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POSITIVE VS. NEGATIVE UNDERSTANDING OF LIBERTY: POLITICAL IMPLICATIONS**

Resume

The subject of this paper is the analysis of the political implications of the distinction between positive and negative understanding of liberty. The author first explains the relevance of this topic within the framework of contemporary theoretical and political discussions. The starting point of this paper is Berlin's distinction between the concepts of positive and negative liberty. In the first part of the paper, the author will deal with the implications of this difference regarding the type of socio-political system and political culture. In this sense, the author will try showing the democratic concept of liberty is positive liberty, while the classical liberal understanding of liberty is negative. In other words, the relationship between positive and negative liberty reflects on the relationship between democracy and liberalism; this relationship implies possible compatibility, but also potential opposition. In the second part of the paper, the author deals with the implications of the difference between the two concepts of liberty concerning distinctive models of democracy. Referring to Riker's thesis, the author's goal is to show how a positive understanding of liberty leads to a populist model of democracy. On the other hand, a negative understanding leads to a liberal model.

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The difference between these models of democracy is also reflected in the attitude about whether democracy has instrumental or intrinsic value.

Keywords: Berlin, Riker, positive liberty, negative liberty, liberalism, democracy, populism

INTRODUCTION

The starting point of this paper is Berlin's distinction between the concepts of positive and negative liberty.¹ These concepts are different both on historical and conceptual level. Berlin defines positive liberty as autonomy and self-realization. Negative liberty is defined as an area in which an individual freely chooses and pursues his goals. That is an area that is beyond the control and interference of the government. In this sense, the meaning of positive liberty is contained in the answer to the question about which the source of control is. The meaning of negative liberty is contained in the answer to the question: "In which area an individual is free to be or do what he is capable of without the interference of other people?" (Berlin 1992, 204).

The question of liberty is certainly not just an academic question; it is part of wider moral, political and axiological debates. This question is relevant because it relates to the fundamental relationship between the individual and the state. The difference between negative and positive liberty is the difference between the mere absence of interference and the possession of certain positive capacities. In other words, it is the difference between formal and real liberty. In this sense, this way of thinking about liberty has a significant role in contemporary theoretical and political debates (see Stančić 2020).

¹ For more insights about this topic see in: (Stanić 2020). This paper is partly based on the results of the author's research as part of writing doctoral dissertation *On justification of the distinction between the concepts of positive and negative liberty*, which has been defended at the Faculty of Philosophy, University of Belgrade in 2020.

THE RELATIONSHIP BETWEEN DEMOCRACY AND LIBERALISM IN LIGHT OF THE DIFFERENCE BETWEEN POSITIVE AND NEGATIVE LIBERTY

In the first part of the paper, we will analyze the implications of positive and negative understanding of liberty concerning the type of political system. For that purpose we will try answering the following question: What is the ideal of a society based on negative vs. positive liberty? In other words, the intention is to show conceptual distinction between the notions of positive and negative liberty has relevant political implications. That is regarding political theory, political culture and socio-political system.

If we define negative liberty as the desire for a free area of action and positive liberty as the desire to manage our own life, it turns out that these two types of liberty are answers to different questions. In other words, the answer to the question, “How much does the government interfere in my life?” is logically different from the answer to the question “Who rules me?” In this sense, Berlin points out: “The desire to manage my own life, or at least to participate in the process that controls it, can be as deep as the desire for a free sphere of action, and is probably historically older. However, those two wishes are certainly different” (Berlin 1992, 214). Hence, the difference between these wishes reflects the difference between liberal and democratic socio-political system.

Liberalism is the theory of the limits of state power, while democracy is related to the question of who should rule and by which procedures. In other words, liberalism deals with the content of the law, while democracy refers to the very method of making decisions. Consequently, the democratic concept of liberty is positive liberty, while the classical liberal understanding of liberty is negative. As a result, the relationship between positive and negative liberty is reflected in the relationship between democracy and liberalism.

Although today we are witnessing factual compatibility between democracy and pluralism, they can potentially be in conflict. At the core of the potential conflict between liberals and democrats lie different conceptions of liberty; while liberals strive to limit the state power as much as possible, democrats want all citizens to participate in decision-making. In this sense, we could agree with the following Berlin’s statement: “We do not have two different interpretations of the same concept, but two deeply different and irreconcilable attitudes about the goals of life” (Berlin 1992, 253).

That being the case, negative and positive liberty can potentially be in conflict. As a consequence, negative liberty is not necessarily and logically connected with a democratic regime. Although the prospects of individual liberty are better in democracy than in other types of political system. To support this argument, we will mention Berlin's thesis. According to it we can imagine the existence of a wide area of individual liberty under the rule of a benevolent dictator; we can also imagine a situation in which negative liberty is threatened due to the political and social tyranny of the majority in the system of intolerant democracy (Berlin 1992, 213).² Hayek shares this view and points out that individual liberty is not guaranteed within democratic regime (Hajek 1998, 99).

