⁵ *Ibid.*, 22.3.

¹⁶ *Ibid.*, 22.4. Thus I cannot agree with a claim that Skinner makes in passing, that in these two sorts of slavery “we forfeit our freedom to a different degree.” *Hobbes and Republican Liberty*, 52.

¹⁷ *Ibid.*, 19.7

¹⁸ *Ibid.*, 19.6.

¹⁹ *Ibid.*, 21.6: “democracy is by institution the beginning both of aristocracy and monarchy.”

²⁰ Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis, Ind.: Hackett, 1994), 18.4. Contrast *The Elements of Law*, 21.2, where it is said that in a democracy “there is no sovereign with whom to contract,” by presumptive contrast with the formation of a commonwealth “by acquisition”: see 22.1.

6. *The subjection of the members of a commonwealth to their sovereign is analogous to the subjection of contractual slaves to their master.*

As in his later works, Hobbes credits the sovereign with a range of rights that is limited only by the fact that, contracts being *de possibilibus*, people cannot contractually waive the right to defend themselves against harm whether in contracting for servitude or subjection to a sovereign.²¹ “The sum of these rights of sovereignty,” he says, “. . . make the sovereign power . . . absolute in the commonwealth.”²² Thus the members of the commonwealth accept a life of “absolute subjection”: specifically, a sort of subjection that is “no less absolute, than the subjection of servants.”²³ Hobbes acknowledges that his opponents think this a “hard condition” and that “in hatred thereto” they call it “slavery.”²⁴ But his own commentary makes it clear that it is a condition of slavery, though only one of contractual slavery. His comment about opponents is fair only insofar as he takes them to cast subjects as corporal slaves rather than servants in the more regular, contractual sense of that term.

7. *But though the members of a commonwealth are absolutely subject to their sovereign, the contractual nature of the relationship means that they are not necessarily exposed to corporal restraint.*

If subjects relate to their sovereign as contractual slaves relate to their master, then this proposition follows immediately. In the case of contractual slavery, the master “leaveth at liberty” the “bodies” of the slaves, allowing them “to go at liberty,” and even appointing them “to places of office.”²⁵ And as this is true in the private case, so it is true in the public. Among the members of a commonwealth some may be subject to private masters as well as being subject to the sovereign, as with children in Rome: “both the state had power over their life without consent of their fathers; and the father might kill his son by his own authority, without warrant from the state.”²⁶ But in their relationship to the state all are equally subjects and subjects only in a contractual sense that allows them to escape corporal restraint.

8. *Furthermore, the contractual subjection of the members of a commonwealth need not extend widely, since the sovereign can impose only a limited range of laws.*

²¹ *The Elements of Law*, 17.2

²² *Ibid.*, 20.13.

²³ *Ibid.*, 20.15 and 23.9.

²⁴ *Ibid.*, 20.15.

²⁵ *Ibid.*, 22.3 and 22.4

²⁶ *Ibid.*, 23.9.

As contractual subjection has a non-restraining character, by proposition 7, so by this proposition it may have only a restricted domain. That the laws imposed by a sovereign will not extend widely—and indeed that the commands of a private master are subject to a similar restriction—is already ensured by a constraint of feasibility: “it is not possible they should comprehend all cases of controversy that may fall out.”²⁷ But on Hobbes’s view, unrestricted legislation would be undesirable as well as infeasible. The dictates of natural law—that is, dictates that “declare unto us the ways of peace”²⁸—prescribe that “there be no prohibition without necessity”: no prohibition “but what is necessary for the good of the commonwealth.”²⁹

These eight propositions sum up a picture of private and public relationships within the commonwealth that survives in *De Cive* and *Leviathan*. In both of those later works we find a defense of all the crucial claims. There are two types of slavery or subjection, corporal and contractual, each of which gives the same absolute dominion to the master.³⁰ Contractual subjection has to be entered voluntarily but this is consistent with its being entered out of fear.³¹ Subjection to a sovereign is a form of contractual subjection.³² And like contractual subjection in general, it does not involve corporal restraint and only extends over the limited range covered by the sovereign’s laws.³³

With some small variations, these propositions describe an ontology of social and political life that Hobbes endorses throughout his career. His full ontology also comprises other claims—for example, claims about incorporation and the nature of the state—but the propositions detailed give us all that is required for the argument of this paper.

