

The Propriety of Liberty

This is an intellectual history of some of the major ways in which the idea of liberty was understood by John Locke, Charles Louis Secondat, Baron de la Brède et de Montesquieu, Adam Smith, John Stuart Mill and Thomas Hill Green. It might well then be asked what could possibly be said that merits yet another book on these thinkers in general, and on the topic of liberty especially. For a great many people have written on any one or all of these men, and often with specific reference to the idea of liberty. My answer to this reasonable question is simple, but perhaps surprising. It seems to me that despite the agglomeration of commentary and critique, indeed perhaps because of it, many interpreters have missed something absolutely crucial. This is particularly the case amongst those who have been keen to incorporate these writers into a canon of modern liberalism, and who often tend to read the concerns of contemporary liberal political theory backwards onto these putative founders of such a tradition. In this reading, what is typically missed is the relentless focus of these writers on the way in which the quality of individual agency is related to an understanding of freedom. My central claim is that the writers discussed in this book typically conceive of liberty as a form of propriety, or appropriate agency. Although they do not cultivate explicit theories of liberty as propriety, my use of the term ‘propriety’ with reference to liberty is designed to illustrate the connections between governed conduct and free agency that are central to each of these writers. Because of these connections, the arguments about liberty they present are inextricably linked to questions about the nature of personhood, the passions and judgement.

This means that at least part of my story concerns the intellectual history of what some modern philosophers have referred to as ‘agency-freedom’. Agency-freedom is the capacity of individuals to choose between alternative courses of action internally, and then act on their choices both in private and in public, and to be recognized or judged as being responsible for those actions. Analytically separable from claims about well-being, for example, agency-freedom thus understood is a relatively simple idea. It nevertheless has a complex and deeply rooted intellectual

history.¹ For example, the interconnections between power and control in the agency view of freedom are central to an idea of liberty as propriety or responsible agency. In what follows I shall try to trace how and why the writers I am interested in think about liberty in terms of the quality of what contemporary philosophers might call agency-freedom or even autonomy, because this focus on the quality of agency highlights the close connections between individual and political liberty that all of them take to be crucial.

As the subtitle to my story indicates, in exploring this topic one must be aware of the way in which political liberty has often been seen as a complex balance between claims about personhood, passions and judgement. Therefore, and for the sake of clarity in what might otherwise be a rather complicated narrative, let me try to present the central thesis of the book as sharply as possible. Taking my cue from a thought outlined most explicitly by Adam Smith, the propriety of agency-freedom refers to the judgement of action in terms of justice or injustice. This connection between propriety and justice points in turn to deeper sources of value that lie behind these judgements, and whose sources are found in our moral motivations. For the writers in this book, the predominant sources of such moral motivations are found in the passions. Therefore, the relationship between personhood and the passions, more specifically between passions and the judgements of agency undertaken by persons, is central to the overall account. The agency-freedom of persons takes place in societies, societies governed by conventional rules of justice that have developed over time. Therefore, and because of this cognate concern with the internal as well as external dimensions of individual agency, there is an analogy between the quality of agency undertaken by citizens and the quality of agency undertaken by individuals. Good men and good citizens combine in this narrative, which is why the account of the propriety of liberty reveals a quite clearly moralized conception of freedom. Indeed, although technically separable, the judgements of the rightness or wrongness of actions for Smith seem to be the basis for his account of our capacity to sympathize with action at the same time. Any adequate theory of moral and political judgement must incorporate both propriety and sympathy in Smith's sense, and it seems to me that the spirit (if not always the exact letter) of his own argument is to understand them as interdependent.² In this sense, sympathy with the propriety of agency is already always governed by conventional public standards of appropriateness, which receive their general expression in strict understandings of justice or right. This is where the interplay between political liberty and

¹ Sen 1985, esp. pp. 203–12; cf. Griffin 1986; Pettit 2001.

² Cf. Raphael 2007, esp. pp. 21–25.

the quality of agency is most apparent, and where, it seems to me, that Smith simply expresses more explicitly what had been just as important to Locke and Montesquieu before him, and to Mill and Green after him. Because of this interplay between public and private, or between political liberty and self-regulation, the relationship between persons, passions and judgement structures my discussion of liberty as propriety.

Put simply, for the writers discussed in this book there is a reciprocal relationship between political liberty and individual agency. This means that although what is deemed appropriate or just in one polity might not be so in another, how we should think about questions of justice and liberty could, nevertheless, have universal application. If justice determines the external standard of propriety, individuals are free if they make appropriate judgements about which actions to pursue in the face of conflicting internal and external pressures. In the public realm of action, moreover, these writers continually ask how a free agent must act in order that other agents recognize them as free, so that the quality of their action might in turn be judged. In their various answers, it seems to me, the focus on propriety in action, or the quality of agency, is what determines the judgement of freedom. Political liberty is the freedom accorded to citizens who balance their own private desires with the public requirements of justice and decorum, and citizens who act in accordance with justice and decorum are those who have political liberty. It is a circular argument, but it means that justice is both the standard of propriety and an expression of it, so that political liberty consists in doing what one should do in accordance with shared standards of judgement that are rooted in motivations of passionate individuals. This general application of the term 'propriety' is my own, but is an amalgamation of concerns treated sometimes separately in Smith's analysis in particular. Yet it seems to me to capture something crucial about the ways in which political liberty relates to the quality of agency more generally. In fact, beginning with Locke there is a very clear development of an extant language of self-propriety as independence, moving towards a discussion of rational freedom. I have already noted, in fact, how liberty as propriety typically presents itself as a moralized (and on occasion moralistic) view of freedom. This is unsurprising, however, given that it attempts to reconcile the moral responsibility of the free person with the political responsibility of the free citizen.

