



# No Vax, No Tax. COVID-19 and Negative or Positive Liberty

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## Abstract

The efforts to legitimize or to oppose the policies responses to COVID-19 have placed the concept of freedom at the center of the contemporary political arena. The article intends to contribute to the debate, by reconsidering a minor classic in modern political theory: Isaiah Berlin’s lecture “Two concepts of Liberty”. This Inaugural Lecture, delivered before the University of Oxford in 1958, as well as the subsequent pamphlet published eleven years afterwards, discuss the notion of Liberty by examining two conceptualizations: Negative Liberty and Positive Liberty. Berlin’s reasoning is inspiring because it refers to a series of actual topics: the role of the state; the differentiation between right and left; the totalitarian and totalizing ideologies; neoliberalist anti-political culture; the state of exception and of absolute sovereignty; the calls to social responsibility. Berlin himself declared the aims of his reflections on liberty by stressing the importance of the comprehension of the emergence of the despotic regimes of the twentieth century. I will then present Berlin’s discussion by repositing an old article I wrote in 1979 when, as a young student at McGill University, I was eager to clarify the relationship between political narratives and experience.

**Keywords:** Negative Liberty; Positive Liberty; Politics; Policies; the State; COVID-19

## On Negative and Positive Liberty

Berlin’s conception of negative and positive liberty, simply summarized by the contraposition between “freedom from” and “freedom to”, are based on the respective answers to two different and in some way opposing questions. Negative Liberty tries to deal with the following problem: “What is the area within which the subject - a person or group of persons - is or should be left to do or be what he is able to do or be, without interference by other persons?” [1]. Positive Liberty, instead, addresses the question: “what, or who, is or should be, the source of control or of interference that can determine someone to do or to be this rather than that” (p. 7) [1]. The essential point, as Berlin declares, “is not

who governs” but, rather, “what government is entitled to do” (p. 7) [1]. From this angle while negative liberty curbs authority, positive liberty procures it (p. 130) [1].

According to Berlin, to be negatively-free would essentially mean not to be interfered in the pursuit of one’s activity: “being free is not to be interfered: the wider the area of non-interference, the wider one’s freedom” (p. 166) [1]. The theory is essentially derived by Thomas Hobbes who, in 1642, wrote that “*liberty* is nothing else but an *absence of the lets and hindrances of motion* [...]”. And every man hath more or less *liberty*, as he hath more or less space in which he employs himself” [2]. In Berlin’s interpretation this conception maintains that any obstacle to the satisfaction

of one's own desires, to the attainment of goals, to the possibility to make choices, is an infringement upon one's own freedom (p. 123) [1]. Non-interference represents an absolute right, valuable as such and so powerfully held that its observance "has entered into the very conception of what is to be a human being" (p. 122-123) [1].

Quoting John Stuart Mill, John Locke and Adam Smith, Berlin considers such concept of freedom as an end, a "source of value" rather than as a means to something else and he argues that "political liberty in this sense is simply the area within which a man can do what he wants" (p. 165) [1]. This private space, which defines human nature, is on no account violable by nobody, neither by the state nor by any other authority (p. 122) [1].

Berlin considers negative liberty as one of the distinguishing concepts of modern liberalism: "the fathers of liberalism - Mill and Constant - want more than this minimum: they demand a maximum degree of non-interference compatible with the minimum demands of social life" (p. 126) [1]. Hence, the criterion of oppression would coincide with the role played by the State or by other human beings "directly or indirectly, with or without the intention of doing so, in frustrating one's own desires" (p. 127) [1].

From this perspective, Berlin attributes greater value to the negative concept of freedom because it "symbolizes the belief that man can be trusted to work out for himself a high destiny - a destiny higher than that that which other men could achieve for him" (p. 123) [1]. On the contrary Positive Liberty would lead "by steps which, if not logically valid, are historically and psychologically intelligible," to account for the despotism of the best or of the wisest (p. 32-33) [1]. Positive Liberty, in Berlin's formulation, assumes that people in order to be free, may need to be forced, more or less gently, depending on how fair the tutor is and how docile is the tutee. The positive concept would imply the attempts to raise individuals to a higher level of freedom which, if they would have been more enlightened, would have pursued themselves (p. 152) [1]: "what you know, that of which you understand the necessity - the rational necessity - you cannot, while remaining rational, want to be otherwise" (p. 133) [1].