II. THE SEMANTICS OF “LIBERTY” AND ITS COGNATES

There is no essential use of the term “liberty” or any related term in the characterization given of Hobbes’s ontology. While the term figures in his

²⁷ *Ibid.*, 29.10.

²⁸ *Ibid.*, 15.1.

²⁹ *Ibid.*, 28.4.

³⁰ Thomas Hobbes, *On the Citizen*, ed. and trans. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), chap. 8; Hobbes, *Leviathan*, 20.10. In these works the word “servant” is reserved for contractual slaves, whereas *The Elements of Law* is not so unambiguous.

³¹ *On the Citizen*, 2.16; *Leviathan*, 14.27.

³² *On the Citizen*, 5.7; *Leviathan*, 17.13.

³³ *On the Citizen*, 9.9 and 13.15; *Leviathan*, 21.2 and 21.6.

comment that the contractual master leaves the bodies of his subjects at liberty, this expression can be equated simply with “unrestrained.” Given such a neutral characterization of Hobbes’s world, then, the question is whether there is any room left for liberty there. Is it possible to identify in that world a condition, in particular a condition accessible to subjects of the commonwealth, which might deserve to be described as one of freedom or liberty?

The answer to this question is clearly going to depend on the semantic value that is given to the term: that is, on how liberty is defined. And now the thing to notice is that there are enormous changes on this front between Hobbes’s thought in the *The Elements of Law* and in *Leviathan*. That is what I take to be the signal contribution of Skinner’s book. His further claim that Hobbes’s view of freedom varies between *De Cive* and *Leviathan* is less compelling, in my view, and I shall try to show later why I think that that is so.

In the republican sense in which freedom requires the protection against private domination of an undominating public regime—as it might be, the mixed constitution that Hobbes abhorred³⁴—there is no room for freedom in the socio-political world envisaged in Hobbes’s ontology. No one, except perhaps the sovereign, enjoys anything approximating the standing of a republican freeman, a *liber homo*. No one enjoys the Roman-Law status, to which Skinner links the republican ideal,³⁵ of being *sui juris*.

Hobbes would certainly have been keenly aware of this fact in writing *The Elements of Law*. But his response is not to argue, as we might have expected, that republicans are mistaken in their definition of freedom and that under a rival account, freedom is indeed to be found in his world. Rather than providing an apologetic of that kind, the view he takes in this book, so it seems to me—and so, broadly, Skinner argues—is that we should give up on the ideal of freedom altogether. We should embrace the commonwealth that he envisages on the independent ground that it is essential for the enjoyment of peace and endorse an unapologetic eliminativism about freedom or liberty.

Hobbes recognizes in *Elements* that it is common to speak of there being freemen as distinct from slaves within the commonwealth. But he has little patience with the idea that among those who are subject some might still enjoy a manifestly paradoxical “liberty of the subject.”³⁶ He suggests

³⁴ *Ibid.*, 20.15.

³⁵ Skinner, *Hobbes and Republican Liberty*, x-xii.

³⁶ *The Elements of Law*, 23.9.

that these individuals are said to be freemen simply by virtue of the fact that they enjoy higher status within the commonwealth; being masters rather than servants in private life, for example, they “may expect employments of honor.” This is to say that freemen in this sense only enjoy a so-called freedom or liberty, not something that truly deserves to be called freedom.

What status might deserve to be described as one of liberty or freedom? Hobbes is quite emphatic. Since “freedom cannot stand together with subjection”—that is, freedom as distinct from freedom so-called—it is “the state of him that is not subject.”³⁷ Within the commonwealth, then, no one but the sovereign can count as free: “where one man is at liberty, and the rest bound, there that one hath government.”³⁸ And outside the commonwealth, of course, everyone is free. Each person “considered out of subjection to laws, and out of all covenants obligatory to others,”³⁹ has something equivalent to the “absolute power” of the sovereign: thus, in the state of nature each was “absolute in himself to do, or not to do, what he thought good.”⁴⁰ This being so, Hobbes often refers to freedom in this sense as “natural liberty.”⁴¹ Law may leave subjects with some degree of natural liberty,⁴² but it cannot leave them natural liberty as such.

