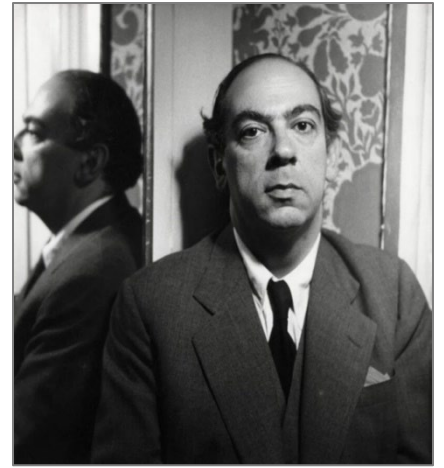




## 1. Introduction

1.1. Isaiah Berlin (1909-1997) was a social and political theorist, philosopher, and an historian of ideas. He was born into a wealthy Jewish family in Riga, Latvia, then a part of the Russian Empire. When he was six his family moved to the imperial capital, St Petersburg, then called Petrograd. Following the revolution of 1917, the family timber business became increasingly precarious, and so in 1921 they emigrated to the UK.



1.2. Berlin had to quickly learn English and later attended Oxford University where he remained as an academic, being a key founder of Wolfson College. This biography within the cataclysmic events of the twentieth century, in particular during the rises and gross excesses of both Soviet and Maoist Communism and Fascism/Nazism, shaped his subsequent theories.

## 2. Two Concepts of Liberty

2.1. Berlin's 1958 lecture and subsequent article *Two Concepts of Liberty* outlined the theory, for which he is best known today, that western political systems have seen two contrasting views of what liberty in societies has historically looked like. He classified these two concepts as Positive and Negative Freedoms.

2.2. Negative freedom is so called because it is freedom from something. It is the opportunity for action, rather than the action itself. It is about what doors are open to me, rather than what my choices will actually be. Therefore, the extent of my negative freedom is the extent of the choices that are open to me. It is whatever I'm not prevented from doing; for example, removing my right to strike would restrict my negative freedom, whether I was planning to strike or not. Similarly, forcing me to do something would also restrict this freedom; for example, being forced to strike by a majority vote of my union.

**Liberty:** the state of being free within society from oppressive restrictions imposed by authority on one's way of life, behaviour, or political views

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2.3. Positive freedom is so called because it is the freedom to do something. It's not just about having opportunities, but the ability to take these opportunities. So although doors may be open to me; do I actually have the ability to enter them, have I the capacity to act? It includes the removal of internal obstacles and irrational desires; and so, it is about being in control of oneself - not just having potential, but achieving that potential. Commensurately,



our positive freedoms are increased if our 'higher' desires are prioritised; in effect 'splitting' the self based on our elevated or baser desires. And so, choosing to attend this Philosophy Forum would indicate that you are more truly free in a positive sense than if you decided to 'veg-out' in front of Love Island instead. Whereas, having the choice of either option would indicate that you were equally free in a negative sense. It may sometimes require being saved from ourselves. That is, having our baser desires restricted in a negative sense, may actually increase our self-mastery; and so occasion us more positive freedom.

2.4. Berlin said that positive freedom: "derives from the wish on the part of the individual to be his own master...deciding, not being decided...it is my reason that distinguishes me as a human being...and I feel free to the degree that I believe this to be true, and enslaved to the degree that I am made to realise that it is not." He also stressed that this wasn't just self-mastery on the individual level, but also included collective control over common life. Therefore, it would be an appeal to positive freedom to recognise a society as being a free society on the grounds that its members are actively in control its democratic process. Whereas, from a negative freedom point of view, a free society would be one where state interference into individual lives is kept to a minimum; and so, it could conceivably be undemocratic. For example, if a benevolent dictator choose to afford their subjects a wide range of negative freedoms.



### 3. Berlin's Historical Analysis

3.1. One of the main claims that Berlin makes in his *Two Concepts of Liberty* is that historically positive freedom has led to more oppression than has negative. He attributes this to the perceived split in positive notions of liberty between our higher 'rational' and lower 'empirical' selves ('empirical' in that it doesn't involve an over-arching system or theory). Hence, the restriction of empirical freedom is justified to encourage an increase in rational freedom: mind over matter, if you will. Therefore, it is justifiable to choose the 'correct' path for another person; safe in the knowledge that had their more exalted, rational selves only been stronger than their baser, empirical selves they would have freely chosen this proper path for themselves. Hence, for Berlin, positive liberty has tended towards paternalism at best (for example: restrictions on our more dissolute habits, such as cigarette smoking, which will be better for us in the long run), but totalitarianism at worst.

