Hannah Dawson & Annelien de Dijn, *Rethinking Liberty before Liberalism.* Cambridge: Cambridge University Press, 2022. 298 + xii pp. £22, 99. ISBN: 978-1-108-94839-5

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"All men and women are either *liberi homines,*
free persons, or else ar *servi,* slaves."[1]

The book's proposal

The debate on how to conceptualize liberty has, as one of its pivotal points of departure, Isaiah Berlin's *Two Concepts of Liberty*. The discussion regained momentum and grew with Quentin Skinner's *Liberty before Liberalism*, whose central argument is that the neo-Roman concept of liberty (that of not being subject to another person's will) had been nearly obliterated from our collective memory by the rise of the perspective of liberalism. The liberal view posits that freedom is essentially based on non-interference as opposed to the neo-Roman one that argues that it consists of the absence of subjection and dependence, tangible or merely hypothetical. This, in turn, allows us to be in control of our will. Neo-Roman thinkers defend that a person can only be free by living in a free state, which has led some proponents of the neo-Roman view, Skinner most notably, to associate it with democratic government, something that Berlin categorically denied concerning his preferred definition of freedom, that of negative liberty.

The book *Rethinking Liberty before Liberalism* aims to take Skinner's *Liberty before Liberalism* and consider it from new perspectives. The editors begin by outlining the developments that unfolded after the delivery and subsequent publication of Skinner's lecture. When it comes to the adopted methodology, we are told that it "thinks with and through *Liberty before Liberalism* to open up new histories of liberty, as well as

[1] Hannah Dawson and Annelien de Dijn, *Rethinking Liberty before Liberalism* (Cambridge: Cambridge University Press, 2022), 235.

examining the historiographical and theoretical taxonomies that structure our understanding of the present and the past."[2] It thus seems to adopt the Cambridge School's methodology of historical contextualism.

The book is organized in three distinct parts. In the first – "Authors" – we find three chapters, each of which analyzes the work of a different thinker from the early modern period (Michel de Montaigne, Hugo Grotius, and John Locke), but placed in the context of the neo-Roman theory of liberty. In the second section – "Hierarchies" – there are four chapters whose goal is to break the limits of the citizen-state relation on which Skinner's work was grounded. Each of the contributions offers us a new perspective on examples from the Enlightenment that think hierarchies differently, namely in terms of gender, race, and the participation of citizens in public life. The last part – "Traditions" – has the goal of establishing connections between the neo-Roman theory and other lines of thought, such as liberalism, counter-revolutionary thinking, socialism, and human rights. Finally, we have Skinner's response to the debate created by his original work, in which he revisits it and reassesses its standing in our own time.

Early modern thinkers in the context of neo-Romanism

In chapter 1, Felicity Green insists on the crucial psychological dimension of the neo-Roman theory of liberty, which has been overlooked by the scholarship. She concentrates on thinking about liberty "outside the familiar neo-Roman canon"[3] and thus: beyond the state. Michel de Montaigne is the thinker she elects to accompany us. Though clearly not a neo-Roman, Montaigne also focuses on the threat of domination. Nevertheless, by considering fortune and passions as constraints on our liberty, Montaigne steps away from neo-Romanism. He portrays a free person as someone detached from the world, in order to limit the number of commitments that, as Montaigne characteristically argues, might lead one to "mortgage one's will." Green highlights that the awareness of one's condition doesn't have to accompany our loss of freedom since "if I remain oblivious to my enslaved condition, whether because of a lack of capacity, understanding, or opportunity to recognize it as such, it is hard to see why this should make me any less op-

[2] Ibid., 2.
[3] Ibid., 21.

pressed."[4] In essence, Green's main argument is that we could think about neo-Roman liberty as a status of persons, rather than in terms of freedom of action or choice.