In developing this argument, my aim is to justify this focus by showing how political liberty is related to the capacity of an individual to act freely as a person. To do this means that my book is an attempt to write an intellectual history of these ideas over time. Thus, the capacity of an agent to act freely depends on an account of his or her personhood, which in turn (for some more explicitly than others) means a focus on

the nature of the will. This view does not collapse into an atomistic conception of liberty, however, where a free person is an individual chooser who resides outside of any social context. Rather the understanding of autonomy or free agency in operation here is always governed by social and political considerations. This context frames the extent to which agents can be judged, and indeed held responsible, for their actions as free persons because the restraints upon their liberty are grounded in the shared understandings of justice that bind citizens together. To revise a classic trope, both good men and good citizens want to act justly, even if part of the reason for this orientation is because acting justly is seen as instrumentally valuable. All persons want to avoid either causing, or correlatively feeling, resentment, because although resentment is the appropriate response to injustice, because of its force it is also a threat to the very fabric of political order.

Free agency is therefore akin to rational action, but this does not mean that it is simply instrumentally rational action. Indeed, it is not clear that one can even talk sensibly of rationality as purely instrumental.³ Instead, free agency here assumes a conception of rationality that views the justification for action in the choices made by individuals not simply by virtue of their having reasons for acting, nor in their having desires that those reasons express. Instead it is a form of volitionally responsible action. This means that agency-freedom is the capacity to determine what we want to do based on those things we identify with or care about, independently of the actual choices available to us at any one time, and which we can ourselves provide reasons for pursuing.⁴ This way of putting the point about volitional and discursive control, which is derived from contemporary philosophy of action, nevertheless captures quite neatly the type of freedom the writers under consideration in this book took to be crucial. More importantly, though, such an argument allows for the fact that one develops a sense of what constitutes appropriate action over time, as one develops as a person and as a citizen in a political society. Volitional capacity requires both internal and external judgement, and it is always located in the wider context of our relationships with others who judge us and who hold us responsible. This situation has manifest consequences for our understanding of the relationship between our status as persons ruled by passions that require regulation and justification, and the degree to which we are politically free. Indeed, this book might well be seen as a limited attempt to provide another historical rendering of those problems of action that contemporary rational choice theory deems

³ Sen 2002a, esp. p. 4; Raz 2005, pp. 2–28.

⁴ Jay-Wallace 2006, esp. pp. 58–62; also Frankfurt 2004, pp. 16f, 26, 39ff, 61, 79ff; see too Mendus 1999, esp. pp. 72ff; Wollheim 1999, pp. 130–35, 212–15.

as central, but intellectually problematic. The question is not just how, but why it might be thought rational for people to act co-operatively with one another without the threat of (illegitimate) coercion.⁵ This co-operation could simply result from moral and political identification with general rules of justice and appropriateness, or freedom as convention. What sets the writers in this book apart, perhaps quite obviously, is that the developmental aspect of their arguments often stands in some tension with the conceptual demands of contemporary moral and political philosophy. Its synthesis of persons, passions and judgement, however, encompasses many of the issues at the centre of contemporary accounts of freedom and agency.

Precisely because these writers suggest that political liberty is a form of appropriate or governed conduct, many subsequent critics have wanted to reject it. They claim that such arguments do little more than equate right reason with polite conduct, and in their own terms did little more than allow liberalism to become the ideological lubricant oiling the wheels of a rapacious and unjust modern commercial capitalism. This historical claim in its strong forms seems to me only to be justified through a partial reading of the texts, for these are texts which actually provide deep-seated and profoundly serious engagements with the paradoxes of political liberty in modern society. The criticism also neglects the extent to which the writers under consideration understood liberty to be progressive, or developmental, not fixed or teleological. What this book tries to show is that political liberty, as it came to be thought of through this focus on propriety, goes beyond the standard accounts of modern liberalism provided by most studies of political ideologies. Put bluntly, contemporary liberalism often seems to misunderstand its intellectual history.

Equally, and as already implied, there are those who reject or who have rejected this way of thinking precisely because of its attempt to relate individual moral agency and general theories of politics in defence of a moralized conception of freedom. It is on this basis that contemporary political philosophy, particularly that underpinning recent discussions of liberal and republican conceptions of freedom, often turns away from these writers.⁶ Nevertheless, I hope to show that there is nothing necessarily debilitating about a moralized conception of freedom in the terms outlined by the writers discussed here. More polemically, perhaps, it might be argued that in their focus on the relationship between passions, judgements and individual action, rather than simply the range of conjunctively possible actions available to an agent at a particular time, these writers offer a much richer analysis of freedom than that found in

⁵ Hollis 1998, esp. pp. 54–60, 160–63; cf. Gray 2000, ch. 4; Tuck 2008.