3.2. Not that he absolves negative liberty from all excess. Indeed, he cites R.H. Tawney's aphorism that, "Freedom for the pike is death for the minnows." Nor does he hold that positive liberties are inevitably bad, whereas negative liberties are inevitably good. For example, he agreed that to be governed by one's own better nature "is a valid universal goal"; and that unrestrained capitalism led to horrors, such as child labour. And so he goes onto say, "Certainly the weak must be protected against the strong, and liberty to that extent curtailed", and that, "Negative liberty must be curtailed if positive liberty is to be sufficiently realised." Nevertheless, he maintained that appeals to positive theories of liberty have historically been abused more often and more egregiously, and so have led to greater abuses, than have appeals to negative freedoms. For example, he quoted George Orwell: "You may think that you know what you want, but I, the Führer, we the Party Central Committee, know you better than you know yourself, and provide you with what you would ask for if you recognised your 'real' needs." Consequently, he regarded it as axiomatic that the pseudo-positive totalitarian regimes of the twentieth century did more harm than did any misuses of negative freedoms.

3.3. But here we seem to be seeing Berlin the historian rather than Berlin the philosopher. In that he is using empirical evidence rather than appealing to 'pure' philosophy; and these would appear to be contingent facts, rather than necessary consequences.



## 4. Berlin's Conclusions

4.1. Berlin believed that the notion that all human differences can be reconciled, that there was a possible 'Final Solution', had led to terrible consequences; and, of course, his use of this malignant phrase was entirely deliberate. Instead, there's no way of resolving widely differing goals, no panacea. He held that the faith that, "there is a final solution...rests on the conviction that all the positive values in which men have believed must, in the end, be compatible."

4.2. This conviction has led to the most horrendous consequences for those who don't fit the master plan. Therefore, the danger of removing some basic negative freedoms is in creating misery for those whose aims in life don't conveniently harmonise with the dominant view of society. Instead, for Berlin, pluralism is the key, "There must be a balance between the two, about which no clear principles can be enunciated. Positive and negative liberty are both perfectly valid concepts." Consequently, as there are numerous incompatible worthwhile ways of living, a judicious combination of positive and negative freedoms is a pre-condition of a satisfactory life.



4.3. The American philosopher Gerald MacCallum (1925-87), rejected Berlin's dichotomist view of freedom and instead postulated a single notion of freedom, but in triadic form, in which: "x is (is not) free from y to do (not do, become, not become) z". So freedom is always: freedom for someone; over some possible constraint; to do, or not to do, something.

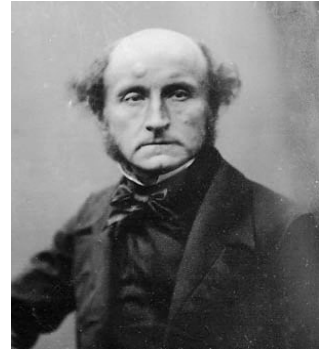
4.4. But Berlin countered that someone struggling to be free isn't necessarily conscious of how they'll use that freedom. Instead, "he (sic) just wants to remove the yoke. So do classes and nations." In Two Concepts of Liberty, Berlin refers to a variety of philosophers, but sees two exemplars for his two types of freedom as:

- a) In the negative corner and representing the Anglo-empiricist tradition: John Stuart Mill.
- b) In the positive corner and representing the Continental-theorist tradition: Jean-Jacques Rousseau.



## 5. John Stuart Mill (1806-1873)

5.1. Mill was a British philosopher, economist and politician. His 1859 *On Liberty* is seen as a classic defence of negative liberty: that, all else being equal, individuals should be left free from interference by either the state or other individuals. He is seen as an opponent of Victorian conservatism and the “tyranny of the majority.” Instead, advocating the freedom to be outspoken, eccentric and even wrong. He described *On Liberty* as “a kind of philosophical textbook of a single truth”, that truth being the Harm or Liberty Principle: “The only purpose, for which power can be rightfully exercised over any member of a civilised community against his (sic) will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.” Hence, he eschews positive-style paternalistic interventions. That is: you can reason with me, but you can’t coerce me; where the law and/or moral coercion via public opinion, were examples of this coercion. He exempted three groups from this principle: those below the legal age of consent; those who need care (e.g. the mentally ill); and, more controversially to contemporary ears, those from “backward states of society” until they “have become capable of being improved by free and equal discussion.”



