

## ON ISAIAH BERLIN, OR WHY THE ENEMY OF MY ENEMY IS NOT ALWAYS MY FRIEND\*

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*“Both Liberty and Equality are among the primary goals pursued by human beings through many centuries; but total liberty for wolves is death to the lambs, total liberty of the powerful, the gifted, is not compatible with the rights to a decent existence of the weak and the less gifted.”*

Isaiah Berlin, “The Pursuit of an Ideal” (1988)

*“The enemy of my enemy is my friend”*

Ancient Arabic or Chinese proverb

**Abstract:** Isaiah Berlin is one of the most widely cited thinkers of the twentieth century. In this paper I make three claims about his work. First, that his concerns about the consequences of “negative” liberty are not especially consistent with classical liberal views. Second, classical liberals should in fact make claims to his conception of “positive” liberty. Third, he was neither a classical liberal nor even a European liberal as we think about the terms today. Rather I would characterize his views as broadly anti-totalitarian, influenced heavily by the historical period in which he lived.

**Resumen:** Isaiah Berlin es uno de los pensadores más citados del siglo XX. En este artículo hago tres afirmaciones sobre su trabajo. En primer lugar, sus preocupaciones acerca de las consecuencias de la libertad “negativa” no son especialmente consistentes con las ideas liberales clásicas. En

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segundo lugar, los liberales clásicos deben, de hecho, cuestionar su concepción de la libertad “positiva”. En tercer lugar, él no era un liberal clásico, o un liberal europeo como pensamos acerca de estos términos en la actualidad. Más bien, caracterizaría sus puntos de vista como anti-totalitarios, influenciados en gran medida por el período histórico en el que vivió.

Sir Isaiah Berlin is widely viewed as one of the twentieth century’s most famous and eloquent defenders of European “liberal” values. Berlin regularly defended liberal democratic systems when most academics widely accepted the logic and fairness of planned socialist societies. Berlin’s most famous work is his widely read and cited 1958 lecture entitled “Two Concepts of Liberty.” This lecture is regularly cited as evidence of his thoughtful vision of liberty during the post-World War II era. In this paper I want to take issue with that view of Berlin and focus on three aspects of Berlin’s work that I think have been under appreciated by casual readers and serious Berlin scholars.

First, I want to explore his description of negative liberty and its impact on markets as distributors of wealth. I believe that a careful examination of Berlin’s description of negative liberty in the “Two Concepts” lecture raise doubts about Berlin’s commitment to the economic principals of classical liberalism. Second, I’ll explore what Berlin viewed as the biggest threats to “positive” liberty in his writing. Today, some proponents of positive liberty argue that activist governments are needed for citizens to achieve sufficient levels of positive liberty. Berlin himself argued that, aside from focusing on education, oppressive governments were the greatest threats to positive liberty. Like Mill, he valued individuality and worried about government imposed group-think. Finally, Berlin’s views on markets and property, as well as his thoughts on how positive liberty should be protected, leads me to argue that we need to re-categorize Berlin as something other than a liberal, at least in today’s political terms.

## Biography

Berlin was born in the Latvian city of Riga in 1909. His father was a wealthy businessman and a member of a prominent local Jewish family. In the late nineteenth and early twentieth centuries Riga was a multicultural mix of Russians, Jews, and Germans, who lived together peacefully, but in separate geographic and social worlds. According to Dubnov, Riga “nourished a culturally pluralistic reality in which Jews, Letts, Baltic Germans, and Russians intermingled on a daily basis” (Dubnov, 2012:19-20). These groups competed economically and kept their closest business relationships within family and ethnic networks (Ibid.).

Mendel Berlin, Isaiah’s father, was a businessman who traveled extensively throughout Europe and spoke numerous languages. The family lived in a lifestyle that Berlin described as “middle class” but what can truly only be called “affluent,” based on the economic realities of Eastern Europe in the early twentieth century. Berlin benefitted from private German doctors, lived with nannies and tutors, and regularly attended cultural events, such as the opera (Ibid., 24). His grandfather, Isaiah “Shaya” Berlin, had been a prominent businessman, wealthy industrialist, and a very pious, highly visible member of the local Jewish community. Additionally Berlin’s mother was a direct descendant of the founder of Habad Hasidism, which further raised the standing of the family. Berlin was, according to Dubnov, much closer to his mother who was uncompromising in her beliefs, unlike his businessman father who he described as “ungrown-up” and “half-molten” (Ibid., 33). Dubnov speculates that Berlin felt that his father’s willingness to compromise was the result of his “liberal” values, and one can ask how much business practices and wealth pursuit played a role in that for the young Isaiah.