Berlin funds the positive notion on a peculiar dualistic theory of the person which sees the individual as composed, on the one hand, of a "real", "rational", "higher" self and, on the other, of an empirical, irrational, "lower" self (p. 132) [1]. Liberty is identified with self-mastery, that is to say, with the control of man's lower nature by the higher self. This metaphor, moved to the social plane, is then shown to be a dangerous ideological tool to justify the coercion of some members of society by others: "to force the empirical selves

into the right pattern is no tyranny but liberation" (p. 32-33) [1].

The Inaugural Lecture discussed two strategies that would be "positively" implied by this split of the personality: self-abnegation and self-realization. The doctrine maintains that what one cannot have, must teach himself not to desire. When the self is faced with an obstacle he cannot surmount, he can persuade himself that the goals which he was supposed to achieve are not important and therefore renounces to pursue them. Alternatively, the individual can try to overcome the impediments in a theoretical way, implementing a sort of "liberation by reason" which internalizes the obstacles which cannot be controlled.

Berlin's argument claims that the "positive" approach to freedom inevitably leads to tyranny and to a "ruthless" monism, able to compress all values, "freedom" *in primis*, into some sort of ultimate value. As such it would be at the heart of the authoritarian regimes of the 20th century, "of those who seeks in the great, disciplined, authoritarian structures the ideal of positive self-mastery by classes or the people or the whole of mankind" (p. 152) [1]. The identification of freedom with self-control, rational self-determination and the integration in a harmonious and totalizing vision which some men can see and understand better than others, would consider conflicts and contradictions as clashes between reason and irrationality, between those who obey the natural or rational laws - and therefore would be free - and those who deviate from them (p. 154) [1].

For these reasons Berlin stressed a commitment to what he calls the "pluralism" of the values and projects implied in the doctrine of Negative Liberty. Defending the "freedom to do what is irrational or stupid or bad" (p. 32-33) [1], he comes to prefer the negative conceptualization of freedom as "a truer and more humane ideal [...] because it does, at least, recognize that the goals of mankind are many, not all of them commensurable and in perfect rivalry with one another" (p. 152) [1].

## Inter-fERENCE

There are, I believe, some serious difficulties in Berlin's account of Negative and Positive Liberty. Notwithstanding the author's emphasis on the need of conceptual clarity, the explanations are rather obscure and contradictory. They juxtapose the different aspects implicit in the concept of liberty, reducing the conceptual elements to their historical implementations.

The very definition of Negative Liberty is rather conjectural. Sometime Berlin identifies it with situations in which the agent can act without constraints or with the ability

and power to act without obstacles; some other times with an area within which an individual is able to act without interference. Although the foundation of Negative Liberty lies on the concept of non-interference Berlin does not provide a persuasive definition of what non-interference is. The concept is used rather abstractly, without any reference to a theory of rights nor of moral values, nor to the actual alternatives open to an agent: above all, it does not consider the integration of liberty within social reality and with the relations of man with other men. This right of absolute non-interference, “on no account violable”, could only be established for actions which, as J. S. Mill himself suggested, are completely self-regarding and concern exclusively the agent. These situations however, by their very nature, not only are very difficult to find and to define. Furthermore, they do not regard the right to avoid paying taxes or to threaten other people’s health and welfare.

Negative Liberty thus assumes a very stunted, sterile meaning, simply referring to a situation in which the individual is left alone. In this sense one would be free if he is left to starve or die, if he is in coma or if he does not have the possibility to do something he wishes to do. In this way the notion not only could be applied to “the wholly contented slave” but, far from coinciding with “human nature”, it offers nothing specifically human about freedom: such freedom could rightly pertain to a beast or even to a stone.

Berlin, on a few occasions, identifies liberty with the concept of “privacy”. In the discussion of Negative Liberty he repeatedly emphasizes a need for a private life, and equates the feeling we derive from being free with the sense of privacy (p. 125-126) [1]. Clearly, however, privacy and liberty cannot to be equated. Many persons who clearly lack the freedom to undertake everyday activities, might nevertheless enjoy plenty of privacy. Ultimately, Berlin’s concept of Negative Liberty finds its application in the right to dispose of one’s possessions and in the right to private property. Berlin’s theory, however, avoids facing the possible connections between non-interference and private property. A theory of absolute non-interference could coherently consider the right of private property as a major invasion of liberty, since it restricts the liberty of movement of other people.