5.2. Mill rejected the idea of “natural rights” as being “nonsense on stilts”. Instead, he advocated the consequentialist utilitarianism of the Greatest Happiness Principle, formulated by his former tutor, Jeremy Bentham (1748-1832): that laws protecting freedoms tend to maximise happiness or utility. Mill therefore held that, actions are “right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.” And so, it is consequences rather than motives, or notions of what is right or wrong, that count. Here he counters those such as Immanuel Kant (1724-1804) who held that actions are either right or wrong in-and-of themselves, regardless of their consequences.

5.3. Bentham defined happiness as the presence of pleasure and the absence of pain. Mill’s definition was more complex. He maintained that there were higher and lower pleasures, that the intellect was more worthy than the purely sensual, and so it was “better to be Socrates dissatisfied than a fool satisfied.” And although this sounds like a positive liberty position, Mill was still making an empirical claim that it was the preservation of negative freedoms that gave the best consequences. He also held that although harm was a necessary condition for state intervention into personal freedom, it was not in itself a sufficient condition. For



example, he was a broad believer in Free Trade, despite the harm this might do to others' financial interests. Therefore, the following criticisms of Mill's Harm Principle can also be seen as wider criticisms of negative liberty.

5.4. **What is "harm"?** To the frustration of some, Mill isn't explicit. Should we include moral as well as physical harms? Can you harm an institution? Can failing to perform an act be seen as harm? Mill did maintain that simply causing offence wasn't enough, for example he opposed blasphemy laws. He also believed that a responsible adult could voluntarily consent to be harmed, for example in a boxing match. His defenders say this incompleteness is not incoherence, in that most harms would be obvious to a reasonable observer. And the following areas have been put forward for an evaluation of harmfulness:

- a) The magnitude of the harm – we all need life, health, sustenance, shelter, the opportunity to procreate, political liberty, etc. And so, these areas should be protected.
- b) The risk of the harm – that is, its gravity multiplied by the probability of it occurring.
- c) The relative importance of the harm, where competing interests mean that some harm is inevitable – for example: how central is the activity under consideration to the life of the interested party; is the interest being harmed so morally repugnant that it should actually be given no weight?

5.5. **No Man Is an Island:** Can any actions only adversely affect the individual concerned? If the most important part of our conduct is in our relations to other individuals and a wider society, then isn't Mill's Harm Principle very limited in its scope? For example, if I take cocaine I may harm others too, such as my family, co-workers, the NHS's budget and, given that Fair Trade cocaine is a devil to source, all those affected by a criminal business?

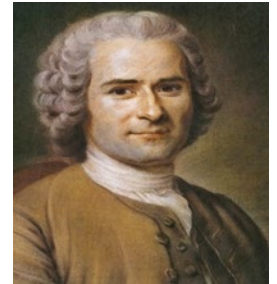
5.6. **Whither Utilitarianism?:** Isn't Mill being inconsistent in that rather than prioritising utility or happiness, as a bona fide utilitarian should, he is instead actually championing values like diversity, truth, and freedom of choice as being goods in and of themselves? For example, if the strong have greater negative freedoms this may adversely affect the weak, and so actually lower overall happiness, there usually being more of the latter than the former. Berlin defends Mill here, categorising him as an "official" rather than a dogmatic utilitarian, stating: "At the centre of Mill's thought and feeling lies, not his utilitarianism...but his passionate belief that men are made human by their capacity for choice – choice of evil and good equally. Fallibility...distrust of symmetry and finality as enemies of freedom – these are the principles



which Mill never abandons.” Instead, the value of negative liberty is that it allows people to “achieve their humanity most fully by being given space to make fundamental decisions about their own lives.”

## 6. Jean-Jacques Rousseau (1712-78)

6.1. Rousseau was a Swiss-French philosopher, writer and political theorist whose treatises and novels inspired the leaders of the French Revolution and the Romantic generation. In his best known work, *The Social Contract* (1762), with its famous opening line: “Man was born free, and everywhere he is in chains”, Rousseau considered the relationship between individuals and society, and concluded that in certain circumstances it is right to force citizens to be free.