There is one passage in *The Elements of Law* where Hobbes may seem to depart from this eliminativist line. He starts from an argument that will be unsurprising in view of what we have just observed: “seeing freedom cannot stand together with subjection,” he says, “liberty in a commonwealth is nothing but government and rule”: that is to say, liberty belongs only to the sovereign. But then he says of government: “because it cannot be divided, men must expect in common; and that can be no where but in the popular state or democracy. And Aristotle saith well, *The grounds or intention of democracy is liberty . . . no man can partake of liberty, but only in a popular commonwealth.*”⁴³ In earlier work, Skinner was inclined to treat this passage as an endorsement of “the republican case”⁴⁴ but in his recent book he takes it to be an assertion merely of the fact that “everyone

³⁷ *Ibid.*, 27.3 and 23.9.

³⁸ *Ibid.*, 24.2.

³⁹ *Ibid.*, 20.18.

⁴⁰ *Ibid.*, 20.13.

⁴¹ *Ibid.*, 20.5.

⁴² *Ibid.*, 29.5.

⁴³ *Ibid.*, 27.3.

⁴⁴ Quentin Skinner, *Visions of Politics. Vol. 3: Hobbes and Civil Science* (Cambridge: Cambridge University Press, 2002), 227.

in a democracy becomes a partaker of sovereign power.”⁴⁵ I strongly endorse this later line, which makes good sense of Hobbes’s apparent agreement with Aristotle, while explaining how that agreement is consistent with his generally unapologetic eliminativism about freedom. I prefer it to my own suggestion—made in criticism of Skinner’s earlier line—that Hobbes is speaking here of freedom so-called, not of freedom in the strict sense.⁴⁶

We have seen that according to Hobbes’s political ontology it is impossible for the subjects of a commonwealth to enjoy freedom, under the republican definition of freedom and under the closely related definition accepted by Hobbes when he wrote *Elements*. Defined on either pattern, there is no room for freedom in the social and political world that that ontology limns. But when we turn to *Leviathan*, in particular the discussion of liberty in Chapter 21, then we find a decidedly different definition and, consequently, a different story about how far liberty is available in the commonwealth. Hobbes preserves the earlier ontology, as already asserted, but he defines freedom in a very different manner and his revised definition allows him to locate liberty in the rather austere world that he posits. He ceases to be an unapologetic eliminativist and insists that under his definition—one, of course, that he takes to be uniquely compelling—the subjects of a commonwealth enjoy a great deal of freedom.

He makes two moves by way of rehabilitating freedom, both of which are saliently available under the ontology described earlier. According to proposition 7 in that ontology, the subject of a commonwealth is contractually but not corporally bound to obey the sovereign. And according to proposition 8, the subject is contractually bound only in the restricted domain of actual legislation. Hobbes now introduces a way of thinking about liberty that enables him to make use of these observations in support of the claim that people in a commonwealth can enjoy a great measure of freedom.

Hobbes distinguishes between two sorts of freedom or liberty: the freedom to make a decision as between different options and the freedom to enact the decision made.⁴⁷ The first sort of freedom is alienated by contractual obligation, since it transfers the right of decision to another; “obliga-

⁴⁵ *Hobbes and Republican Liberty*, 76.

⁴⁶ *Made with Words*, 168n15. Skinner’s interpretation is strongly supported by what Hobbes says about Aristotle in *On the Citizen*, 10.8.