Beginning in 1914 the government began to deport Jews from that region of Russia, and it took extraordinary efforts by his family and other Jewish community leaders to prevent the deportation of more than 30,000 Jews from Riga (Ibid., 29). By 1915 the family left Riga and eventually settled in Petrograd in 1917. Berlin was eight years old when the Bolsheviks took over Russia, and his family tried returning to Riga before realizing that the situation had

become untenable. Based on his father's longstanding international business relationships, the Berlins finally left the Soviet Union for England in 1921. After arriving in England, the 12 year old Isaiah began to excel at school. He was widely view as a bright student and eventually attended Oxford where he studied "Greats" which consisted of classical languages, ancient history and philosophy, as well as PPE, politics, philosophy and economics. Berlin had one of the more distinguished careers ever at Oxford. He later taught at New College and then received a Prize Research Fellowship at All Souls. He was named the second Chichele Professor of Social and Political Theory at All Souls. Berlin was also instrumental in the founding of Wolfson College at Oxford.

He led a famous life for a philosopher –he was entertained by the rich and powerful who found him funny, smart, and good company. He served in the British Diplomatic Service during World War II. By virtue of his ethnic background and academic credentials he had the opportunity to visit the Soviet Union after the war, and on one trip he helped to smuggle a copy of the novel *Dr. Zhivago* to the West and later found a publisher for the book. In short, he was hardly your typical academic. He died in 1997 and was widely praised for his contributions to modern philosophical discourse, intellectual history, and political theory. He was also unusual in that most of Berlin's work was in the form of essays, and many of those essays were compiled in volumes during his life. They continue to be republished even today.

## **Two Types of Liberty**

Berlin's famous essay "Two Concepts of Liberty" (1969) focuses on a distinction between what he calls "negative" and "positive" liberty. I will elaborate on the distinction between these two versions of liberty below, but negative liberty is best described as non-interference, while positive liberty is self-actualization or self-mastery. The essay has been widely caricatured concerning the definition of each term. Negative liberty is viewed as the more classical liberal idea that people have a sort of free sphere in which

their actions cannot be limited. Classical liberals and conservatives have interpreted this to mean “I am free from restrictions by the state and others to limit my liberty.” Conversely positive liberty is often described as “empowering” liberty implicitly assuming that the State must help provide individuals with a full range of choices in order to help them achieve self-actualization.

Notwithstanding those two caricatures, Berlin has many surprising things to say about negative liberty. In fact I believe one can make a strong case that his simplistic and uninformed views of economics, as well developments in public choice, make accepting his discussion of negative liberty difficult to a classical liberal. Additionally, anyone who has actually read the essay carefully, and considering the uneconomical writing style Berlin used I suspect it’s a smaller group than one might imagine, will clearly see that positive liberty, which today is associated with mere self-actualization through government programs designed to empower the “un-empowered,” provides a rich resource for classical liberals and libertarians in their debates with social democrats concerning the inherent risks of too much government today.

### *Negative Liberty*

I’ll begin with the negative liberty definition first. Berlin defines negative liberty in the following way:

I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by *others*. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree (sp); and if this area is contracted by *other men* beyond a certain minimum, I can be described as being *coerced, or, it may be enslaved* (Berlin, 1969:122, emphasis added).

Superficially this definition seems uncontroversial, but note the use of the term “others.” We obviously live relationally in society, and freedom is

defined by the nature of our interactions. Berlin understands that freedom is relational –I am free to the extent that I can act without having to limit my actions because of others. But as we shall see Berlin clearly believed that resolving conflicts among individuals doesn't involve negotiation, cooperation, or exchange. Rather his world appears to be very "zero-sum." Furthermore, how some of us exercise our negative liberty is deeply problematic for Berlin. And what's also interesting here is what is absent – any reference at all to the government as a potential danger to negative liberty. One might infer it from the reference to people being "enslaved" but that's about it.

Anyone who has read Murray Rothbard is familiar with the first critique about Berlin's definition and description of negative liberty. Berlin explains coercion as "the deliberate interference of other human beings within the areas in which I could otherwise act. You lack political liberty or freedom only if you are prevented from attaining a goal by human beings. Mere incapacity to attain a goal is not lack of political freedom" (Ibid.).

As Rothbard notes, the problem is that Berlin is equating liberty with opportunity (Rothbard 1998), a path that many modern critics of freedom now follow. If others prevent me from achieving certain "goals," there are a lot more potential conflicts and violations of negative liberty according to Berlin than classical liberals themselves may envision. I may see your action and choose to coerce you for all sorts of reasons, but if your action involves a violation of a property right I possess then it's not a limitation of political liberty as classical liberals would see it. Entrepreneurs competing in a market may "prevent" others from selling products at higher prices – that may be coercion for Berlin, but not for most classical liberals. Individuals may also have competing property rights claims, for example down-stream vs. up-stream water usage from the same river. Berlin sees these instances as political conflicts, but R. Coase, and many classical liberals, see them as potential bargaining opportunities to be resolved according to market criteria.

Deliberate interference is also an interesting and problematic way to pose the problem because at its core that phrase completely denies the idea that since rights are relational I may simply have a competing claim or property

right that doesn't violate your freedom at all. Calling this political liberty is a sloppy way of thinking here. And in series of examples I'll discuss below, Berlin does seemingly everything in his power to raise the ire of classical liberals when he writes about the exercise and use of property rights and contrasts them with another competing good he values – equality. And it is here that his lack of knowledge about how markets and economics work is most problematic. In the positive sum world of markets, Berlin sees things purely as zero-sum.