6.2. For champions of negative liberty this would appear to be oxymoronic. As we have seen, negative liberty allows for coercion, for example in The Harm Principle, but this is always a reduction in freedom, however well merited. So how does Rousseau justify this?

6.3. Rousseau was opposing those, such as English philosopher Thomas Hobbes (1588-1679), who held that in order to avoid a “nasty, brutish and short life” in a red-in-tooth-and-claw Nature, we had had come together to form societies, but in doing so we inevitably traded some freedoms for the greater protection afforded to us. Conversely, Rousseau believed that we could be as free within societies as without them. That new “civil freedoms” would replace and compensate for lost “natural freedoms”.

6.4. In order to demonstrate this, he employed the concept of the “General Will”; where the General Will is the common interest, rather than the will of all or a majority position. This General Will involves sublimating one’s own interests into the common interest. And as the rational position would necessitate choosing the General Will over one’s own personal desires, by that choice you will truly be free. Conversely, by choosing your own personal interests you will be threatening that principle of association that underlies society. Therefore, the state is indeed justified in forcing you to follow the General Will, because in that way it is forcing you to be free. As Rousseau put it: “In order, therefore, that the social pact should not be an empty





formula...if anyone refuses to obey the General Will he will be compelled to do so by the whole body, which means nothing else than that he will be forced to be free.” This is clearly an extreme form of positive freedom.

6.5. For classical liberals from the negative freedom tradition, it is also self contradictory and potentially terrifying: who are you to assume that you know the General Will? And by assuming this power aren't you in effect also asserting the state's infallibility? A good Millian would instead counter that individuals should be trusted more, and that naturalistic mechanisms such as the free market or a natural selection of alternative lifestyles would be better arbiters of what will work than the assumptions of any individual or group.

6.6. Berlin sees in this argument of Rousseau's the roots of that Final Solution to which he attributes many of the great evils of the twentieth century. Nevertheless others, such as the German philosopher Herbert Marcuse (1898-1979), side with Rousseau. In his 1964 *One Dimensional Man* he expounds that modern societies have indoctrinated people to such an extent with phenomena such as consumerism and its attendant advertising, that they essentially no longer know what is actually best for them. Having a choice of a thousand different car-types is just confusing and only provides the illusion of freedom. Members of modern societies find themselves seduced into unrelenting toil simply in order to afford essentially meaningless products; and in this way a greater apparent freedom is in fact less real freedom. He goes onto advocate, in *Repressive Tolerance* (1965), that it is permissible, even essential, to repress certain (right wing) opinions to better hear and absorb more correct (left wing) views – a process he calls “discriminating tolerance.” And here we can find echoes of Karl Marx's notion of “false consciousness”, and his formulation that, “It is not the consciousness of men (sic) that determines their existence, but, on the contrary, their social existence that determines their consciousness.” A *Contribution to the Critique of Political Economy* (1859).



6.7. Rousseau was similarly sniffy about Anglocentric claims to be a beacon of democracy: “The people of England deceive themselves when they fancy they are free; they are so, in fact, only during the election of members of parliament: for, as soon as a new one is elected, they



are again in chains, and are nothing. And thus, by the use they make of their brief moments of liberty, they deserve to lose it.”

6.8. And whilst Berlin agreed that it is indeed useful to highlight who is in control of a society’s messaging, and to recognise that one is only truly free when in control of your own life within a society that is itself in control of its own destiny; nevertheless, he cleaved to the ‘Anglo-liberal’ view that it amounts to a contempt for humanity to hold that only an enlightened elite can know what is best for the ‘great unwashed’.

6.9. “There was once a man called Rousseau who wrote a book containing nothing but ideas. The second edition was bound in the skins of those who had laughed at the first.” Thomas Carlyle, quoted by Benjamin Wiker. However Berlin’s former pupil, Charles Taylor, in *What’s Wrong with Negative Liberty* (in *The Idea of Freedom: Essays in Honour of Isaiah Berlin* (1979)) critiques this classical liberal approach which privileges a negative form of liberty (characterised by Taylor as “opportunity concept” freedom). That is, freedom determined by the opportunities you have rather than what you actually do. Instead he promotes an “exercise concept” of freedom, with emphasis on self-realisation. That is, we need to recognise that some goals and activities are more significant than others; for example, freedom of religion over highway codes.