How to achieve self-government is a question approached by Martin van Gelderen in chapter 2. He establishes a link between metaphysical questions about the freedom of the will and political discussions on freedom by bringing forth the contribution of Hugo Grotius, who "developed a rich notion of the freedom of human being, as being master of one's own actions, free from non-domination, indeed as being one's own *dominus.*"[5] He places Grotius' thought in the context of the Dutch Republic's debates on freedom of conscience and shows us a gap in the neo-Roman theory of liberty: this line of thinking does not consider any metaphysical questions about the freedom of the will. However, if it postulates that one is only free if one is subject to one's own will, isn't it essential that our will is, in itself, free? This strikes me as a problem that ought to be addressed, and Van Gelderen's contribution seems a solid starting point. Grotius' defense of freedom of conscience is particularly complex as he "takes freedom back to God's will,"[6] while also grounding it in the combination of the Roman notion of man being *sui iuris* and the Greek concept of *autexousia* (roughly translated as the ability to be "self-moving").

In chapter 3, Hannah Dawson reflects on John Locke's neo-Romanism which is, in a certain sense, dubious. Dawson extends the debate started by Green regarding the psychological facet of neo-Roman theory, and defends the notion that jurists and writers did not share the same perspective. For jurists, the importance of not being subjected to the will of others resided in being able to lead one's life as one pleased; for writers, following reason and morality was what granted us autonomy. Locke considers civil liberty as not being dependent on the uncertainty of another person's will and this in turn prompts his definition of tyranny as the exercise of arbitrary power. Nevertheless, Locke supports the existence of prerogative powers that allow the executive authorities to act at their discretion when the legislature or the law fail to act. How can this dual positioning be consistent with the neo-Roman view? Dawson answers by saying that Locke did not regard prerogatives as an arbi-

[4] Ibid., 31.
[5] Ibid., 57.
[6] Ibid., 43.

trary form of power, and that he saw freedom as leading to a reflexively wise life (not one where we do as we please). But do the neo-Roman theorists moralize freedom by defending that it is associated with wise choices? This would hardly seem to be the case.

Incorporating multiple hierarchies in neo-Romanism

In chapter 4, Rachels Foxley turns our attention to John Milton's writings, which, like Locke, adhere to the view that makes a distinction between liberty and licence. Milton insists that there are a great number of people who are not free because they are not fitted to be so and draws on the ideas of '"rightful subjection" and "lawful mastery." One of his prime examples is that of the husband-and-wife relationship, where the wife owes obedience to her husband. Foxley ends up arguing that Milton tolerates slavery despite it being intolerable for a man like him; however, if we look at Milton's reasoning as articulated by Foxley, living in a lawful form of subjection does not amount to slavery. So I feel the former argument needs further support. If we take into consideration Foxley's pivotal point, that "the theory of neo-Roman liberty in its essence simply defines liberty; it does not argue that all are entitled to that liberty,"[7] we find one of the most important ideas necessary to understand and coherently criticize neo-Roman thinkers. The perception that neo-Roman liberty does not necessarily entail equality is something that misled Skinner himself in *Liberty before Liberalism*.

In chapter 5, Annelien de Dijn argues that in early modern Europe there were other solutions to the problem of institutionally securing freedom. Skinner, in De Dijn's view, focuses too strongly on the English mixed-constitution proposal, since there were republics in continental Europe whose thinkers sought to turn into "democratic republics" guided by majoritarian notions. The authors De Dijn studies are the De la Court brothers, Spinoza and Rousseau, all of whom wanted to end the oligarchical regime they faced either in the Netherlands or in Geneva. Following De Dijn, these thinkers defended a "relatively inclusive political regime"[8] as well as the notion of majoritarianism, which is "the idea that freedom could only be preserved if the people … was allowed to rule without re-

[7] Ibid., 95.
[8] Ibid., 100.

straint."[9] De Dijn fully endorses a *Rousseauvian* view according to which the will of everyone is to find its expression in the law. This in turn leads to a state governed by a single assembly, against whose sovereign power there is no right of appeal. But let us then consider Rousseau: how much of a democrat was he? The *volonté générale* is a normative pattern that assesses the legitimacy of the political structure and is, consequently, the ultimate justification for power and laws. Thus, in Rousseau's *Social Contract*, not only is the *volonté générale* not necessarily equivalent to the will of the majority, but for one to acquire civil liberty, one must abide by the *volonté générale*. It follows that, absurdly, one might even be compelled to be free. Thus, the democrat in Rousseau ought, perhaps, to be downplayed and the consonance between majoritarianism and the neo-Roman theory of liberty reframed.