⁶ Maynor and Laborde 2008, esp. chs. 2–5.

contemporary analytical political theory. A related aim of this book is to show how polarized contemporary debates between liberalism and republicanism have led to a rather bizarre presentation of various writers as theorists of, variously, negative, positive, republican or, on occasion neo-Roman conceptions of liberty. In reconciling theories of agency with theories of politics, the arguments examined in this book all clearly sought to transcend such oppositions, for they encompass elements of all of these analytically separate categories. However, this does not automatically mean that they clearly present some kind of synthesis of liberal republicanism either.⁷ Rather, if the study of political thought and intellectual history can show the limitations of our contemporary political and philosophical thinking about liberty through the use of these shared traditions themselves, then perhaps it will provide resources for those who wish to develop still further arguments about the politics of agency. It might also show the value of historical reflection to the otherwise abstract arguments about reasoning and judgement prevalent in most of the contemporary philosophy of rational action, and to the relationship between reasons, judgements and agency.

THE SELF AT LIBERTY

As I have said, arguments about freedom covered by these writers typically refer to the idea that agency is motivated by passion, that the passions are natural but potentially irrational, and only with their control or volitional regulation (very few writers sought their complete extirpation) could one talk about individual freedom of action. This view relates in two ways to the third element of my subtitle, judgement. First, passions are not just more or less active or passive states determined by our reactions to particular objects, although of course they are these. Fundamental to the argument outlined in this book is the classically inspired idea that our passions also express particular value judgements by prompting our reactions in the first place. The argument does not go so far, though, as to claim that judgements are literally expressive of our passions. Various contemporary writers also reject strongly expressivist accounts of the emotions, but there are in fact many ways in which the writers considered here could be aligned with current discussions of the emotions.⁸ This is because the issue of how our passions are caused, manipulated, controlled and shaped is central to them all. Second, and in related fash-

⁷ Cf. Kalyvas and Katznelson 2008; Sullivan 2004.

⁸ Strawson 1968, pp. 71–96; cf. Jay-Wallace 1994, esp. pp. 74–83. See too James 1983, esp. p. 170.

ion, the connections between personhood and judgement are structured around an awareness of how the passions actually constitute something like a narrative about a life. They inform the presentation of self that develops in and through time, as well as underpinning the sort of ‘civil inattention’ we expect in the public sphere. It is, in other words, a continual project that might be construed in broad terms as self-fashioning.⁹ These sorts of questions remain central to our own reflections on the nature of individual and political judgement as well, and in particular their relationship to the passions.¹⁰

There has been a marked increase over recent years in the production of studies attempting to chart, in various ways, the origins, sources, or making of the modern self, and of studies devoted to the importance of the passions in classical, medieval and early-modern history and philosophy. Whether inspired by the search for the particular ‘technologies’ of selfhood, or in seeking to highlight conceptual innovations in the nature of modern, as opposed to pre-modern, selfhood, there has been little explicit discussion of the relationship between liberty and selfhood in the terms that concern me within the history of modern political thought.¹¹ Put another way, the genealogy that I shall present is a variation on the theme made famous by Albert Hirschman, and latterly reinterpreted by many historians of self-interest and natural jurisprudence, about a movement from the passions to interests.¹² It may also, as a genealogy, have implications for those who have taken up the academic challenge laid down by Robert Nozick, to explore the conceptual ambiguities of self-ownership and its origins in Locke.¹³

Here, most would probably agree with Gerry Cohen when he states that theories of self-ownership thus understood do not and cannot refer to metaphysical claims about the ownership of a self, but rather refer to bodily integrity and freedom from the requirement to provide service to others. One implication of what I try to show in this book is that if one were to look to Locke for a defence of self-ownership, it is precisely a metaphysical claim about the capacity of persons to have something like ownership of a self that one would find. This view, apart from any other claims about the usefulness or otherwise of the very idea of self-ownership, is partly why his thought remains perplexing for contempo-

⁹ See Nussbaum 2000, pp. 27–30, 80–84; cf. Goldie 2000, esp. pp. 72ff, 92ff, 125, 130, 133; Goffman 1959; Geuss 2001, pp. 13ff.

¹⁰ Sabl 2002, esp. pp. 299–325; Beiner 1983, esp. pp. 135–44; Thompson 2005, esp. chs. 9–10; Urbinati 2006, esp. pp. 115–19; Philp 2007, pp. 106f; see too Weber 1994, esp. p. 362; Krause 2008.

¹¹ Though see Foucault 1986, esp. pp. 43–67, 90–95.

¹² Hirschman 1977; Force 2004.

¹³ Nozick 1974.

rary political theory and why a little more is said about it in the coda to the book, chapter 6.¹⁴ In cases such as these, contemporary political theory once more often seems to neglect the richness of its own intellectual history.