Italian author Sartori also claims negative liberty is not guaranteed within the democratic order; in other words, it is beyond the internal logic of the concept of democracy (Sartori 2001, 226). Individual liberty can, to a certain extent, be incompatible with full participation in common life, which implies solidarity and the pressure of common norms and customs. On the basis of these observations, we can conclude that negative liberty can (but not necessarily does) conflict with democratic self-governance, while positive liberty can (but not necessarily does) conflict with negative liberty.

Democracy is characterized by the absolute sovereignty of the majority, while liberalism fights against any absolute power, because such power is a threat to individual liberty.³ As a result, the emergence of liberal states is related to the abandonment of the classical concept of absolute state sovereignty. It was replaced by the idea of a limited and controlled government. Therefore, potential conflict between democracy and liberalism is based on the opposition between the ideas of limited and unlimited power (see Stančić 2020).

The initial assumption of liberal theory is individual "in its perfect individuality" (Humboldt 1969, 20). As a result, classical liberal understanding of liberty can be characterized as individualistic viewpoint par excellence. Liberal institutions are the only ones that guarantee diversity of values and freedom of choice. It is about political liberalism, and

² This view also shares the Italian author Bobbio; according to him, there is a constant tension between democracy and liberalism. In other words, the relationship between democracy and liberalism has always been complex (Bobbio 1995, 125).

³ Liberal order recognizes the fundamental rights and freedoms of every individual, whether he or she belongs to the minority or the majority.

not liberalism as *comprehensive doctrine*.⁴ In other words, it is about minimal imposition of specific morality by the state; such a minimum certainly includes the right of an individual to leave a certain group or community if he or she no longer wants to be a member of it (Crowder 2004, 11).⁵ Liberalism also supposes a minimum set of basic human rights such as: freedom of thought and expression; the right to emigrate; freedom from arbitrary arrest and prohibition on retrospective laws (Riley 2002, 89). These rights reflect the fundamental relationship between the individual and the state and limits of legitimate state interference (see Stančić 2020).

Starting from the definition of negative liberty as an area of individual liberty that is beyond the government control, the emergence of a liberal state can be seen as a gradual expansion of the sphere in which the individual is free from state interference. The two main spheres of emancipation were the sphere of religion and morality and the economic sphere. Hence, liberal state can be characterized as neutral towards the world view; its genesis relates to the collapse of confessional states.

As we have shown, positive and negative liberty — understood as the desire for a free area of action and the desire to manage our own life — can come into conflict. Nevertheless, in praxis we need to carefully and constantly balance between these two values; the pursuit of individual liberty does not imply giving up democratic participation. In this sense, we can agree with Berlin's thesis that both democratic self-governance and individual liberty are essential human needs and therefore intrinsic values (Berlin 1992, 66).

TWO CONCEPTS OF LIBERTY AND THE QUESTION OF DEMOCRACY

Building on the previous analysis, we will also deal with the political implications of the distinction between the two concepts of liberty in the second part of the paper. As we have shown, if we define negative liberty as the desire for a free area of action and positive liberty as the desire to govern our own life, it follows that the democratic concept of liberty is positive, while the classical liberal understanding of liberty is negative. When it comes to the very models of democracy,

⁴ For more insights about the concept of comprehensive doctrine see (Rols 1998).

⁵ It is important to point out that liberal regimes allow within their framework illiberal practices and forms of life, if such practices are not imposed.

we will try showing different understandings of liberty imply different conceptions of democracy.

First, we will refer to Riker's thesis, which he presented in the book entitled "Liberalism vs. Populism", about two fundamentally different conceptions of democracy – liberal and populist (Riker 1982). These conceptions differ in the way they interpret voting, i.e., the very procedure of democratic decision-making. Within the liberal conception voting is seen as a means of replacing undesirable political officials, in other words – those who performed their work poorly. Consequently, liberals hope that the fear of the next election will prevent political officials from abusing their power; in this sense, Riker points out the possibility of impeachment as a type of negative choice (10). Therefore, voting is perceived merely as a means of protecting the individual liberties of the voters. Within the populist conception, voting, on the other hand, is seen as the expression of the general will - as a specific type of collective entity. Unlike the liberal conception, the focus is not on negative liberty — the liberty of individuals from the state, but on positive liberty — which is achieved by the very act of participation in decision-making.