⁴⁷ I defend this claim at length in “Liberty and Leviathan” and in *Made with Words*, 134–35. Skinner endorses a similar distinction between “having freedom to deliberate” and “having freedom to act upon deliberation” in *Hobbes and Republican Liberty*, 44.

tion and liberty . . . in one and the same matter are inconsistent.”⁴⁸ Thus, where an agent has not alienated the right to decide, we may ascribe a contractual variety of freedom. The second sort of freedom—the freedom to enact a decision—is alienated by any physical or corporal impediment to acting on a decision; it “signifieth properly the absence of . . . external impediments of motion.”⁴⁹ And so, where there is no such impediment to the agent’s action, we may ascribe what Hobbes himself calls “corporal” freedom or liberty; this is what he takes to be freedom in the strict or proper sense.⁵⁰

This understanding of liberty marks a sharp break with *Elements* and it enables Hobbes to argue in *Leviathan* that the subjects of a commonwealth enjoy freedom in significant measure. They enjoy corporal liberty, because the sovereign subjects them only contractually, not corporally; as proposition 7 implies, they are tied by verbal bonds but not natural bonds. “If we take liberty in the proper sense, for corporal liberty; that is to say, freedom from chains, and prison, it were very absurd for men to clamour as they do, for the liberty they so manifestly enjoy.”⁵¹ And they enjoy a good deal of contractual liberty too—“the liberty of subjects,”⁵² as he is now happy to describe it—for most choices, as proposition 8 makes clear, involve matters on which the sovereign does not rule. Subjects can make those choices, free of contractual ties, “in the silence of the law.”⁵³

The main thesis of Skinner’s book is that there is an important break in Hobbes’s thinking about liberty between *Elements* and *Leviathan* and that this break is prompted by the attempt to come to terms with the radical and parliamentary writers of the 1640s. I am persuaded by this claim and deeply appreciate the depth of contextual reference with which he establishes it. My only aim in the foregoing discussion has been to try to locate the break more exactly. I say that it does not involve any rupture in the basic political ontology upheld by Hobbes but a new departure in how he defines freedom. There is an important discontinuity here but it co-exists with an even more distinctive, and perhaps more important, continuity. Skinner, of course, may well agree.

⁴⁸ *Leviathan*, 14.3.

⁴⁹ *Ibid.*, 21.1.

⁵⁰ *Ibid.*, 20.12.

⁵¹ *Ibid.*, 21.6.

⁵² *Ibid.*, 21.6.

⁵³ *Ibid.*, 21.18.

III. HOBBS'S POSITION IN *DE CIVE*

But these comments leave one further topic to be discussed: the line taken by Hobbes in *De Cive*, which was published in Latin in 1642, though in a limited edition, and re-issued with added annotation in 1647. There is a difference between how I am inclined to read this work and how Skinner interprets it. The difference, briefly put, is that I think it stands pretty clearly on the side of the approach that is formulated more explicitly in *Leviathan*, whereas Skinner thinks of it as occupying a transitional role.

I opt for putting the work on the side of the later view, because it explicitly supports a redefinition of liberty on the lines of *Leviathan* and it uses this redefinition to locate freedom within the bleak ontology first set out in *Elements*: an ontology, as he reiterates, under which “each single citizen is as much subject as possibly he can be.”⁵⁴

The redefinition of freedom is heralded with the usual Hobbesian boldness, as he declares that before him “no writer has explained what liberty and servitude are” and then goes on to offer his own definition.⁵⁵ As in *Leviathan*, he prioritizes physical or corporal liberty, as he calls it,⁵⁶ identifying this in his definition of freedom with “the absence of obstacles to motion,” in particular obstacles that are “external and absolute.”⁵⁷ But, as evidenced in other parts of the work, he also recognizes the sort of freedom that I called contractual liberty. As he says, “obligation derives from an agreement” or contract⁵⁸ and, given an agreement to do something, “the liberty not to perform is lost . . . obligation begins where liberty ends.”⁵⁹

Under this redefinition, as in *Leviathan*, the subjects of a commonwealth can be said to enjoy a great deal of freedom. The claim with corporal liberty is formulated almost exactly as in the later book: “in this sense all slaves and subjects are free who are not in bonds or in prison.”⁶⁰ And the claim with contractual liberty is very similar. There is no liberty for subjects in the sense of full exemption from the laws: that is the prerogative of the sovereign; but there is liberty in the sense of “few laws, few things forbidden.”⁶¹ And this liberty is extensive: “the things that are neither com-

⁵⁴ *On the Citizen*, 7.4.

⁵⁵ *Ibid.*, 9.9.

⁵⁶ *Ibid.*, 8.3 and 8.9.