This is a book, then, which aims to provide a modest reminder of the richness of that intellectual history by focusing particularly on the idea of liberty as propriety. But because my concerns lie with what well-known writers do with their arguments about persons, passions and political judgement when they present political liberty as a form of propriety, something should be said about how this view of liberty relates to more recent historical reflection on the idea of freedom. In fact, recent historical engagement with the question of how freedom and the self are related has yielded significant rewards for earlier periods as well as being suggestive for later discussions.¹⁵ My concern is therefore less with the rise of a distinctively modern self in terms of an increased focus on interiority and self-cultivation.¹⁶ The book would be even longer and less self-contained had the modern self and its attendant sources been my subject.¹⁷ What I am more interested in is how the intellectual history of political thinking in the period covered here might, on its own terms, challenge the ways in which conventional and contemporary arguments about liberty have come to be understood and applied. One of the ironies of this focus, however, is that my narrative of persons, passions, judgement and liberty quite closely tracks the direction in which some more recent republican political theory is moving.¹⁸

In contemporary debates about liberty, a principal focus has been the idea that freedom is best understood as non-domination, or as independence from arbitrary power. The normative trump card in this claim is that freedom becomes both a form of anti-power and a theory of responsible action. In its philosophical presentation, as well as in certain historical debates, the so-called unfreedom of a person (paradigmatically a slave) results from the person's being under the arbitrary will or power of another. From this it follows that even if the slave has the most benevolent of masters, there is no way that he or she could be said to be free. Even the potential rather than the actual exercise of the master's power is enough to negate any claim by the slave to having the status of a free

¹⁴ Cohen 1995, pp. 68f and n. 4, 211, 236f.

¹⁵ James 1997; Sorabji 1999; cf. Nussbaum 2001. See too Williams 1993, esp. pp. 81–85, 89ff, 219–23; cf. Dodds 1963, esp. pp. 35ff.

¹⁶ Berlin 2001; cf. Taylor 1996; Wahrman 2004.

¹⁷ Seigel 2005; see too Martin and Barresi 2005; cf. Sorabji 2006.

¹⁸ Pettit 1997, p. 41; 2001, esp. pp. 102f, 132–44, 152. For an acute but sympathetic critique, see Markell 2008, esp. pp. 16–24; cf. Waldron 2007, esp. pp. 155, 158f.

person.¹⁹ One can still have many liberties or freedoms under such a regime, and indeed one might never in fact be interfered with, but one cannot be said to be free or at liberty according to this republican vision. Contemporary 'pure negative' liberty theorists reject this argument in favour of focusing on the range of actions conjunctively available to an agent at any moment. By so doing, they claim that liberalism can incorporate the republican worries about slavishness, servility and self-censorship that are said to decrease freedom even in the absence of direct interference. This is because it already recognizes that the options available to the slave are clearly fewer because of this perceived need to monitor action in light of status. The slave may therefore be more or less free at particular moments, or time slices.

The republican counter is simply that this response fails to recognize the absolute character of the relationship between freedom and status. For republicanism, the slave can never be free, and that is that. Nevertheless, whether or not either of these branches of political theory is right to suggest that what one misses, the other already sees, or that what one sees is irrelevant to thinking about freedom, all my own account claims is that the framework of liberty as propriety already contains much of that which is considered distinctive within both republicanism and contemporary liberalism thus outlined. Because of this fullness, it offers many of the resources needed to present an argument about freedom as the capacity to be held responsible for one's actions within a well-ordered polity. It similarly reflects upon the corrupting and choice-reducing effects of conformity, arbitrary power and inequality in terms of the moral sentiments. Indeed, it also attempts to reconcile a focus on liberty with a consideration of the background assumptions of what is valued in a polity, such as justice or property rights, which many accounts of freedom often either simply assume or in fact stand opposed to.²⁰

LIBERTY AND POLITICAL THEORY

Many of the writers treated in these pages have been allocated central positions in histories of modern liberalism, even though the avowedly liberal type of freedom they are most-often taken to express rather misses the point that unites them all. This point is a concern with the relationship between the nature of persons and the quality of agency, or between the passions that both cause and constrain our liberty and action, and

¹⁹ See Skinner 2002, esp. pp. 238–47, 255ff, 264; cf. Skinner 1997, pp. 22, 54ff; Skinner 2008, ch. 1; cf. Nelson 2005, esp. pp. 64–67.

²⁰ Waldron 2007, pp. 152f.

which also affect our judgement. Current discussions, whether historical or normative, are still dominated by what are now quite conventional historiographic and philosophical assumptions. Building on the brief outline of liberalism and republicanism in the previous section, one could say that for most contemporary writers the concept of liberty is typically defined in one of three distinct ways. As a negative proposition, one might be said to be free in the absence of some form of impediment or of coercion, particularly of the will.²¹ By contrast (and if it is to be coherent), a positive conception of liberty claims that true freedom is a quest for rational control over the will in the name of perfectibility, or the realization of an inner essence.²²