He compares two phrases he describes as “modern” namely “economic freedom” and what he calls “its counterpart, ‘economic slavery’” (Berlin, 1969:122). He then channels others in the future when he writes: “It is argued, very plausibly, that if a man is too poor to afford something on which there is no legal ban – a loaf of bread, a journey round the world, recourse to the law courts – he is as little free to have it as he would be if it were forbidden him by law” (Ibid.). Factually this may be true in the short-run, but what causes the inequality? Again Berlin makes this a political issue and ignores the economics.

Then he makes a comparison that I think bears emphasizing. In describing Marxist positions of why there is poverty he writes “(i)t is only because I believe that my inability to get a given thing is due to the fact that other human beings have **made arrangements** whereby I am, whereas others are not, prevented from having enough money,” (Ibid.,123, emphasis added) to buy stuff do I think of myself as a victim. Then he adds that the use of the term victim “depends on a particular social and economic theory about the causes of my poverty or weakness” (Ibid.). Unfortunately, he then goes on to conflate Hobbes' state of nature with free markets. When describing the “English” meaning of freedom he cites Hobbes on the need for authority to deal with social conflicts, writing that unlimited freedom “would entail a state in which all men could boundlessly interfere with all other men; and this kind of ‘natural’ freedom would lead to social chaos” (Ibid.). But then Berlin says “(b)ecause they (Hobbes et.al) perceived that human purposes and activities do not automatically harmonize with one another and because... they put high value on other goals, such as justice, or happiness, or culture,

or security or varying degrees of equality,” (Ibid.) people were willing to trade off their freedom.

Classical liberals and libertarians agree with Hobbes’ view about the need for some authority to resolve disputes, protect property rights, and provide third party contract enforcement. And no reasonable person disagrees that without some limits on the actions of others rights are meaningless. But the use of the phrase “automatically harmonize” suggests that Berlin is dismissing claims about the power of markets to align interests and resolve resource allocation problems. Markets, which can emerge without leviathan style governments, can do a very good job of harmonizing various human activities.

Then Berlin argues that too much negative liberty creates numerous negative externalities. He describes “libertarians” including Locke, Mill, Constant, and Tocqueville (an odd group to apply that term) as saying that “there ought to exist a certain minimum area of personal freedom which must on no account be violated; for if it is overstepped, the individual will find himself in an area too narrow for even that minimum development of his natural faculties which alone makes it possible to pursue” (Ibid.,124). That’s of course only half correct; such an inviolable area is needed to allow individuals the space to reach their full capacity, but it is also necessary because libertarians and classical liberals believe that the single biggest violator of negative liberty is not other citizens, rather it is the State. Constitutional protections of a “minimum area” of liberty was one of the ways Locke and others hoped to clarify individual freedom during rights conflicts and protect them from power hungry governments.

What’s more, government violations of the rule of law undermine the pre-conditions for development. Without consistent application of the rule of law, large and unequal distributions of wealth will be maintained by political power and individuals will not invest or engage in the kind of market exchanges that will ameliorate the inequality that Berlin so fears. Then he produces a list of rather unfortunate statements that display his lack of understanding about the causes of underdevelopment and poverty as well as how markets function:



‘Freedom for the Oxford don’, others have been known to add, ‘is a very different thing from freedom for an Egyptian peasant’.

It is true that to offer political rights, or safeguards against intervention *by the state* (emphasis mine) to men who are half-naked, illiterate, underfed, and diseased is to mock their condition.

Individual freedom is not everyone’s primary need.

The Egyptian peasant needs clothes or medicine before, and more than, personal liberty.

I am ready to sacrifice some, or all of my freedom: I do so willingly and freely: but it is freedom that I am giving up for the sake of justice or equality or the love of my fellow man. I should be guilt stricken, and rightly so, if I were not, in some circumstances ready to make this sacrifice (Ibid., 125).

Obviously no one would minimize the importance of alleviating hunger in desperately poor societies; however the classical liberal reader is hoping that Berlin will defend the economic system most of liberalism – free markets and voluntary exchange, which does the best job empirically at feeding people. Instead Berlin argues that negative liberty must be compromised in order to equalize material distributions, presumably through government redistribution. He bases this choice on one of his other more famous philosophical positions, value pluralism.

Value pluralism, to which I cannot do complete justice in this paper, begins with Berlin’s reasonable skepticism about what he calls the belief among people that there are ultimate truths, perfect orders, or what he calls (I assume non-accidentally) as “final solutions” (Ibid., 167). He regularly uses the term “monism” to describe ideas that claim to provide clear paths to perfect orders with a religious fervor. Instead Berlin believes that trade-offs and compromises are necessary to get to a society where individual political liberty is protected. He describes the trade-off I am outlining: “It

is commonplace that neither political equality nor efficient organization, nor social justice is compatible with more than a modicum of individual liberty, and certainly not with unrestricted *laissez-faire*; that justice and generosity, public and private loyalties, the demands of genius and the claims of society can conflict violently with each other. And it is no great way from that to the generalization that not all good things are compatible still less all the ideals of mankind” (Ibid.).