In chapter 6, Sandrine Bergès devotes herself to exposing other facets of unfreedom, in particular those based on gender differences. To do this, Bergès invites us to read women who wrote about their own situation and regarded marriage as an institution that reduced wives to the condition of slaves. An important proponent of this argument was, of course, Mary Wollstonecraft. Additionally, we see how some French female thinkers, particularly Olympe de Gouges and Marie-Jeanne Roland, contested the prevalence of the public sphere in disregard of the private one, in a way that enabled them to address issues of family life, motherhood and citizenship. All these three women agreed when it came to the need to make clear how women could participate in the public political life of the state, never forgetting that the private sphere in which the family plays a central role is a constitutive part of that same political realm, a perspective which future research ought to consider more thoroughly.

In chapter 7, René Koekkoek finishes the section on hierarchies with an account of how neo-Roman conceptions and arguments were used in the eighteenth century to both promote and deny the value of equal liberty for all. His main argument is that the thinkers in the Age of Atlantic Revolutions (*c.* 1770s–1790s) related republican concepts to the enslavement of black Africans, remarkably, both in favour of and against slavery. So, since "republican arguments could be used both for and against slavery, their impact was in the end not decisive in the long

[9] Ibid.

road to abolition."[10] This is a good introduction to the connection between neo-Romanism and the discourses on slavery, but Koekkoek also introduces the ideas of "real slavery" and "metaphorical slavery," and I believe this distinction can be further worked on, especially when it comes to conceptualizing slavery solely as a metaphor.

Neo-Romanism intertwined with other traditions

Neo-Romanism's concept of freedom is fundamentally opposed to that of liberalism. So much so, that Skinner presented it as an alternative to the hegemonic liberal view. Nevertheless, in chapter 8, Eric Nelson contests Skinner's biases of limiting his concern to the prevalence of the utilitarian conceptualization of freedom as the absence of impediments to our actions and argues that we should also look at continental European traditions that greatly influenced contemporary debate. He turns to liberalism, in particular to Kant's Pelagian theological position, according to which "human freedom alone could vindicate God's justice, both punitive and creative."[11] This leads Kant to conclude, in the *Metaphysics of Morals*, that freedom "is rightly defined as the independence from being constrained by another's choice"[12] – a notion later retrieved by John Rawls in *A Theory of Justice*, which remarkably leads Nelson to contend that Rawls's theory of justice is partly grounded in neo-Roman premises. This is, to say the least, a rather debatable argument, since Rawls is in fact quite explicit when it comes to his commitment to the liberal perspective according to which liberty consists of not being hindered in our choices. Nelson therefore opens the door to a stimulating debate on this question.

Combining the counterrevolutionary thought of the French revolution's opponents with the neo-Roman conception of liberty is surely an unexpected proposal, but this is precisely what Matthijs Lok sets himself to do in chapter 9. Lok argues that counterrevolutionaries like François Xavier de Feller and Charles Alexandre Calonne use the neo-Roman concept of liberty against the French revolutionaries. Feller, for instance, considers that there is a true and a false liberty, the first being "the moderation of state power, not by representative institutions, a constitution, or a free

[10] Ibid., 137.
[11] Ibid., 163.
[12] Ibid., 168.

press, but by a historically grown 'ancient constitution' sanctioned by divine authority."[13] According to Lok, Feller's idea of freedom has neo-Roman traces because he believed that "the arbitrary character of revolutionary government made all citizens in effect 'slaves' without rights."[14] In a way that somehow parallels Locke's defense of the royal prerogative, Calonne shows total skepticism regarding the existence of a unifying popular will, and thus not only defends the idea that the National Assembly's power was a threat to the liberty of the French, but that royal prerogative ought to be reinstituted in order to restore the lost liberties. In fact, Calonne "saw a strong connection between a free monarchical government and the protection of the civil rights of French subjects."[15] This link between civil liberties and political freedom leads Lok to consider Calonne as invoking a neo-Roman notion. Consequently, uncommon as this line of thinking is, I believe there is room for further work.