Isaiah Berlin of course famously rejected the utility of this positive understanding of liberty, seeing it in the historical context of his own lecture as a prelude to totalitarianism.²³ His account did at least present positive liberty as a distinctive concept in its own right, a claim that has had many detractors but some persuasive defenders. And at first glance, if there were a connection to the idea of liberty as a form of propriety and contemporary accounts of liberty, it would seem to be most intimately related to positive freedom thus understood. However, such connections are not quite so clear. Freedom as a form of propriety requires neither positive self-realization nor the positing of some inner essence, even if it demands self-regulation that is to some degree difficult or unnatural. Indeed, the reasons for its escaping such requirements are in large part due to the conventional and modest ends that most of the writers discussed in this book sought to attain, in terms of outlining the shared civil liberties of citizens in a polity. These writers are therefore also distant from the plausible criticism levelled at contemporary accounts of freedom, which are often held to obfuscate a difficult, but centrally important, political question. That question is one of how and when we might really know (and by implication adequately measure) whether someone is actually more or less free.²⁴ It is true that this is not a question these writers really try to answer directly, except in the most general historical-sociological terms, and those terms largely have to do with a now somewhat hackneyed and clichéd understanding of European distinctiveness in contrast to Eastern despotism or New World primitivism.

Another, different attempt to discern something approaching a third concept of liberty has also been adumbrated. This is slightly different from the variant of negative freedom outlined by republican writers al-

²¹ Berlin 1988, esp. p. 121.

²² Baldwin 1984, pp. 125–42.

²³ Riley 2001, pp. 283–95; cf. Kelly 2002, pp. 29–45.

²⁴ Steiner 1974–75, pp. 33–50.

ready mentioned, for whom freedom is the absence of dependence or arbitrary power. Instead, in recent writing about Adam Smith and Immanuel Kant in particular, the idea of liberty has been associated principally with the capacity of agents to acquire and implement good judgement, based on their effective capacity to reason well about the situation they find themselves in.²⁵ A similarly normative argument about John Locke has been made in terms of seeing liberty in his work as an attempt to bolster rational deliberation under conditions of both personal and political uncertainty. Still further scholarship has been devoted to uncovering the scaffolding that supports a normative theory of rational care for the self and others in terms of sympathy and empathy between persons.²⁶ These considerations begin to get closer to the type of liberty that is uncovered in this book, showing that a variety of intellectual sources lie behind arguments about normativity and freedom addressed by the propriety of liberty.²⁷

One might counter that none of this sounds much like an ideal of freedom, particularly if by freedom is understood autonomy, power, desire or authenticity. Indeed, the writers in this book are often presented as focusing precisely on the regulation of autonomy as an ideal, and as such are held up as exponents of what might be thought of as a self-policing and hence conservative concept of negative liberty.²⁸ In response, these writers clearly think that political liberty is both an ‘opportunity’ and an ‘exercise’ concept, but they go further to investigate what sorts of constraints count as legitimate limitations on freedom, and what sorts of possibilities might be expressive of liberty.²⁹ To this end, they consider the quality of agency in terms of an agent’s fitness to be held responsible, and then according to shared moral understandings or judgements rooted in conventional justice. Their arguments in fact synthesize claims about liberty with discussions of autonomy, desire, power and authenticity all at the same time.³⁰ Of course, in saying this, one might simply want to conclude with the response presented most powerfully by MacCallum, where the liberty of an agent is always said to be of a triadic character. That is to say that freedom is always to be understood as the liberty *of* an agent, *from* someone or something else, *to* do something.³¹ What is of interest thereafter, however, is the question of who constitutes an agent, what the nature and type of restraint agents may be subject to is, what the ends sought

²⁵ Fleischacker 1999, pp. 151f.

²⁶ Yaffe 1999; Darwall 2002, esp. ch. 3.

²⁷ Pocock 2003; cf. Nelson 2004.

²⁸ Geuss 2005, esp. pp. 71ff, 77.

²⁹ Taylor 1979, esp. pp. 180–83; cf. Carter 1999, pp. 153–56.

³⁰ Cf. Geuss 2005, pp. 15f.

³¹ MacCallum 1972, pp. 174–93.

are, and how the quality of their agency is understood. If this book is at all correct, then one major understanding of these relationships in the intellectual history of modern political theory could be considered under the heading of propriety. This understanding would at least allow us to get beyond the historically unrealistic positioning of thinkers like Hobbes and Rousseau within the traditional rubric of negative and positive freedom, to understand better the complexities of the natural law tradition, and perhaps even to banish the dichotomy completely.³²

STRUCTURE

Given these claims, my story begins with the figure of John Locke. His account is of a freedom that is both more than negative, and less than positive, freedom as traditionally understood. It is freedom as appropriate conduct within the framework of justice understood ideally as natural law, and conventionally as an artifice of human construction. His account of political liberty as freedom from tyrannical government and arbitrary power, individual slavery and coercion is well known to generations of political theorists. But when we explore the relationship between his conception of propriety, which for Locke means a mixture of conventional use (particularly in language), appropriation and ownership in common, but which also connotes ideas of dignity, justice and right, the Lockean view of liberty becomes more complex. My first chapter illustrates in more detail what this means, and suggests that his account of liberty is inextricably linked with his understanding of the quality of responsible agency. Part of my concern is with aspects of Locke's political theory that have usually been approached through study of the *Two Treatises of Government*, but which can better be seen from the slightly different angle of vision provided by *An Essay concerning Human Understanding*. One aim here is to show how the two projects can be reconciled by focusing on liberty and responsible action.