⁵⁷ *Ibid.*, 9.9.

⁵⁸ *Ibid.*, 8.3.

⁵⁹ *Ibid.*, 2.10.

⁶⁰ *Ibid.*, 9.9.

⁶¹ *Ibid.*, 10.8.

manded nor forbidden must be infinite” and “in these each man is said to enjoy his own liberty.”⁶²

These observations may seem to establish that *De Cive* maintains the same view as *Leviathan*. So why does Skinner treat it as a transitional work?⁶³ The main reason is that Hobbes’s definition of corporal liberty as the absence of external and absolute obstacles is followed by a passage in which he identifies other, discretionary obstacles to freedom and appears to understand these as psychological, internal obstacles. It seems that here Hobbes is taking a line that has no parallel in *Elements* or *Leviathan*. The passage goes as follows.

Other obstacles are discretionary <*arbitraria*>; they do not prevent motion absolutely but incidentally <*per accidens*>, i.e. by our own choice <*per electionem nostram*>, as a man on a ship is not prevented from throwing himself into the sea if he can will to do so. Here too the more ways one can move, the more *liberty* one has. And this is what civil *liberty* consists in; for no one, whether *subject* or *child* of the family or *slave*, is prevented by the threat of being punished by his *commonwealth* or *father* or *Master*, however severe he may be, from doing all he can and trying every move that is necessary to protect his life and health. . . . Anyone so restrained by threats of punishment from doing all he wants to do is not oppressed by servitude; he is governed and maintained (*regitur et sustentatur*).⁶⁴

Skinner takes the incidental obstacles that Hobbes has in mind here to be the forces of passion, in particular fear, that may sway us powerfully in one direction or another: “emotional forces so powerful that, whenever we deliberate about whether or not to perform a given action, they will always be sufficient to prevent us from willing and acting except in certain ways.”⁶⁵ Thus he takes *De Cive* to be a way-station on the road to the account of freedom in *Leviathan*, not an early version of that account.

I think that we should be wary about this interpretation, since it means taking Hobbes to be rankly inconsistent in his thinking about fear and freedom. Throughout his works Hobbes is absolutely insistent that the presence

⁶² *Ibid.*, 13.15.

⁶³ *Ibid.*, 113–15.

⁶⁴ *Ibid.*, 9.9.

⁶⁵ *Hobbes and Republican Liberty*, 115.

of fear in the generation of an act does not necessarily make it involuntary, so that a contract entered out of fear, even fear for one's life, need not be void. The problem with Skinner's reading, as he is aware, is that it forces us to think that in this passage Hobbes has momentarily forgotten his commitment on that point. After all, the interpretation makes fear into an obstacle that reduces an agent's freedom to enact a decision, in parallel to the reduction associated with external obstacles, and would make fear into a factor that reduces voluntariness.

Elsewhere in *De Cive* Hobbes reasserts his commitment to the view that fear does not make an act involuntary or a contract void. There may be "voluntary submission," we are told, though submission is prompted in the nature of the case by fear.⁶⁶ More generally, Hobbes says, no "agreement will be invalid simply because it was motivated by fear"; this is cast as such an important principle that its rejection "would imply that the agreements by which men unite in civil life and make laws are invalid."⁶⁷ He does admit that there is a "supreme stage of fearfulness"—pathological fear, we might call it—at which it is impossible for someone "not to look out for himself either by flight or by fighting."⁶⁸ But this is just to make the point, reiterated in all his works, that no one can contract not to defend himself against harm; contracts, as he put it in *Elements*, are always *de voluntariis*, or *de possibilibus*.

Given this difficulty with Skinner's reading, I think we should endorse it only if there is absolutely no alternative reading available. But I hold that there is an alternative.

In order to introduce this alternative, it is important to remind ourselves that there is a distinction for Hobbes between the voluntarily incurred obligations that limit people's contractual freedom—but not, crucially, their corporal freedom—and the regulatory controls that keep people to those obligations. These regulatory controls operate by triggering a useful, even indispensable fear of the sovereign.⁶⁹ They function like the fear of drowning that may influence a person in the example given by Hobbes, without taking away his freedom to jump in the water "if he can will to do so."

