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Isaiah Berlin: Negative and Positive Liberty*

Isaiah Berlin: Negatif ve Pozitif Özgürlük

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Abstract

Liberty is defined in dictionaries as not being determined by anything outside of oneself. Despite the clarity of this definition, liberty has been one of the most debated concepts throughout history and still is today. Isaiah Berlin, one of the most significant political philosophers of the twentieth century, is an important architect of the negative-positive liberty dichotomy. Berlin created the opportunity of an assessment from a different perspective of moral and political contexts by considering the dual nature of liberty and using value plurality concept. By dividing liberty into negative and positive liberties, Berlin, with the classical liberal tendency, points to negative liberty, considered with the value pluralism, as the one that should be emphasized. Negative liberty is the “private” sphere which determines the borders and the purpose of liberties and in which people can take decisions without an external impact. Berlin specifically emphasizes that “negative” here does not indicate an unfavorableness but points to the sphere that “does not accept any impact”. He calls liberty which takes place in the public sphere as positive liberty. Positive liberty takes place in the outer atmosphere. It is very much related to democracy as the way of governance and also to liberal rights. The division of positive and negative liberties, as Berlin called his significant article in 1958, is still in use to define liberty. This division is also effective in the context of “substance” and “conceptual field” separation.

Keywords

Liberty, Negative liberty, Positive liberty, Value pluralism

Öz

Özgürlük, sözlüklerde, bir şeyin kendisi dışında bir şey veya etkiyle belirlenmemiş olması şeklinde tanımlanır. Bu tanımın netliğine rağmen özgürlük, tarih boyunca ve günümüzde de, üzerinde en çok tartışma yürütülen kavramlardan biri olmaya devam etmektedir. Yirminci yüzyılın önemli siyaset felsefecilerinden Isaiah Berlin, özgürlüğün, başlıkta geçtiği üzere negatif ve pozitif olarak ayrıştırılmasının önemli bir mimarıdır. Berlin özgürlük kavramının ikili doğasını göz önünde bulundurarak ve değer çoğulculuğu kavramını da kullanarak ahlak ve siyaset bağlamının farklı bir perspektiften değerlendirilmesi olanağını yaratmıştır. Özgürlüğün pozitif ve negatif özgürlük olarak ayrılması yolu ile Berlin'in klasik liberal eğilimler ekseninde, değer çoğulculuğu ile birlikte asıl üzerinde durulması gereken özgürlük türü olarak negatif özgürlüğe işaret ettiğini görmekteyiz. Negatif özgürlük; bireysel özgürlüklerin amacını ve sınırlarını belirleyen, kişinin etki altında kalmaksızın kararlar alabildiği “özel” alandır. Berlin “negatif” isimlendirmesinin bir olumsuzluk anlatımı olmaya değil, “etki kabul edilemez alana” işaret ettiğini özel olarak belirtmektedir. Kamusal alanda gerçekleşen özgürlüğü ise pozitif özgürlük olarak isimlendirmektedir. Pozitif özgürlük dış atmosferde gerçekleşir. Yönetim biçimi olarak demokrasi ve liberal haklarla çok yakından ilgilidir. Berlin'in 1958 yılında yazmış olduğu önemli bir makalesinin de ismi olan negatif – pozitif özgürlük ayrımı, özgürlüğün nitelendirilmesinde günümüzde de etkin olarak kullanılmaktadır; bu ayrım, aynı zamanda, “öz” ve “kavramsal alan” ayrımı açısından da etkindir.

Anahtar Kelimeler

Özgürlük, Negatif özgürlük, Pozitif özgürlük, Değer çoğulculuğu

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Isaiah Berlin: Negative and Positive Liberty

I. Introduction: Berlin's Life and Works

Isaiah Berlin, 1909–1997, is considered to be one of the most significant liberal thinkers of the twentieth century. Born in Latvia, his family immigrated to England in 1921, where he received an education in philosophy, economy and political science. From 1957 to 1967, Berlin held the position of professor of Society and Political Theory at Oxford University. He was knighted in 1957. His academic works include *The Hedgehog and the Fox: An Essay of Tolstoy's View of History*, *Against the Current: Essays on the History of Ideas*, *The Roots of Romanticism*, *Three Critics of the Enlightenment*, *The Crooked Timber of Humanity*, *The Sense of Reality*, *Enlightening: Letters 1946–1960*, and *Building: Letters 1960–1975*.