There is also, as is well known, a theological foundation to Locke's work, which is discussed in chapter 1 and which helps to explain part of his interest in translating several of the major essays of the seventeenth-century French Jansenist Pierre Nicole. Nicole's ideas had an important effect on the nature of Enlightenment and even late-modern political thought.³³ His concern with the relationship between self-love, natural

³² Berlin 1988, pp. 123–54, esp. pp. 146, 152ff; cf. p. 124; for practical illustrations of the historical anomalies in Berlin's analysis, see the accounts of various scholars in Tuck 1999, pp. 197–207; cf. Hochstrasser 1993, pp. 289–308.

³³ Hundert 1994; cf. Schneewind 1998, esp. pp. 273, 275–79, 326ff, 390.

law and political judgement certainly also had a profound impact upon Locke's intellectual development. This means that Locke's account of liberty needs to be considered in terms not only of the freedom of the will from coercion, but also in terms of the relationship of the will to the causes of action and to judgements about those actions and their appropriateness. Such concerns thereby help to locate Locke's arguments about the will and human freedom within classical questions of judgement, self-cultivation and self-propriety, all of which are fundamental to the idea of what it means to be a responsible agent in a political society. They also locate him at the foundation of a particular development in thinking about liberty that is both important historically, and which has powerful connections to contemporary theories of agency and rationality.

The second chapter takes up these themes by way of a detailed consideration of the political thought of Montesquieu, focusing on the ways in which he relates the question of agency to theories of politics. Like Locke, whom he is often paired with in histories of liberalism, he was an adversary of the perceived wisdom (if not always the reality) of contemporary Hobbism. He argued against the idea of natural man's lack of sociability, and of the state of nature as a state of war. His complex relationship to Hobbes's political ideas explains the cast of part of his argument about variations in liberty between different peoples, discussions that would of course have important consequences for the ways in which Rousseau, among others, would come to terms with his intellectual heritage. According to Rousseau, those like Grotius (whom he termed the 'master of all the savants' in the never to be established discipline of 'true political theory') were ultimately inferior to Montesquieu. For Montesquieu was the 'creator' of the 'grand and useless' science of politics, and someone who helped Rousseau think through aspects of his own tangled relationship with Diderot and Hobbism.³⁴ Yet apart from providing a fruitful series of explicitly political arguments with which Rousseau would engage, Montesquieu also outlined an account of the relationship between the passions and action. It mirrored in important respects the Platonic analogy between the city and the soul, but more obviously developed an Aristotelian-inflected argument about the relationship between justice and agency. His discussion of passion and action was also given a peculiarly French colouring through his engagement with, and Stoic-inspired critique of, the classic account of the passions of the soul provided by Descartes. These elements of Montesquieu's political theory of liberty as

³⁴ Rousseau 1969, vol. 4, p. 836; Diderot 1779, p. 589; see too Wokler 1975, pp. 55–111.

propriety are less often discussed than they should be, so they are given adequate space in my own treatment.

Montesquieu's work also dovetailed with debates about the relationship between judgement and taste, which highlights again the general concern amongst the theorists of liberty as propriety with the relationship between history and normativity, or how rational agency can be understood historically and contextually. This concern came through as much in his thoughts on taste and aesthetics as it did in his engagement with a well-established tradition of natural jurisprudence. It was, moreover, in his discussion of the general 'spirit' of the laws, in which he included such factors as climate, religion, and politics, that Montesquieu provided a profound addition to modern natural law theory and to contemporary French scholarship, particularly the work of the Jansenist Jean Domat.³⁵ And although Domat is only cited once directly in Montesquieu's works, he is a major background presence in Montesquieu's similarly styled treatise. Montesquieu's caution in avoiding explicit reference to Jansenist ideas in the context of early eighteenth-century France is completely understandable.³⁶ What is of still more interest in this chapter, however, is Montesquieu's account of the development of the passions and their specific expressions. It offers a crucial if still relatively under-explored foundation to his thinking about the psychology and the politics of agency, which is designed to foster moderation as the basis of freedom. In this chapter, moderation is a direct analogue for propriety.

In his discussion of the passions, Montesquieu was drawn into a theoretical and historical narrative concerning the nature of self-love, in an attempt to come to terms with the legacy of Augustinian attacks on human sociability and weakness. Alongside this topic, Montesquieu also developed a keen interest in the problems of contingency and chance in modern political thought, problems that had also begun to be developed in the discussions of writers such as Nicole and his fellow Jansenist Antoine Arnauld, and which were applied in contexts as diverse as gambling and elections. They bore heavily on the subsequent development of thinking about the art and nature of statecraft, which Montesquieu took over and adapted. His discussion was clearly also informed by contemporary criticisms of universal monarchy in general and the rule of Louis XIV in particular. In the context of the Seven Years' War in mid-eighteenth-century Europe, Montesquieu developed a balance sheet of the decline of Rome and the problems of universal monarchy that would set the tone for sub-

³⁵ Domat 1722, esp. vol. 1, ch. 11.