In some sense Berlin seems to be saying what any intelligent person would recognize – there is no such thing as a perfect world. Berlin reminds us that people have different, competing, goals that cannot be “harmoniously realized” (Ibid.,169). In Berlin’s view these competing claims are all valid, and the danger posed by a faith in “final solutions” or monism is too great to not support a system in which competing values are respected and therefore sacrifices must be made in the construction of a political and social order. This seems uncontroversial.

However by mixing political and economic goals he is making a key error. Compromised negative liberty and political attempts to equalize wealth distributions often don’t lead to better, more equal outcomes. Classical liberal critiques, not to mention Austrian economics, raise serious doubts about the abilities and motivations of politicians to feed the Egyptian peasant. Is “social justice” (undefined by Berlin) only compatible with “a modicum” of individual liberty? Is unrestricted *laissez-faire* really at odds with efficient organization and political equality? Most importantly, is faith that markets are a better means of handling social and economic inequality than compromising negative liberty a form of monism and at odds with value pluralism?

Berlin is correct in noting that some trade-off in absolute negative liberty is needed to build legal structures and stability in society, as Hobbes argued, and individuals are free to trade some of their negative liberty in coercive government redistribution, as Hayek famously did in the *Constitution of Liberty*. However classical liberals would argue that markets give us a way to measure ends with prices to at least inform choices about the conflicts that value pluralism believe cannot be resolved. Furthermore, markets are not zero-sum. In fact many of the instances of poverty that Berlin cites, such

as the lack of development in Egypt, can hardly be blamed on negative liberty. If anything, oppressive government dictatorships in the developing world are the single biggest cause of poverty, not an overabundance of negative freedom. In a real market, exchanges produce positive sum outcomes and wealth is not protected behind a wall of excessive regulation and rent-seeking that merely codifies inequality and privilege.

During Berlin's autobiographical interviews with Michael Ignatieff, he acknowledged that while he began studying at Oxford, he soon stopped reading economics altogether (Ignatieff, 1999). His views of markets contained in the phrases above displayed are shockingly uninformed for someone called "liberal" with his education. Markets for Berlin were zero-sum and non-cooperative. The closest comparison to the market for Berlin seems to be the Hobbesian jungle. Compromising the rule of law regularly for the purposes wealth re-distribution may represent a reasonable trade-off in his model of value pluralism, but the assumptions he uses for why that choice is needed and how effectively that trade-off will fix the underlying problem are at best questionable.

So Berlin believes that too much negative liberty will simply entrench the wealthy in superior social positions and sentence the poor to eternal deprivation. Negative liberty establishes and maintains social inequality. Berlin himself describes liberty as distinct from equality and justice or human happiness. But he then writes "(I)f the liberty of myself or my class or nation depends on the misery of a number of other human beings, the system which promotes this is unjust and immoral" (Ibid.). Of course he's assuming causation here. He sees calls for limited government as selfish claims by the wealthy to protect themselves and unjust systems. He sees a false trade-off—equality is gained when negative liberty is limited. "Yet it remains true that the freedom of some must at times be curtailed to secure the freedom of others. Upon what principle should this be done?" (Ibid.,126). For him the question is one of balancing when and how to limit the liberty of some for other social goods. Value pluralism prompted Berlin to urge limits on negative liberty, which he believes will handle the social ills associated with too much negative liberty.

This leads us to the second problem with Berlin's view of negative liberty –the State. I would argue that Rothbard and others have missed the prominent role that the State plays for Berlin because of this passage that ends his discussion of negative liberty. In those closing paragraphs he raises an issue near and dear to the heart of “libertarians” like Tocqueville –the problem that democracy can have in maintaining liberty. He writes:

Self-government may, on the whole, provide a better guarantee of the preservation of civil liberties than other regimes, and has been defended as such by libertarians. But there is no necessary connexion between individual liberty and democratic rule. The answer to the question, ‘Who governs me?’ is logically distinct from the question ‘How far does government interfere with me?’ (Ibid., 130).

Berlin then writes several lines down that the “connexion between democracy and individual liberty is a good deal more tenuous than it seemed to be in the minds of many advocates of both” (Ibid). This seems consistent with liberal principles. The problem is that for Berlin, particularly in passages prior to this claim, negative liberty disputes are always instances of individuals and groups, not the State violating my negative freedom.