His *Two Concepts of Liberty*, published in 1958, contributed to the differentiation of substance and the conceptual sphere as well as the differentiation between the concepts of positive and negative liberty. This separation is also related to the separation of positive and negative liberty.

Berlin states that, in the private sphere, individuals are able to make their own decisions without any external effect and that this private sphere determines the limit and the goal of personal liberties. Berlin refers to liberty in this ground as negative liberty, but negative in this context does not indicate negativity. It refers instead to “not allowing any effect.” Berlin defines liberty in the public sphere as positive liberty. He emphasizes that, in order to be free from collective mediocrity (as discussed in Mill's *On Liberty*), it is negative liberty that people need most of all. The private sphere is also the sphere of choices, where individuals can improve and actualize themselves.

Unlike negative liberty, positive liberty exists in the external sphere and is provided by institutions. An institution must take action in order to create positive liberty. The extension of the field of positive liberties can interfere with the liberty of others. If the liberty of others is constrained by regulations, this would constitute an invasion of ethical space, which cannot be tolerated. Berlin criticized this point. Moreover, according to Berlin, the space that is determined according to the criteria of being constrained by others' liberties belongs to morals, and restricting this space is not compatible with human dignity. From these evaluations, we see that Berlin has serious concerns with respect to democracy and about the abuse of liberty that comes from elections. Liberties which have no individual basis impose a political discipline on individuals¹. Berlin believed that democracy chooses liberalism. His concerns about democracy and macro theories stem from the necessity to act cautiously, as their holistic effects would narrow the field of negative liberties. He developed

¹ Jean Luc Nancy, 'Freedom and We', in Dennis King Keenan (ed), *Hegel and Contemporary Continental Philosophy*, (State University of New York Press, 2004) 440 et seq.

a philosophy-based theory of liberty that takes into account neither social or nor economic rights. This approach is criticized, however, as being superficial. His critics claim that his theory has no difference from classical liberal theory of liberty².

II. General Approach

Berlin's method of presenting his position—by rejecting the conventional and the dialectic methods in a bright way that surprises the reader—is extremely famous. His sharp style is highly effective, and the examples he presents are as striking as the novelty of his thoughts. Oakeshott quite rightly declared him as one of the most important intellectual virtuoso of our era³. Taylor points that, although Berlin explained important truths, he was not widely understood or appreciated because of the prejudicial nature of general approaches and especially of the narrow understanding⁴. In fact, Berlin witnessed the tragedy of the complexity of the world in a moral sense and from broken hopes. If we take this complexity as a contingency in the ordinary stream of life, we might arrive at the realization that the world is not a very challenging place. Berlin's central axis is his detection of thinking that is shape-edged, not accepting different thoughts and also not being able to tolerate their existence is the biggest mistake of humanity. He makes the following observations, which are also important: Nothing can harm individuals, groups and organizations, including the state, more than the belief of possessing the only truth. Especially the accepted views on how to live, how to become, and how to do, and asserting claims of truth in this frame cause this result. Those who believe there is only one truth, label those who think differently as traitors or perhaps insane and therefore believe that those who think in a different way should be restrained and suppressed. However, the arrogance of seeing oneself as the only right one, by the belief of having magical eyes for seeing the truth and believing that whoever else does not agree with them is wrong, is much more dangerous. Berlin's liberal identity is in line with the principle of seeing different values not as a source of conflict in societal living but simply as a point of view on other ways of living.

III. Two Concepts of Liberty

The distinction between the concepts of negative and positive liberty has been used as a significant awareness since the seventeenth century. The transformation of the social and political structure that began in this century, strengthened this awareness.

A map of positive versus negative liberty against a historical backdrop can be drawn using Hobbes's and Rousseau's arguments about the changing and improving

2 Charles Taylor, 'What's Wrong with Negative Liberty', in Alan Ryan (ed), *The Idea of Freedom: Essays in Honor of Isaiah Berlin* (Oxford University Press, 1979) 180 et seq.

3 Michael Oakeshott, *Morality and Politics in Modern Europe: The Harvard Lectures*, (Yale University Press, 1993) 87 et seq.