³⁶ Cf. Montesquieu 1964a, p. 811; in general, Doyle 2000; Jones 2006, esp. pp. 21ff.

sequent discussion. In this effort he was, moreover, part of the crucially important revival of Tacitus in the eighteenth century.³⁷

These frameworks all informed Montesquieu's thoughts on the relationship between the state and the economy, and most centrally the important debates about luxury that developed within its contours and which many others have focused on. For that reason this book only deals with these issues where they can most clearly be related to liberty as propriety.³⁸ This orientation moves the discussion some way towards conceiving liberty as rational self-deliberation and tempered or responsible agency. The relationship between liberty and the cultivation of a sense of personhood or personality that can learn how to be free and act according to inner balance and harmony, or more classically *aequabilitas*, is nevertheless central to both. Indeed, this seems to be part of a broader and quite traditional concern to reconcile the spheres of the good and the useful, or *honestum* and *utile*, through the promotion of decorum or tranquillity at the level of the individual as well as the state, or legislator.³⁹

Propriety therefore has a twofold sense. One meaning concerns something like the quality of agency that one owns oneself, or that one can be held responsible for as an autonomous agent. It is underpinned by the idea that only a certain type of agency, predicated upon a discrete conception of personhood, can do the work required by an individual who is said to be at liberty to act, and hence able to deliberate about how to act appropriately. Secondly, propriety refers to shared or intersubjective judgements about the propriety of particular actions, rooted in a common conception of justice. As with Locke's account, for Montesquieu a recognition of the fragility of common life and trust between individuals leads him to focus on the cognate judgements of propriety, namely dignity and right or just conduct, that structure his analysis of liberty. Putting judgement first, as it were, underscores much of what Montesquieu and the other writers in this tradition are doing: they are explicitly challenging the idea of a sharp dichotomy between reason and the passions, and typically favouring in fact the latter over the former.

Chapter 3 discusses the work of Adam Smith, focusing on his account of the interrelationship between liberty and agency, propriety and judgement, and the passions that motivate our actions. It was through Scottish writers more generally that a discussion of the sources of human motivation in terms of sympathy and benevolence came to the forefront, and this was in no small measure a result of the pervasive influence of Montesquieu and other French theorists of sentiments, which ran along-

³⁷ Burke 1991, pp. 479–98.

³⁸ Hont 2006, pp. 379–418.

³⁹ Moore 2002, pp. 365–86.

side a domestic tradition of thinking about moral sense.⁴⁰ In this regard, however, the very limited discussions of one figure who might have been expected to receive significant treatment in this book should be noted. My reflections on David Hume are only fleeting and partial, even though his discussion of the ‘noble resentment’ that underscores justice provides some of the relevant intellectual foundations to the narrative. For it is Adam Smith who I think offers a more profound and relevant discussion of the relationship between the passions and judgement in the development of a complicated theory where propriety underscores justice, and where justice is the foundation of political liberty. Indeed, although Hume has been more historically significant as a moral philosopher, it is in the work of Smith that we find most explicitly the idea of acting or agency analysed according to the double meaning of propriety. Indeed, Smith is perhaps the ideal exemplar of the propriety of liberty as agency-freedom, for he is quite clear about the primacy of the individual person or agent in political analysis, and he founds his entire theory of judgement and jurisprudence upon propriety and sympathy.

While it has long been clear that the work of Locke and Montesquieu developed in part through engagement with French debates about the passions and political judgement, many scholars have incorporated these questions into their discussions of natural jurisprudence in general, and particularly upon its theoretical narratives about the stages of human progress from barbarism to civility. Smith too would elaborate this succession in developing his own four-stage theory of civilization and progress.⁴¹ As with my discussion of Locke and Montesquieu, however, I shall develop some of the implications suggested by such scholarship, but only to the extent that it informs Smith’s theory of politics in relating liberty to propriety. In this context, the more ambivalent tenor of Smith’s arguments about trade, commerce, ambition and particularly empire are brought to the forefront. For although he recognizes the positive interrelationship between ambition and emulation, the pathological distortion of our moral sentiments that accompanies such developments receives equal consideration in his work. More generally still, how individuals come to appropriate their sentiments and to judge the calibre of their actions and interactions with others is critical to the argument expounded in this book, and it is at the heart of Smith’s project.⁴² Therefore the complex connections between sympathy, the passions, and propriety are variously outlined in this chapter, and an argument put forward to the

⁴⁰ For example Pouilly 1766, esp. pp. 233ff; on whom, see Golden 1951; Smith 1976, *TMS*, p. 14.

⁴¹ Hont 2005, esp. chs. 1, 5.

⁴² Cf. Griswold 1999; Rothschild 2001.

effect that Smith defends a notion of ‘persuasive mediocrity’, in his assessment of the propriety of free agency. It is a corollary of what he called the system of natural liberty, and is an expression of our natural desire to persuade, emulate and indeed to dominate.