The reason that these disputes need an arbiter is because at times in Berlin's writing the State seems to be a sort of neutral, black box of justice compared to the highly unequal outcomes of markets. Both of those assumptions seem unduly naïve and simplistic. In the introduction to the republication of this essay, Berlin goes much further in revealing what he thinks of unfettered markets. In his reading of history, negative liberty without sufficient State intervention led to “politically and socially destructive policies” (Berlin, 2008: 38) that tell the “bloodstained story of economic individualism and unrestrained capitalist competition” (Ibid.). He also ridiculed the writings of two noted classical liberals, Herbert Spencer and the famous free-trade advocate Richard Cobden, as well as their followers. And he's not describing some hypothetical period in which we could live in anarchy:

I had supposed that enough had been said by almost every serious modern writer concerned with his subject about the fate of personal liberty during the reign of unfettered economic individualism – about the condition of the injured majority, principally in towns whose children were destroyed by mines or mills while their parents lived in poverty, disease, and ignorance, a situation in which the enjoyment by the poor and the weak of legal rights to spend their money as they pleased or to choose the education they wanted (which Cobden and Herbert Spencer and their disciples offered them with every appearance of sincerity) became an odious mockery (Ibid.).

Even more surprisingly Berlin then claimed that “(l)egal liberties are compatible with extremes of exploitation, brutality, and injustice” and that the case for “intervention, by the State or other **effective agencies**, to secure conditions for both positive, and at least a minimum degree of negative, liberty for individuals is overwhelmingly strong” (Ibid, emphasis added). What “effective agencies” are in politics is, and has been a matter of considerable debate as a practical and theoretical matter. Berlin breezes along and seems uninterested in clarifying this rather ambiguous term.

Surprisingly, Berlin recognizes the threats posed by the State to the freedom of citizens when he begins his discussion of the problems of democracy. He notes that some “optimistic” thinkers such as Smith and Locke and “in some moods Mill” (Ibid., 126) believed that there was a large swath of life that could be private. He contrasted those thinkers with conservatives such as Hobbes who argued that unregulated human life seemed to require “safeguards” to prevent the emergence of a “jungle” in lieu of society. Obviously this was a discussion about the proper role of the State.

So how much State did Berlin believe we needed for negative freedom? Interestingly he doesn’t say. He argues that Mill’s plea for a free society to promote individualism is, at the very least, flawed for a variety of reasons.<sup>1</sup> But we might gain some insights into his thinking when we look at an earlier passage dealing with his comparison of “libertarian” and conservative thinkers. In describing Mill’s position he writes:

Since justice demands that all individuals be entitled to a minimum of freedom, all other individuals were of necessity to be restrained, if need be by force, from depriving anyone of it. Indeed, the whole function of law was the prevention of just such *collisions*: the state was reduced to what Lassalle contemptuously described as the functions of a night-watchman or traffic policeman (Ibid., 127, emphasis added).

Here Berlin's complete ignorance of economics is again problematic. In the earlier discussion we saw how he completely failed to grasp how critical property rights are to liberty. In this section he misunderstands the prospects for cooperation and mutual gains from trade in social settings. "Collisions" are the most likely outcome when individuals live in society. The use of this phrase prejudices the reader in favor of government action rather than privately sanctioned bargaining and cooperation between individuals or among groups with competing claims to rights. It suggests collisions rather than cooperation are the de-facto starting point in human relations. It assumes the State is needed constantly to enforce privately written contracts and resolve competing claims to rights. In addition, Berlin makes virtually no distinction between "law" and "government" as it's conceived by classical liberals. If Berlin had read, or at least tried to read someone like Nobel Laureate Ronald Coase's work on social costs (1960) he might have thought about social conflict differently.

So for Berlin, what exactly can government do to help maintain negative liberty? He appears to believe that we need a very vigilant government to limit the damaging effects of negative liberty. The state is needed to prevent collisions because the biggest threat to negative liberty does not come from the government, but rather comes in the form of other citizens. This may be the result of his indifference to the historical phenomena of states confiscating private property or his ignorance of the risks governments have posed to cooperative markets throughout human history. Either way, he views competing interests and conflicts with other citizens as the single biggest risk to freedom. Collisions need to be prevented or, if they can't be prevented, resolved by the government.

Secondly, according to Berlin unfettered negative freedom will lead to huge chasms of inequity in society, and that will lead to social conflict. Capitalism for Berlin is a zero-sum game that generates wealthy oligarchs (pikes) who oppress and dominate the poor (minnows). Therefore, because of his belief in value pluralism he seems to naively depict the need for a neutral, effective, disinterested, omniscient group of “effective agencies” to prevent “unfettered” negative liberty from placing democracy and liberty at risk. Contrast this with the way that negative freedom is viewed by classical liberals. Today defenders of liberty believe that the single biggest threat to negative liberty is the State, and that markets broadly distribute wealth throughout society rather than create large concentrations of wealth among a very few. Classical liberals and libertarians today believe that it is not the job of the state to resolve social inequality because it can’t accomplish that goal and may have perverse incentives to protect the wealthy and well-connected. Berlin may have popularized the phrase “negative liberty” but he certainly did view its benefits and risks in the same way that classical liberals do.