Elsewhere in *De Cive* Hobbes goes to some pains to make this distinction. He contrasts the way in which the contract or promise of a subject to

⁶⁶ *Ibid.*, 8.8.

⁶⁷ *Ibid.*, 2.16.

⁶⁸ *Ibid.*, 2.18.

⁶⁹ *Ibid.*, 5.5 and 5.8.

obey the law obligates or binds him—reduces his contractual freedom—and the way in which the law or penalty keeps him to that obligation. “A man is obligated by an agreement, i.e. he ought to perform because of his promise. But he is kept to his obligation by a law, i.e. he is compelled to performance by fear of the penalty laid down in the law.”⁷⁰ The fear of penalty is presented here as a regulatory control—something that keeps people to their obligations—but unlike obligations themselves, something that does not bind people and reduce their contractual freedom.

The passage is not a one-off. The same distinction is invoked elsewhere in the work when Hobbes says that the fear of punishment by the law serves “not to force a man’s will but to form it.”⁷¹ In the earlier passage, it is true that he uses the Latin word *cogere* to describe how the fear of penalty compels performance, whereas in this later one he uses the word *formare* to describe how fear forms the will, employing *cogere* to describe the forcing that fear does not effect. But despite that inconsistent usage, it still seems reasonable to think that Hobbes is here acknowledging the distinction between factors that restrict freedom—the external obstacles that restrict corporal freedom, and indeed the contracts and obligations that restrict contractual—and factors that merely regulate people’s behavior.

With this distinction in hand, an alternative interpretation of the problematic passage comes into view. I take the incidental obstacles envisaged by Hobbes to be the contractual obligations that are voluntarily incurred by people: say, by subjects and servants. That interpretation is required to make sense of why they are described as “discretionary” and incurred “by our own choice,” as the passage says. And it also makes sense of the comment: “Here too the more ways one can move, the more *liberty* one has.” At this point Hobbes is thinking, I suggest, of the degree of contractual liberty given in the commonwealth by the silence of the law, something that he here describes as civil liberty: a synonym, as I read the expression, of “the liberty of subjects.”

But reading the passage under this interpretation, a question now arises. Do these contractual bonds reduce corporal liberty: liberty in the primary sense he has just defined of “the absence of obstacles to motion”? The only reason they might do so is that the regulatory controls that back them up—the “threats of punishment” to which subjects are exposed—might be taken to constitute obstacles, on a par with absolute, external obstacles, which hinder motion and action. And now we can read the

⁷⁰ *Ibid.*, 14.2.

⁷¹ *Ibid.*, 13.6.

remainder of the passage as expressive of an emphatic, extended insistence that such regulatory controls leave corporal liberty intact. Hobbes affirms that “no one”—not the slave, not the subject, not the child—“is prevented by the threat of being punished . . . from doing all he can and trying every move that is necessary to protect his life and health.” And he adds that such a person “is not oppressed by servitude”—the opposite of corporal liberty, as defined at the beginning of the paragraph. Rather “he is governed and maintained”: a reference, surely, to the effect of fear in forming as distinct from forcing the will.

While this interpretation may not be imposed irresistibly by the text, I think that we should prefer it to Skinner’s. Unlike his construal, it does not ascribe any inconsistency to Hobbes; at the worst it indicts him with expressing things somewhat opaquely in the problematic passage. While I readily go along with Skinner’s central claim that there is an important development in Hobbes’s thinking about liberty, therefore, I demur on his thesis about the transitional character of Hobbes’s position in *De Cive*. In his later works Hobbes rejects the unapologetic eliminativism about liberty that he espouses in *Elements*, as Skinner conclusively demonstrates. But not only is the shift semantic rather than ontological in character, as I argued earlier; it is also a clean break that is present already in *De Cive*, not just in *Leviathan*. The later book offers a more elaborated account than the earlier but not an account that differs from it in any important aspect.⁷²

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⁷² An earlier version of this paper was presented at the Graduate Center, City University of New York, at a symposium in Quentin Skinner’s honor and I benefitted greatly from his responses and from the general discussion. I am also grateful for helpful comments received from Yiftah Elazar and Dan Lee.