The next part of the book begins with an assessment of the relationship between character and civilization, and takes my narrative well into the nineteenth century. Chapters 4 and 5 focus on two giants of the political theory of modern liberalism. Chapter 4 explores the political thought of John Stuart Mill, suggesting that he developed an argument about liberty as a property of cultivated character or personhood, within a framework governed by assumptions about the development of modern civilization and the centrality of justice. This is an extension not only of the British and French contexts out of which his work developed, but also of the classically Greek (and occasionally Roman) historical political theories that he brought to bear on contemporary arguments about politics and society. For Mill, the relationship between propriety and freedom is perhaps best explained by focusing on propriety as the property of a cultivated individual who can act appropriately both in public and in private. He seems to suggest that the quality of such agency can be explored through the internal sanctions that individuals place upon themselves, and which then go on to buttress the external sanctions applied to responsible agents by shared norms of justice. Through an exploration of some of the various ways in which Mill’s arguments develop, I then try to press home the connections, both historical and conceptual, that link Mill to the genealogy outlined in the first half of the book. Mill presents a synthesis of the contested legacies of eighteenth- and nineteenth-century political thinking in an original manner, whilst he simultaneously tries to reorient discussions of liberty towards the cultivation of character through processes of education, civic engagement and political reform. Yet even though liberty is an inherent property or capacity of persons according to Mill’s arguments, how it is capable of being actualized in a modern world (in particular by those he takes to be ‘civilized’ peoples) is his central problem. Like many others, he wondered how freedom could be upheld in a world subject to the overbearing despotism of custom and bureaucratic capitalism on the one hand, and an Atlantic world engaged in colonial enterprises on the other.

It is normally suggested that Mill’s discussion of liberty is a negative theory of freedom, returning us to the starting point of this introduction. Conversely, one of the most apposite exponents of a theory of true or positive freedom is T. H. Green. What I wish to argue in the fifth chapter is that there is rather more to the story than this bipolarity. Green certainly does suggest, albeit in idealist rather than jurisprudential language, that freedom is an inherent property of personhood capable of being

moulded and directed by the passions. He further suggests that this idea of self-realization is only possible under properly defined external (or legally codified), and internally robust, conditions of self-development. Whether or not the idea of liberty as self-realization is analytically coherent in its own terms, Green's position as the concluding figure in this book is doubly appropriate, because the idea of freedom as a property of personhood correctly understood locates Green directly in the intellectual lineage traced here. A nineteenth-century interpreter of the English Revolution, and a lecturer on the logic of Mill and Kant and the moralists of the eighteenth century, he combines elements of everything discussed in this book. Furthermore, Green's early thought is especially interesting, for not only does he present a particular theory of freedom that seems to be different, but which is in fact quite similar in fundamentals to those outlined by other writers in this book, he also develops a novel thesis about the prerequisites for the realization of true human freedom that is not wholly conjectural, and which offers both an historical and indeed historicist argument for the origins of modern liberty. That the anterior requirement for real or true freedom is the negative liberty of legal or constitutional freedom is clear. So too is the fact that behind all of this theory one must have an account of freedom as the capacity of willing agents to deliberate between particular courses of action they might or might not choose. A crucial further question for Green concerned the real historical origins of this idea, and my argument suggests that his answer is to be found in his relatively little focused-upon lectures on the English Revolution. Delivered in 1867, the year of the third Reform Act in England, these lectures help to structure his account of freedom and provide it with a distinctive focus. Moreover, in taking the discussion back to the English Commonwealth, the book returns at least in part to moral, political and theological debates with which Locke, the starting point of the study, was closely engaged.

A natural conclusion of the Reformation, Green claimed that the English Commonwealth saw English exceptionalism and specifically English liberty develop most clearly in opposition to continental absolutism. If this reaction makes for the distinctive character of modern Britain, according to Green, then by exploring the political theory of liberty he provides in the context of contemporary debates about freedom and history in mid-Victorian England, a slightly different picture of his political thinking emerges. It is one at least as rich as, and hopefully more satisfying than, those interpretations that focus exclusively on the excavation of his posthumously published lectures on obligation and ethics. For not only does the discussion return the story to the seventeenth century in particular, it also pays attention to claims made before Green became Green, so to speak, the figure better known to generations of political

theorists precisely for his lectures on obligation and liberal legislation. The early Green reconciles many of the different claims about liberty and propriety in ways that never quite again receive this level of synthesis, and that is why the book ends with him. By way of conclusion, a short and final coda to the book offers some thoughts on the ways in which the idea of liberty as propriety relates to, and might also have implications for, particular issues in contemporary political theory. These concern self-ownership, the relationship between personhood, character and responsibility, and finally, the idea of the state as a person in its own right.

The overall structure of the book is designed to highlight both the chronological and the thematic development of a particular way of thinking about liberty from Locke to Green. It is an attempt to present an historically sensitive genealogy of an idea of liberty as propriety, predominantly in British political thought, where liberty was understood as the property of a person who can, in the double sense of the term 'propriety', both act appropriately and govern his or her own conduct according to standards of propriety and justice. Clearly such questions about the nature and extent of individual liberty, the sense of justice, of responsible agency and political judgement, remain crucial to our own age. Considerations of ownership and control in an era of increasing global economic and political instability, alongside questions of intellectual conformism and dependence, continue to structure much of our public political discourse. Equally, the relationship between the passions that guide us and our ability to subject them to internal and external control remains central to much contemporary political thought and action. Reflection on the propriety of liberty seems in part to cover all of these concerns, but although it remains close to various contemporary concerns, it also has a deep and complex history. It is to this history that my discussion now turns.