4 Charles Taylor, *Philosophical Arguments*, (Harvard University Press, 1995) 181 et seq.

perspectives of liberty and the transition from negative to positive liberty⁵. The understanding of a liberal state is another important focus point. In this context, the evaluations of Locke, Hume and Mill are significant. In the context of moral philosophy, Kant's teleological approach to moral acts and personal liberty is also substantial for liberty. In a more recent historical context, the concept of liberty has become that of liberation, and with the frame of Nietzsche, Marx, Habermas, and the Frankfurt School, has reached a different conclusion that differs from Berlin's construction.

Berlin borrowed the distinction between the positive and negative concepts of liberty from Thomas Hill Green, a pioneer of social liberalism. Green's statement about the "necessity of absence of coercion and interference" as being only able to be the subject of positive regulations and yet having no meaning in the sense of human's capacity of act and possibilities, is significant.

With this statement, another untouchable field of liberty was identified: negative liberty. The expressions "having one's own liberty space" and "not being anyone's slave" have different meanings. One can sometimes be a slave of his/her own nature or have feelings inside of both sovereignty and also handicap. In this case, the higher self of each individual evaluates [something] using the mind. The lower self, on the other hand, chases after desires and passions. Three essential works of Berlin on the negative-positive dichotomy are *Two Concepts of Liberty*, *Historical Inevitability* and *My Intellectual Path*.

Two Concepts of Liberty was originally the speech he gave on his appointment to professorship at Oxford University. He differentiated the distinction between positive and negative liberty in a most detailed way. Negative liberty means eliminating obstacles facing the human act, as distinct from obstacles from the outside world and from the biological, physiological and psychological laws that determine human acts. The topic of the speech was social liberty, where obstacles are human-made, intentional or not. The extent of negative liberty is dependent on the level of such human-made obstacles. Therefore, the subject should be examined in the sense of both political and moral philosophy⁶.

Berlin argues, first of all, that until we understand the world's main problems, our own attitudes and acts will also remain in the dark. Foremost among these problems is the relationship between obedience and oppression. There are two intellectual platforms about this fundamental question: one is "why should I obey others?" and the other is "will I be oppressed if I don't obey?" In order to achieve liberty, it is necessary to overcome obstacles, to eliminate barriers and to be freed from them.

5 Yasemin Işıktaç, *Hukuk Felsefesi*, (Filiz Kitabevi, 2019), 141 et seq.

6 Richard Rorty, *Philosophy and the Mirror of Nature*, (Blackwell Publishing, 1996) 17 et seq.

Berlin disagrees, however, as liberty has another side, one that comes from within, such as the liberty of someone who is imprisoned. The concept of liberty also has a limit that is related to capacity and being capable of doing something desirable. This limit is determined by nature and physical space; this is the external limit of the concept of liberty⁷. Liberty therefore shows the human capacity for action as natural and physical fact. Liberty, as a characteristic of human nature, is the liberty that Locke describes, which includes the right to live, the right to have property, and the right to choose freely. Rights that protect fundamental liberties are defined as natural rights. Natural rights are, in fact, protective rights in that they recognize the right to live and right to have property as fundamental liberties for the sake of protecting life and property. At the same time, natural rights are defined as “negative liberties” in the literature. Negative liberty refers to one’s capacity to act freely in the absence of interference. There is no need to provide anything for negative liberties. In the case of positive liberties, on the other hand, it is necessary for both the liberty of others to be restricted and also for the state to take action. Positive liberties are therefore defined as intrusive rights. Positive liberty answers the question, “what is the field that is left—or should be left—to the individual to act, or what can an individual do or be, in the absence of the interference of others?” He suggests making this distinction in order to appreciate liberty in both the personal and the social sense, and to be able to establish a formal and contextual basis.

Berlin describes this type of liberty as “being free from something.” The other type (negative liberty) indicates freedom to do something.” Berlin defines negative liberty as the answer to the question, “to what extent am I under someone’s control?” The two liberties are related and are not in conflict. What is more, the answer to one does not necessarily determine the answer to the other. Negative liberty can be evaluated as “laissez-faire economics.” From an ontological perspective, negative liberty rests on two principles. In the first, individuals are hedonistic, that is, they run after happiness and naturally are atomized. Existential grade is identical and limited to the individual. A rise in social order necessitates that these atomized individuals encounter each other and at the most minimum level, that the construction of the state is seen as the societal system. Such a state would ensure that individuals enjoy their negative liberties by protecting the external boundaries.