### ***Positive Liberty***

So now that I’ve discussed the difficulties for classical liberals in Berlin’s discussion of negative liberty, let’s look at his view of positive liberty. As much as Berlin seems more predisposed to place significant limits on negative liberty, his specific positions on positive liberty are surprisingly sympathetic to classical liberal positions. Let’s begin by looking at his definition of positive liberty:

The ‘positive’ sense of the word ‘liberty’ derives from the wish on the part of the individual to be his own master. I wish my life and decisions to depend on myself, not on external forces of whatever kind. I wish to be the instrument of my own, not of other men’s, acts of will.

As I noted at the outset of this paper, this view of liberty, a sort of self-actualization or self-assertion is supported by scholars such as Cass Sunstein and Stephen Holmes who discussed the importance of positive rights in their

book *The Cost of Rights* (1999). They boldly claim that the dichotomy between negative and positive rights is false because *all rights* are positive, but not positive in the way that Berlin would have defined them. They first outline the differences between positive and negative rights in the following way:

Negative rights typically protect liberty; positive rights typically promote equality. The former shield a private real, whereas the latter reallocate tax dollars. The former are privative or obstructionist, while the latter are charitable and contributory. If negative rights shelter us from the government, then positive rights grant us services by the government (Holmes and Sunstein, 1999: 40).

We can learn three important things from that comparison. First, Holmes and Sunstein describe negative rights as “privative or obstructionist,” and “shelter us from the government.” Neither of these claims conforms to Berlin’s view about negative liberty. Second, Holmes and Sunstein basically believe that positive rights are synonymous with subsidies. Third, *all* positive rights are services from the State. An individual apparently cannot be self-actualized or achieve self-mastery without an activist state that plays some role in providing services, reallocating tax dollars or engaging in redistribution among individuals in society. Conversely they see negative rights as protections from the government. As I’ve shown above, Berlin did not seem to believe that the government was the greatest threat to negative liberty. Rather he believed social collisions among individuals, only mitigated by state action, were a greater threat to liberty.

Holmes and Sunstein take this position even further by saying that all rights are positive rights, because they equate rights with costs incurred by governments. There is a cost to maintaining negative rights as well as positive ones. Therefore the distinction between the two types of rights falls away. As they write “No right is simply the right to be left alone by public officials. All rights are claims to an affirmative government response. All rights, descriptively speaking, amount to entitlements defined and safeguarded by law” (p. 44). They conclude by claiming that both positive and negative



rights are both “costly because all rights presuppose taxpayer funding of effective supervisory machinery for monitoring and enforcement” (*ibid.*).<sup>2</sup> Here it seems they focus on what Berlin called “collisions,” but note that the cost argument is completely missing in Berlin.

I am using Holmes and Sunstein as representatives of the argument that in order to give everyone the ability to be their own “masters” we must use the State to level the playing field and help those who lack the resources to truly gain self-mastery. Aside from the various practical critiques of the plausibility of this position, this characterization of positive liberty is completely removed from the way in which Berlin himself discussed positive liberty. Berlin makes no claims about the costs of rights enforcement or that positive rights involve government expenditures. As I’ve shown, Berlin had no interest in economics and he was often openly hostile to economics language and approaches throughout his work. If anything his conception of costs would have involved negative rights, which required an active government to limit the incursions or collisions that occur in social settings. And yet, when explaining positive liberty in detail, Berlin uses examples in which tyrants limit choice and prevent self-actualization. For Berlin, government seems to be the main threat to limit positive freedom.

Like Mill, Berlin shows concern for what I’ll call “group think.” He notes that pursuit of the “higher” freedoms is often associated with monistic positions, such as Hegelian or Platonic views of philosophy and history. The danger here is that the “enlightened” begin to “conceive of (themselves) as coercing others for their own sake, in their, not my, interest. I am then claiming that I know what they truly need better than they know it themselves” (Berlin, 1969:133). Much like negative liberty, the immediate dangers come from others in society, but note a key difference— the reference to Hegelian and Platonic approaches has an implicitly political feel to it that Berlin builds on when he writes:

Once I take this view, I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name, and on behalf, of their ‘real’ selves, in the secure knowledge that whatever is the true goal of

man (happiness, performance of duty, wisdom, a just society, self-fulfillment) must be identical with is freedom –the free choice of his ‘true’, albeit often submerged and inarticulate, self (Ibid.).

It’s clear here that one of Berlin’s targets is Marxist false consciousness. Writing later about the splitting of personalities into desires and reason he notes: “Enough manipulation with the definition of man, and freedom can be made to mean whatever the manipulator wishes. Recent history has made it only too clear that the issue is not merely academic” (Ibid.,134). We can safely infer that recent history was the Soviet empire and/or Nazi Germany.