Having applied the results of social choice theory, Riker rejects the populist conception of democracy and gives preference to the liberal conception. Riker relies on the famous Arrow theorem about the impossibility of the social welfare function. If we start from the assumption of individual rationality, a limited set of individuals and options, the principle of rationality and intuitively acceptable ethical conditions related to the voting procedure itself. The paradox of voting, as Riker states, consists in the coexistence of coherent profiles of individual preferences and incoherent social choice created by majority rule (Riker 1982, 1).

Consequently, if we cannot speak of a coherent social choice – then there is no such thing as the will of the people. In this sense, Riker points out: "Social choice theory forces us to admit that people cannot rule as a corporate body in the way populists assume. Actually, the officials are the ones who rule and they do not represent the will of the people because it cannot be defined" (244). Since it cannot be determined, the *general will* be an empty and meaningless concept. Accordingly, Riker rejects the populist tradition of democracy that sees voting as a mechanism to help manifest the *peoples will*.

The type of democracy that remains is liberal democracy. It is "simply a veto with the help of which it is sometimes possible to prevent the tyranny of officials" (Riker 1982, 244). Therefore, the liberal conception does not assume that voting reveals the peoples will:

“All that elections do or should do is to allow people to get rid of those in power. The people who do it don’t need having a coherent will” (244). Hence, the voting results do not have to be consistent or even fair: “The outcome of the voting is only a decision and has no special moral character” (14). In other words, within liberal theory social decisions are unrequired to make sense. That being the case, democracy has only a negative role: as an institutional framework and a means of controlling the power holders and not a positive role of embodying the general will. This is the so-called thesis of minimal liberalism, which denies the existence of objective social values based on the peoples will (Stupar 2015, 139).

What distinguishes the populist from the liberal interpretation of voting is that the populist interpretation implies the opinion of the majority *must* be fair and *must* be respected. That is what Riker points out (Riker 1982, 14). Democratic government, therefore, embodies the peoples will and — for that reason — cannot be oppressive. Consequently, as Riker states, populists are sometimes inclined to characterize liberals’ fear of oppressive government as an anachronism (9). In contrast to the populist understanding, the liberal theory of democracy does not assume specific quality of the people’s decision: it does not tell us anything about whether such a decision is inherently good or bad. Based on these observations, we can conclude that liberals, unlike populists, do not start from the assumption of the political competence of the people.

Riker alternatively calls the liberal conception of democracy Madisonian and the populist one Rousseauian. In other words, he criticizes Rousseau’s understanding of democracy as a populist model of decision-making. According to Rousseau, liberty consists of political participation and obeying the laws we have prescribed for ourselves. Within the populist tradition, participation is therefore “necessary for freedom”, as Riker claims (Riker 1982, 12).

Like other populists, Rousseau attributed a special character to the voice of the people: if each citizen is guided only by the general interest when voting and not by private or individual interests – the general will is revealed. As Riker further cites – the social contract creates a “moral and collective body” that has a general will; the *general will* is always right and embodies the *common good* (11).

When it comes to Riker’s interpretation of Rousseau’s thought, it is important to emphasize that Rousseau does not fully advocates the conception of democracy attributed by Riker. On the other hand, if we

take into account certain places in the “Social Contract”, we can understand Riker’s reasons for classifying Rousseau as a populist. Those controversial formulations are the following: “When therefore an opinion contrary to mine wins, it only proves that I was mistaken and that what I considered as a general will is not the *general will*. If my personal opinion had prevailed, I would have achieved something else than what I wanted; and then I would not be free. True, this presupposes the majority possesses all the properties of the *general will*” (Ruso 1993, 104).

Although in this place Rousseau says the majority possesses all the properties of the general will, in another place he points out that although “the general will be always right”, it does not follow that decisions of the people are always right; “one always wants one’s good, but it is not always visible” (Ruso 1993, 45). On the basis of these considerations, we can conclude Rousseau makes a distinction between the will of all, and the general will. So it turns out that Riker’s interpretation — according to which Rousseau’s conception of democracy implies the opinion of the majority must be right and must be respected — is not entirely correct.

Nevertheless, in a certain sense we can attribute to Rousseau an epistemic understanding of democracy; according to him, majority decision-making, if certain conditions are achieved, does lead to right decisions – that are in accordance with the principle of the general will. That being the case, we can conclude that Rousseau, beside justifying democracy as a fair decision-making procedure – which respects the equality and liberty (understood in a positive sense – as autonomy) of all citizens, also supports epistemic justification of democracy.

When it comes to different models of democracy concerning the question of direct or indirect (by electing their representatives) citizens’ participation in making political decisions, positive understanding of liberty implies direct form of democracy. In contrast, negative understanding of liberty implies a representative form of democracy. For that reason, Riker is right when he points out that within the populist conception political participation is “necessary for freedom” (Riker 1982, 12). This conception is called populist because it implies the broadest possible participation of citizens. Direct participation in the community governance is the realization of positive liberty – comprehended as a desire to rule our own life.