In the sense of epistemology, we encounter relativism and empiricism in negative liberty. When the only criterion becomes the individual, then as many varieties occur as the particulars. These varieties and the existence of the state as an organization would first provide negative liberties and then define a positive liberty scope that is limited by the necessities. Positive liberty, on the other hand, allows the participation

7 Isaiah Berlin, *The Hedgehog and the Fox: An Essay on Tolstoy's View of History*, (Princeton University Press, 2013) 13 et seq.

of the individual in a structure that is determined in the framework of social and political rights. These arguments illustrate the distinction between negative and positive liberty, and they provide a formal and contextual basis for understanding both the personal and societal dimensions.

IV. The Relationship Between Positive and Negative Liberty and Value Pluralism

Even though Berlin offered a significant insight with his distinction between positive and negative liberty, another concept he offers, namely value pluralism, also warrants attention.

Value pluralism has been strengthened by the scientific and technological improvements of the twentieth century and by great ideological storms. Each ideology carries different values. Berlin, by first examining the significant works of Russian literature, made profound detections on values⁸. Literature, particularly Russian literature, is an outstanding resource for understanding good and evil characters, and the emergence of the will to achieve liberty.

Berlin adopted the works of numerous philosophers on the importance of mind and the improvement of human will through the agency of mind. In the absence of a fixed and constant human nature, the possibilities of humans also find different ways for them to express themselves. However, explaining this variety through relativism is not appropriate for Berlin, either. Despite many differences, there are universal situations which belong to humanity. These situations can also be used for realistic explanations of society. Through universal human situations, societies growing entirely isolated from each other would also be avoided. People still have a common ground despite their different values, life styles and tastes. This is a ground constructed by the human rationality. Humans, as thinking creatures, should have the capacity to take into account others' situations, values, and desires for liberty. This rationality provides both interpersonal relationships and relationships between societies. According to Berlin, objective values are the main path. However, conflicts in values are inevitable. A world that is immune from conflicts that derive from different people and values is not the world we currently inhabit, but the absence of this kind of world does not preclude the practice of searching for a solution to world conflicts. People who believe in certain dogmas are happy because doing so protects them from questioning and doubts. But this is an illusion. The view that everything has an answer silences the mind. People with this kind of belief also want to suppress questioning minds. In other words, they become the enemy of liberty. Accepting the existence of conflicts is the first realistic step. However, despite the conflicts,

8 Berlin, *The Hedgehog and the Fox: An Essay on Tolstoy's View of History*, s. 2.

it is necessary to tenderize these fields of conflicts. Establishing a certain balance between equality and liberty may decrease the conflicts. The most appropriate way of searching for a solution would be to avoid extremes in establishing a balance and determining certain priorities, as one does when facing difficult situations. Rules, values and principles should undergo a partial change under certain conditions. Even in situations where the customs and values of one society are in conflict with those of others, there should be a common sense of humanity in terms of right and wrong, good and evil.

V. Between Self-Actualization and the Temple of Sarastro

The main path to reaching liberty is critical reason. People understand the difference between things which are necessary and those which are contingent. Rationality in matters that relate to liberty will eventually reach the question of whether it is not only to be applied to a person's own life but also to their relationships between the other members of society. Under this circumstance, would free individuals be able to avoid the clash? For instance, is a rational (free) state one which is governed by laws that all rational people would freely accept? The state as an organization should define boundaries. Who will determine those boundaries in the name of the state? Would (mostly) self-evident ratios emerge, as in the field of positive sciences? The state as a successful organization actualizes itself by establishing a just order to give liberties to the rational creature as their right. However, is this a crude re-imagination of the Golden Age? These questions in particular require governance practices that would emerge as a political-societal organization.

Berlin used the story of the Temple of Sarastro, which was also used in Mozart's "Magic Flute," to explain the subject⁹. Like the Magic Flute, it is not only about the contrast between good and evil but also about practices that become despotic in the name of doing good. In other words, one's behaving in a despotic manner in the name of their own "good" thinking as it is also beneficial for others. Here also, there has been a decision made on behalf of someone else, the consequences of which are imposed on that person. What would happen if liberty turned into despotism? As long as people live in society, everything that is done is about values.