His next section entitled “The retreat to the inner citadel” deals specifically with the idea that people have often retreated from limits on their freedom, particularly the Stoics or Buddhists who have “fled the world, and escaped the yoke of society or public opinion” (Ibid., 135). However, most of this section is not an attack on public opinion as we conceive of it today, but an attack on the tyranny of rulers. He dismisses the idea that a retreat from the world is an acceptable alternative to the realization of individual choice and autonomy. He argues that for people “nothing is worse than to treat them as if they were not autonomous, but natural objects, played on by causal influences, creature at the mercy of external stimuli, whose choices can be manipulated by rulers, whether by threats of force or offers of rewards” (Ibid.,137-8). He claims such treatment destroys self-determination, and quotes Kant: “Paternalism is the greatest despotism imaginable.” He then cites the earlier Utilitarians as advocates of just such a style of governance, but later on that same page he makes another more oblique reference to the Soviets and Nazis when he says that “to lie to men, or to deceive them, that is, to use them as means for my, not their own, independently conceived ends, even if it is for their own benefit, is, in effect, to treat them as sub-human, to behave as if their ends are less ultimate and sacred than my own” (Ibid.,137). This is not a discussion of empowering individuals with government largess –it’s a direct attack on false-consciousness, political manipulation, and totalitarian coercion of the right of individuals to pursue their own goals.

Unfortunately, contemporary readers of Berlin often ignore his broader fear. Take for example another attack he makes on capitalism in the latter parts of “The retreat to the inner citadel.” He argues that negative freedom is not sufficient because individuals have few wishes or desires because of other forces—government and mass advertising. He writes that people “need only contract or extinguish (their) wishes, and (they) are made free. If the tyrant (or ‘hidden persuader’) manages to condition his subjects (or customers) into losing their original wishes and embrace (‘internalize’) the form of life he has invented for them, he will, on this definition have succeeded in liberating them” (Ibid.,140). One can read this passage with concern about large external social forces like corporations, but to ignore the broader dangers that Berlin sees in totalitarian governments is irresponsible. We can also see the influence of value pluralism here as Berlin champions respect for different goals and ideas.

He then identifies the problem with looking only at external limits on freedom and argues that Marx “maintained that the path of human beings was obstructed not only by natural forces, or the imperfections of their own character, but, even more, by the workings of their own social institutions, which they are originally created (not always consciously) for certain purposes, but whose function they systematically came to misconceive” (Ibid.,143). One might read this as a warning to the “nudgers” of the world to think carefully about the construction of their government programs. But all one has to do is read a few lines further to see Berlin showing tremendous concern about a monistic public project to attain “liberation by reason” whether it’s based on Plato, Marx, or any broad social project:

Socialized forms of it (the positive doctrine of liberation by reason), widely disparate and opposed to each other as they are, are at the heart of many of the nationalist, communist, authoritarian, and totalitarian creeds of our day. It may, in the course of its evolution, have wandered far from its rationalist moorings. Nevertheless, it is this freedom that, in democracies and in dictatorships, is argued about, and fought for, in many parts of the earth today (Ibid.,144).

It seems fairly clear that his concern is that large-scale attempts by a wide range of institutions such as corporations, politically organized groups, government, military leaders, or perhaps religious and culturally organized interests, can destroy positive liberty by exerting coercive power to limit the choices available to individuals in society. Positive liberty as discussed today is an entirely different kind of animal.

### **Berlin, the anti-totalitarian**

So if Berlin was not a liberal in today's terms, what was he? How might we best describe him? A good place to start to understand how he viewed history and liberty would be Berlin's life. He was a refugee from Bolshevik Russia; he maintained personal contacts in the Soviet Union and smuggled *Doctor Zhivago* from the Soviet Union in 1956 in order to promote artistic freedom and embarrass the Soviet regime. He lived through World War II serving in British intelligence. As a Jew we can assume his views about the Nazis. Berlin's worldview was not shaped by the economic thinking, but instead by what could be described as anti-totalitarianism. His skepticism of government was not based on the knowledge problems that Hayek (1945) and others studied. Berlin did not oppose communism or socialism because they lacked markets, for which he often showed contempt. Rather he hated the Soviets and Nazis because of their monistic systems that crushed dissent, forbade creative thought, and of course murdered and oppressed their citizens.

And this was evident in his work on historical inevitability, a key tenet of Marxist thought. He begins his discussion of this topic by linking the use of what he refers to as "'scientific' method" to the attractiveness of seeing history as full of "large patterns or regularities" (Berlin, 1969:43). His main concern here is that the application of such "models" will ignore the role that individuals play in shaping history. In particular he worries that we will lose sight of human motives and, importantly, individual responsibility. And Berlin criticizes the tendency to attribute "ultimate responsibility for what happens to the acts or behavior of impersonal or 'trans-personal' or 'super-

personal' entities or 'forces' whose evolution is identified with human history" (Ibid., 45) throughout the essay. And these "specific forms of deterministic hypothesis have played an arresting, if limited, role in altering our views of human responsibility" (Ibid., 73). So we have Berlin defending that individuals have free will and make choices for which they should be held accountable. Which politicians does he think have acted admirably to change the course of human history?

We can see one example from an essay he wrote entitled "President Franklin Delano Roosevelt". Berlin loved comparing two sets of alternatives (such as positive and negative liberty), and he began this essay contrasting "two bleak extremes" in the 1930s, "Communism and Fascism – the red or the black" (Berlin, 1998:629). And Berlin's view of the only example of "light that was left in the darkness" was FDR. He wrote glowingly: "At a time of weakness and mounting despair in the democratic world Roosevelt radiated confidence and strength. He was the leader of the democratic world, and upon him alone, of all the statesmen of the 30's no cloud rested – neither on him nor on the New Deal, which to European eyes still looks a bright chapter in the history of mankind" (Ibid.).