Negative Liberty is the freedom of an abstract and unreal man, an isolated monad who finds in other men not the realization but the limitation of his own freedom: the only bond between men exists in the realm of necessity and in the sphere of interested relationships. The State itself is seen as external to the individual, limiting his original independence: it exists only to guarantee to each of its members the liberty of movement. Negative Liberty is thus founded on anti-political qualities, which are extraneous and irrelevant for any *political* theory of liberty which, by

definition, should concern intersubjective relations. Berlin, in fact, not only rejects the widespread notion that there is an essential connection between the concept of liberty and the form of government. He is also totally distrustful of power as such, and wants it to be kept at a minimum. He treats the very concept of “power” in wholly undifferentiated terms and ignores that it is inevitably used by particular men for particular purposes and, as such, must be judged accordingly: it can in fact be employed to increase or contract liberty - being not in opposition to liberty under all circumstances and conditions. Politics is reduced by Berlin to a tool to facilitate the engagement in one’s private life, ignoring the political structure. It interprets the demand for the nightwatchmen state which protects the rights and the freedom of “movements” of the individual.

Berlin’s dispute against Positive Liberty is essentially concerned with the combination of Positive Liberty with the metaphysical metaphor of the split of the self. The real object of his argument is not Positive Liberty per se, but rather the philosophical bifurcation of the person which would legitimize the coercion of some groups, which identify themselves as the higher self, over the lower, irrational groups. However, nowhere Berlin tries to explain the logical connection between Positive Liberty and the theory of the two selves nor he discusses the subsequent inevitable forcing of the lower part by the higher one.

To be sure, Positive Liberty does imply that not all persons are capable of self-determination. From this horizon “interference” does not necessarily coincides with the deprivation of liberty. It can, in fact, be directed at eliminating natural or human impediments, at providing aids and at restoring or extending the self-determining powers and opportunities to enjoy rights.

Berlin contrasts these views because they would confuse the concept of freedom with other values and reduce the concept to a mere “search for status”. To establish the possibilities to be free or to increase one’s freedom would simply be an apparently illegitimate pursue to attain social mobility. He clearly states that it would be “mere pedantry” to confuse “a struggle for liberty” with “the struggle for higher position”, or with “the wish to escape from an inferior position”. [...] To relate “any improvement of his social situation favoured by a human being an increase of his liberty” would render the concept as “distended as to make it virtually useless” (p. 48-49) [1]. For Berlin, in fact, “liberty is liberty not equality or fairness or justice or culture, or human happiness or a quiet conscience” (p. 159) [1].

The main thesis of Berlin’s argument, then, is about the most terrible despotism which found an intellectual rationale in Positive Liberty. In his zeal to show this connection, Berlin

refuses to appreciate the service that Positive Liberty has done to the liberal cause at times when the negative concept served illiberal purposes. If Berlin had been less interested in addressing the historical realizations of the Marxist ideology, he could have considered the years of economic tyranny within the so-called “free world” under the banner of Negative Liberty. He would have realized that there is no necessity to link Positive Liberty to monistic forms of rationality or morality nor to the negation of pluralism. A philosophy which denies universal principles is not committed to abandon the Positive concept of freedom. Actually, some of the authors mentioned in the lecture, although principally concerned with the use and abuse of power, did not restrict their attention to this factor alone, nor did they avoid considering that the free market alone would have created the favorable conditions to exercise the right to liberty (p. 125) [1]. Even if it is true that Constant, Tocqueville or J. S. Mill were primarily interested in the defence of the “individual liberty”, they were by no means prepared to abandon the demands for popular sovereignty made by the generations of Paine, Jefferson and the authors of the French declaration.

Freedom assumes reality only if it is considered in relation to a social whole and can be achieved only by positively affirming and developing one’s concrete social relations. As such, it does imply that not all persons are

capable of self-determination and does not see “interference” as necessarily coincident with the deprivation of liberty. Can, in fact, be directed at eliminating natural or human impediments, at providing aids and at restoring or extending the self-determining powers and opportunities to enjoy rights. It implies the coercion to effectively contribute to the collective live, through forms of redistribution of wealth and the limitations of dangerous individual intrusions and infections. It necessarily entails a great deal of state interventions and activities directed toward greater equality and the provision of necessary faculties for all. Liberty, in this sense, coincides with the power for all members of society alike to make the best of themselves. It becomes the active and continuous participation in the collective power, and coincides with the division of the social power among the citizen of the community.

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