Relevant examples of the connection between the positive concept of liberty and direct democracy are ancient practice of democracy and Rousseau’s understanding of democracy. According to Rousseau:

“Sovereignty cannot have representatives and for the same reason it cannot be alienated.” Direct democracy — being the only form of government in which there is an identity between those who rule and those who are being ruled — is, therefore, the only true expression of the people’s sovereignty. In this sense, Rousseau points out: “The English people think they are free, but they are sorely mistaken; they are free only during the election of parliament members: as soon as they are elected, they are slaves. They are nothing.” Rousseau further states that the increase in state territory and the number of inhabitants, “the weakening of love for the homeland and the revival of private interests” contributed to the emergence of a representative system of government; the idea of representatives is, therefore, a modern idea (Ruso 1993, 95).

That being the case, Rousseau is inspired by the ancient practice of democracy: “With the Greeks, the people did everything they had to do by themselves: they were constantly gathered for the assembly. (...) Their great concern was their liberty” (Ruso 1993, 95). In other words, the ancient people, unlike modern ones, had no representatives; they had contempt for a purely private life – participation in community management was an indispensable part of a good life. Moreover, the ancient people did not even have the concept of individual rights, so we cannot even talk about the distinction between the private and public spheres. Being the element of a broader organicist viewpoint, the ancient understanding can be characterized as a positive conception of liberty *par excellence*.

CONCLUSION

In summary, conceptual distinction between the notions of positive and negative liberty has political implications, related to different types of socio-political system and political culture. In other words, the relationship between negative and positive liberty is reflected in the relationship between liberalism and democracy. On the basis of this analysis, furthermore, we were dealing with Riker’s distinction between liberal and populist conceptions of democracy primarily from the perspective of distinguishing between positive and negative concepts of liberty. Based on the previous observations, we have pointed out political implications of the distinction between the two concepts of liberty. Riker himself states that Berlin’s distinction between positive and negative liberty can help us better understand the difference between liberal and populist models of democracy (Riker 1982, 12). That being

the case, we can conclude that different understandings of liberty imply different conceptions of democracy, *i.e.*, different views of democracy as a form of government.

Negative understanding of liberty implies the liberal model of democracy: democracy has only a negative role – as an institutional framework and a means of replacing political officials who abuse power. Consequently, democracy cannot have a positive role of embodying the *general will* – as a specific type of collective entity. Advocates of negative liberty perceive democracy only as a method: not as a socio-political arrangement that leads to the realizing of a particular normative ideal, like the common good. In other words, democracy is merely a procedure – which has an instrumental value, as a means of protecting negative liberty. On the other hand, positive understanding of liberty implies perception of democracy as an ideal; an order in which people rule themselves as free and equal. Hence, there is something valuable in the democratic procedure itself; as a fair decision-making procedure – democracy has an intrinsic value.

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ПОЗИТИВНО ИС. НЕГАТИВНО СХВАТАЊЕ СЛОБОДЕ: ПОЛИТИЧКЕ ИМПЛИКАЦИЈЕ

Сажетак

Предмет овог рада јесте разматрање политичких импликација дистинкције између позитивног и негативног схватања слободе. Концептуална дистинкција између ових различитих појмова слободе, поред својих нормативних и аксиолошких, има импликације и на плану политике. Ауторка најпре образлаже релевантност ове теме у оквиру ширих моралних и политичких расправа. Полазна тачка ових разматрања јесте Берлиново разликовање између позитивне и негативне слободе. У првом делу рада ауторка анализира импликације оваквог разликовања у односу на тип политичког режима. У том смислу, настојаћемо да покажемо да демократски концепт слободе јесте позитивна слобода, док је класично либерално схватање слободе негативно. Показује се, дакле, да однос између негативне и позитивне слободе представља рефлексiju односа либерализма и демократије. Другим речима, индивидуална слобода није инхерентно повезана са демократским уређењем: таква веза није нужна, већ само емпиријска. У другом делу рада ауторка анализира импликације разликовања између два појма слободе када је реч о дистинктивним моделима демократије. Ослањајући се на Рајкерово становиште, циљ је да покажемо на који начин позитивно схватање слободе води популистичком моделу демократије, док, са друге стране, негативно схватање води либералном моделу. Разлика између ових модела огледа се и у ставу о томе да ли демократија има инструменталну или интринсичну вредност. На основу ових разматрања, можемо закључити да заговорници позитивног схватања слободе демократско учешће посматрају као идеал, односно

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вредност по себи, док за либерале оно представља само средство очувања индивидуалне слободе.

Кључне речи: Берлин, Рајкер, позитивна слобода, негативна слобода, либерализам, демократија, популизам