Berlin's descriptions of humans living in society are interesting. As none of us is like Robinson Crusoe, living on his own on a desert island, which would also be true for him as well, that is a necessity for us to be bound to the society not just because of our needs but also because of our sense of identity¹⁰. The field of liberty, as sketched roughly by Mill, includes protection from oppression, the absence of arbitrary arrest, and the absence of deprivation from opportunities to act. These are also not enough for

9 Isaiah Berlin, *Two Concepts of Liberty, Four Essays on Liberty*, (Oxford University Press, 1969) 138.

10 Işıktac, *Hukuk Felsefesi*, 439 et seq.

human beings. The subject is closely related to recognition. Recognition is something that people desire and for which they fight passionately. Recognition is not liberty, but Berlin explains it as a concept that closely resembles liberty. Recognition has a societal dimension in that it cannot be eliminated completely from living human beings, and no government can restrict all individual liberties. Moreover, it is a boundary, because creatures would no longer be moral if their acts were prevented by others. And sometimes people imagine liberty as something that can be sacrificed in exchange for security, status, virtue, the idea of an afterlife, justice, equality or fraternity. However, liberty and equality, spontaneity and security, happiness and knowledge, forgiveness and justice are the ultimate human values which are being searched for on their own, yet they do not accord with each other, nor can they be reached altogether, and choices result in tragic losses. Therefore, the relationship between each of the aforementioned titles is antinomical. What needs to be done is to reach a harmony, which would provide an artistic togetherness by accepting the pluralism of values¹¹.

Even in the absence of universal values, there is at least a minimum field of values without which societies would barely exist. Forcing people into stereotypes would draw them away from their humanity. Everything possible should be done to avoid this consequence. Communal living is not exempt from conflict; positive values can conflict as well. Berlin suggests that conflicts can reach a relatively stable balance by continuous reparation. "Good" will emerge if this delicate balance can provide a proper societal order and a position that is morally acceptable.

VI. Conclusion

Clearly, the distinction between positive and negative liberty is nourished by a substantial sense of liberty. The sense of liberty can go forward thanks to the rationality of liberty in the sense of existential struggles in and against nature. The importance of positive liberty should be underlined in this distinction because negative liberty can emerge only from positive liberty, which provides protection from external interference or determination. Yet there should be a consensus in both fields of liberty. The opportunity for a person's self-actualization can only occur in systems where positive liberties are strong. We can see that Berlin's perception of this is the liberal economic order of society and democratic governance.

It has been suggested that the distinction between negative and positive liberty has become outdated, because no matter which right is in question, the necessity for the state to interfere for the right to occur keeps increasing. Therefore, it is being said that the distinction is misleading, as a state's affirmative action is still necessary in

¹¹ For general information and contemporary approaches to justice theories: Sercan Gürler, *Ahlak ve Adalet*, (Legal Yayıncılık, 2007).

the field of negative liberties—thus, the absence of these actions¹². The right to due process, for instance, requires many public means such as courts, judges, terms of application and so on.

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Bibliography

- Berlin, I.: *Two Concepts of Liberty, Four Essays on Liberty*, (Oxford University Press, 1969).
- Berlin, I.: *The Hedgehog and the Fox: An Essay on Tolstoy's View of History*, (Princeton University Press, 2013).
- Gürler, S.: *Ahlak ve Adalet*, (Legal Yayıncılık, 2007).
- Işıktaç, Y.: *Hukuk Felsefesi*, (Filiz Kitabevi, 2019).
- Nancy, J. L.: 'Freedom and We', in Dennis King Keenan (ed), *Hegel and Contemporary Continental Philosophy*, (State University of New York Press, 2004).
- Oakeshott, M.: *Morality and Politics in Modern Europe: The Harvard Lectures*, (Yale University Press, 1993).
- Rorty, R.: *Philosophy and the Mirror of Nature*, (Blackwell Publishing, 1996).
- Taylor, C.: 'What's Wrong with Negative Liberty', in Alan Ryan (ed), *The Idea of Freedom: Essays in Honor of Isaiah Berlin* (Oxford University Press, 1979).
- Taylor, C.: *Philosophical Arguments*, (Harvard University Press, 1995).
- Uygur, G.: *Hukukta Adaletsizliği Görmek*, (Türkiye Felsefe Kurumu, 2013).

12 Gülriz Uygur, *Hukukta Adaletsizliği Görmek*, (Türkiye Felsefe Kurumu, 2013) 130 et seq.