When thinking that the neo-Roman theory of liberty might play an important role in the present, in chapter 10 Bruno Leipold certainly gives us problems to consider. Leipold joins communist thinking with the neo-Roman theory of liberty, something briefly mentioned in *Liberty before Liberalism*. His effort ends up not only establishing a link between different traditions, but also bringing to light how the neo-Roman concept of liberty can be applied to yet another hierarchical dimension, that of the employer and employee relationship. According to Leipold, Marx's account in *Das Kapital* of how the capitalist class gradually asserts itself by depriving the peasants of their means of production clearly shows that in this manner they enslaved the workers by forcing them to sell their labour force. Following this argument, Marx and Engels successfully advance the claim that work conditions denote a structural form of control that leads to the enslavement of the workers, a form denominated as "wage-slavery." The communist argument would be that it is the capitalist's ownership of the means of production that forces the proletariat to sign work contracts that reinforces their enslavement: the workers simply have no choice but to do this in order to survive. There does seem to be a clear neo-Roman influence in Marx's analysis, as he considers that "the arbitrary capacity of the individual capitalist to interfere in the working lives

[13] Ibid., 183.
[14] Ibid., 192.
[15] Ibid., 187.

of their workers resembles the discretionary power wielded by an absolute monarch over their subjects."[16] However, we know Marx did not propose any kind of neo-Roman solution. Instead, he defends the collective ownership of the means of production. This would end "wage-slavery," but never restore freedom (in the neo-Roman sense) to the individual, as everyone would become reliant on everyone else.

In chapter 11, Lena Halldenius advances the case for the contribution of the neo-Roman theory of liberty to the philosophy of human rights, as it can offer a better method than most contemporary accounts. Halldenius strongly criticizes approaches that defend the logical precedence of human rights in comparison with law systems, and their standing outside the political sphere, because they should be regarded as universal morals requisites. This approach has culminated in the elaboration of lists of rights that depend on feasibility parameters and ultimately lead to empty speeches. The neo-Roman conception would instead help us to think about what rights are for, and allow us to see that they would be accompanied by the fundamental liberties that should be present in all states. Consequently, freedom cannot be assessed by a momentary glimpse because "assessing a person's freedom requires a complex understanding of her normative social and political situation over time."[17] Despite it not being completely clear how we could put this into practice, Halldenius' proposal is an alternative that deserves further investigation.

Skinner's reassessment of his own work

Quentin Skinner's own reflections on *Liberty before Liberalism* are presented in a very clear and methodical way. He begins by underlining how important it is not to label the theory he retrieved in 1998 as "republican." Despite most of the literature having adopted this nomenclature: "I still prefer to describe the theory as a neo-Roman one."[18] This is supported by two main reasons: 1) because a great number of its early modern advocates did not defend the creation of republics instead of regulated monarchies; 2) and because this theory was largely developed on the basis of ancient Roman juridical sources.

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[16] Ibid., 197.
[17] Ibid., 222.
[18] Ibid., 233.

This latter point is particularly important since Skinner now argues that these legal sources are of the utmost importance for the neo-Roman theory of liberty, most notably the definitions present in the *Corpus Iuris Civilis*, later incorporated in *De Legibus et Consuetudinibus Angliae*, a treatise on English common law initially attributed to Henry de Bracton (whose authorship is now disputed by scholars). In *De Legibus*, Skinner writes that we come across the crucial distinction between *liberi homines* (which includes both men and women) and *servi*, the foundational element of the neo-Roman theory of liberty. We can conclude that there are two important characteristics of *liberi homines*. The first is that someone who is free cannot be under the *dominium* of someone else. The second complements the latter and consists in the attribution of a "distinctive form of power" (a *facultas*) to the free person, which in turn allows them to delineate their own path without needing to justify themselves to anyone else.