6.10. And so, although an agnostic stuck at a traffic light may, in that moment, have a stronger desire that they should be allowed to proceed unhindered than that others have freedom of worship; nevertheless, they would most likely concede that the latter freedom was more significant than the former. And the source of this significance is explained by our capacity to employ “strong evaluation”. That is, we don’t just have strong first-order desires, such as “let me drive home unhindered”; but we also have second-order desires about our desires, such as “why I am letting myself get so het up at a trivial red traffic-light when, more importantly, my neighbour is being imprisoned for picking the wrong god”? Consequently, “strong evaluation” is needed to assess the significance of my desires.

6.11. We have also seen that there are cases where our obstacles to freedom are internal rather than external. And so, for example, although we may be legally entitled to be adulterous; indulging our base desires for a transient pleasure can seriously endanger our long-term stability and happiness. Consequently, if we always just act exactly as we want to at the time, for example with fear, spite, or lust; we may actually be experiencing a negation of freedom. Instead Taylor states, “I must be actually exercising self understanding in order to be



truly or fully free. I can no longer understand freedom just as an opportunity concept.” We don’t just need opportunities, but also to be in sufficient control of ourselves to take advantage of them.

6.12. In the final analysis Berlin too agrees that we need both positive and negative freedoms for a decent existence. And in order to navigate this existence we will often need to make choices between incompatible goals. And this is why he will always reject any notion of there being a ubiquitous ‘final solution’ as not only wrong but also extremely dangerous.

## 7. Questions

There follow some questions/discussion topics that you may wish to use in the ‘break-out’ session:

1. Is Berlin’s negative/positive characterisation useful?
2. How persuasive is the characterisation of a Britain more readily embracing negative liberty and opposed to a continental model, such as found in France, that has tended more to the positive?
3. Does the view that these societies may have different philosophical roots (empirical/theoretical) have any relevance here? For example, is France’s ban on conspicuous religious symbols in public schools (the so-called Burka ban) in the name of secular laïcité an example of positive liberty? And conversely, is the lack of such legislation in the UK indicative of a more negative tradition?
4. Was Rousseau’s criticism of British parliamentary democracy valid? Is it still?
5. Is Mill’s Harm Principle the “single truth” he suggested? If not, what are its flaws?
6. Is Berlin correct that, historically, positive liberty has been more egregiously abused?
7. Is there something inherent within positive liberty that leads to such abuse?
8. Is Rousseau’s General Will persuasive?



9. Mill attacks Rousseau for assuming the common interest can be discerned, but isn't he doing something similar with the Greatest Happiness Principle?
10. Would 'protecting' citizens from, for example, aggressive fast-food or cigarette advertising be a reduction of our negative freedom by a nanny state, or a valid measure that actually increases our positive freedom?
11. Does a society which prioritises negative liberty also tend towards rapacious capitalism?
12. Where does democracy fit in here? Can a benign dictator really provide a negatively free society?
13. And, despite the examples of the twentieth century, can the same be said of positive liberty? How far are those in power justified in making choices for us, and where is the point when the masses must be sufficiently enlightened that it is correct to let them determine the General Will themselves?

## 8. Further Reading

My primary resource in producing this paper was an Open University course book *Arguments for Freedom* (1999) by Nigel Warburton (ISBN 0749287500), from the excellent but now sadly defunct *Philosophy and the Human Situation* module.

The complete text of Isaiah Berlin's essay *Two Concepts of Liberty* can be found in *Four Essays on Liberty* (OUP 1969), as can his *John Stuart Mill and the Ends of Life* (ISBN 0192158619).

Mill's *On Liberty & Other Essays* is available in many editions, for example OUP (1998) (ISBN 0192833847), whilst a good autobiography is *John Stuart Mill: Victorian Firebrand* (2008) by Richard Reeves (ISBN 1843546443).

Similarly, Rousseau's *The Social Contract* is widely available in a various translations, for example Penguin's 2004 edition (ISBN 0141018887).

Marcuse's *One-Dimensional Man* is published by Routledge Classics (2002) (ISBN 0415289771).

Taylor's *What's Wrong with Negative Liberty* can be found in *The Liberty Reader*, edited by David Miller (2006) (ISBN 0748624856).



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