Concerning the New Deal, Berlin once again made his skepticism of markets clear when he proclaimed that "His (FDR's) internal policy was plainly animated by a humanitarian purpose. After the *unbridled individualism of the 1920's*, which had led to the economic collapse and widespread misery, he was seeking to establish new rules of social justice" (Ibid., emphasis added). Setting aside for a moment Berlin's fundamental misunderstanding of economic history, one can also see in his work his opposition to totalitarianism and support for democracy.

Berlin believed that politics could redeem society and heal the destruction of too much negative liberty. As we can see in his FDR essay, democracy can heal the wounds inflicted by markets through the rise of great men. Aside from the risks it posed to liberty, democracy was also potentially good because it could defeat "bad" people and serve to mitigate the power of established interests. In describing FDR and the New Deal, Berlin argued that: "Roosevelt was providing a vast safety-value for pent-up bitterness and indignation, and

trying to prevent revolution and construct a regime which should provide for greater economic equality and social justice—ideals which were the best part of the tradition of American life—without altering the basis of freedom and democracy in his country” (Ibid., 630).

Berlin found evidence for the virtue of the New Deal in the “amateurs, college professors, journalists, personal friends, freelancers (sp) of one kind or another, intellectuals, ideologists, what are nowadays called eggheads” (Berlin, 1998: 630) who he thought instituted the New Deal. These people “were allowed to talk to their hearts’ content, to experiment, to indulge in a vast amounts of trial and error, that relations were personal and not institutional, bred its own vitality and enthusiasm” as compared to the “cliques, personal supporters” of established politicians to say nothing of the evil “bankers and businessmen, their feelings were past describing” (Ibid.).

Setting aside FDR, the key point is that people matter to him, but not in the same way that individuals matter for classical liberals. Berlin and friends of liberty agree that inevitability in history is wrong and dangerous. But Berlin’s solution is a great man who empowers a group of people who look a lot like Berlin himself (a professor, intellectual, friend of powerful people and egghead) into combat against monistic thinking, be it unfettered individualism or fascism. This exclusive reliance on prudent leadership seems naïve compared to the institutional approach of Public Choice scholars such as James Buchanan and Gordon Tullock.

## **Conclusion**

Isaiah Berlin was a deeply intelligent thinker who made important contributions to a number of disciplines. He was a staunch anti-totalitarian in the manner I have outlined above. But was he liberal as we think of that word today? I think the answer is no. A liberal must support property rights, prefer markets over collective decision-making, and display constant wariness of the State. Berlin misunderstood the role and function of markets in free societies. He possessed a conflicted view of democracy. He realized the risks that democratic

systems posed to liberty. However he seemed to believe that the risks to liberty from other individuals in society and markets were as great as those that come from the government. He was too drawn to “great men” animated by a vague social commitment to intellectual freedom and prudence while simultaneously recognizing that governments without limits were an obvious threat to freedom. His analysis of history is surprisingly devoid of institutional analysis, much of the wisdom of the Scottish Enlightenment, and the American Founding.

But classical liberals and libertarians should re-visit and stake claim to his work on positive liberty. It is here that Berlin shows skepticism about claims to universal truths and the necessity of political leaders to “correct” the mistaken views of the public at-large. It’s deeply ironic that many scholars today invoke positive liberty as a call for greater government intervention without understanding that Berlin himself based the idea on a fear that political leaders would try to tell people what they should believe based on claims of greater wisdom. And that fact is lost in the current characterizations of Berlin’s work rather than a serious analysis of what he said. In much the same way, his analysis of negative liberty needs to be re-examined and clarified in order to emphasize the shallow critiques of opponents of liberal values.

## NOTES

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- 1 First Berlin argues that Mill’s obsession with promoting creativity doesn’t necessarily require politically free societies because “love of truth, and fiery individualism grow at least as often in severely disciplined communities among, for example the puritan Calvinists of Scotland or New England, or under military discipline as in more tolerant or indifferent societies” (p. 128). Second, that it’s a relatively new idea and implies it might just be a fad, and third he argues that such creativity might very well be incompatible with democracy.
- 2 They make an interesting claim about property rights as also being “positive” when they write that the American property rights system “protects the property rights of owners not by leaving them alone but by coercively excluding nonowners (sp) (say, the homeless) who might otherwise be sorely tempted to trespass” (Berlin, 1969: 48). In summary they argue that “(t)he property rights of creditors, like the property rights of landowners, would be empty words without such positive actions by publicly salaried officials” (Ibid.). This

opens the question of whether the authors believe that voluntary or individual enforcement is merely impractical or a positive right even without the state because of the costs individuals might incur in enforcing them privately. Either way the argument seems to be that all rights are government based purely on a cost basis.

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