There is another distinction put forward in *De legibus* that further complicates our analysis: that between acting *sui iuris* (in one's own right) and living *in aliena potestate* (under the power of others). The previous comparison might lead to the conclusion that anyone who did not live according to their own right would be considered a slave. However, there are people who, despite not fully acting *sui iuris,* are not to be regarded as slaves. As Skinner puts it: "we are being told … that to be a slave is to lack *libertas*, but to lack *libertas* is not necessarily to be a slave."[19] The cases which Bracton treats are those of children, servants, women, and people who are under the guardianship of others. Bracton's consideration that these forms of subjection are beneficial to the subjects involved, as it guarantees their safety and well-being, adds another layer to this distinction.

After this initial reassessment, in which Skinner complexifies our account of neo-Roman liberty by detailing these juridical sources, he proceeds to answer the critics of the neo-Roman theory of liberty. Skinner begins by turning to the commonly used reasoning of necessary vs. sufficient conditions, arguing that it is a mistake to consider interference as either one or the other. It cannot be a sufficient condition of freedom to not be interfered with because one can be unfree even if there is no

[19] Ibid., 239.

tangible inhibition from others, and neither can it be a necessary condition as we can be interfered with without losing our freedom. Skinner's aim is to delineate a concept that rivals the mainstream assertion of freedom as non-interference. This leads him to present civil liberty as "that condition in which we are not subject to the power and hence the arbitrary will of anyone else."[20] In his response to critics, Skinner addresses the points made by the other contributors to this volume concerning the limited number of sources, the lack of metaphysical and psychological dimensions, and the narrowness of the theory's scope. To conclude, Skinner presents his reflections on how the neo-Roman theory of liberty can play a crucial role today.

A question of method

A note regarding the methodology adopted by the authors needs to be added. The only one who explicitly states his approach is Matthijs Lok, who refers to the Cambridge School's historical contextualism.[21] But this seems to be the approach entailed by the "Introduction" and which, I believe, was followed by all the contributors. Nevertheless, I have the feeling that the backbone that ran through all the essays in *Rethinking Liberty before Liberalism* and held them together – the neo-Roman theory of liberty advanced by Skinner – sometimes weakened. This might be due to the multitude of rich and elaborate perspectives condensed in less than 300 pages, resulting in a certain degree of inconsistency – for instance, in talking about republicanism despite it not being entirely accurate to do so. Or it could be the result of a lack of methodological rigor when analyzing particular historical contexts, prompting us to further reflections. There are passages where the reader might get lost in historical digressions and lose track of the pertinence of the matter in question. When working in the history of philosophy, and adopting a contextual approach, one must redouble the effort to think the past in its own terms. Sometimes, this may not have been fully accomplished.

[20] Ibid., 247.
[21] Ibid., 180.

Where does the neo-Roman theory of liberty stand?

Finally, one of the questions that might legitimately arise is: if the neo-Roman theory of liberty is so linked to exclusions and misogynist and racial prejudices, is there any room for us, in the present, to make use of it? After all, as we flip the pages, we come to realize that one of the most valuable contributions of the authors is to clearly show how many of the proponents of the neo-Roman theory of liberty held an extremely narrow perspective about whom freedom was applied to, mainly ignoring relations between individuals in spheres other than the state, for example in the workplace or in domestic life. Even so, I believe that the best way to retain this concept of liberty is as the condition of not being subject to the will of others. The neo-Roman conception of freedom also stipulates that we cannot be free if our fundamental rights are not secured, that each and every citizen must be able to engage in public political participation, and underlines how intolerable silent forms of oppression are, further amplifying how it can play an important role today.

By covering such a wide range of perspectives regarding the concept of neo-Roman liberty, *Rethinking Liberty before Liberalism* adds value to the ongoing discussion on this matter and offers us relevant reassessments of Quentin Skinner's *Liberty before Liberalism*. This is done by not only analyzing individual thinkers, but also by questioning whether this theory might harbour internal contradictions. It also reframes the question of liberty in other spheres besides the state, like gender relations and slavery, and compares the theory with other streams of thought in the history of political philosophy, such as liberalism and socialism. In essence, in this book the neo-Roman notion of freedom is confronted with ideas put forward by broad spectrum of thinkers; and, for doing so, the contributors to this volume can rightfully be praised for paving the way for further and deeper research into the multiple facets from which we can think about the neo-Roman notion of liberty.