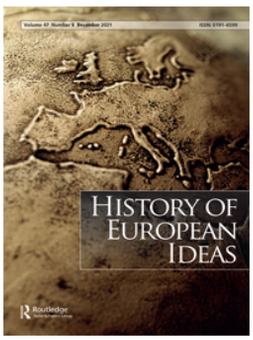

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The two modern liberties of Constant and Berlin

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ABSTRACT

The paper challenges the general perception that the positive–negative freedom discourse privileges negative liberty. It demonstrates that Constant and Berlin's dual freedom conceptual scheme contains the blueprint of a modern concept of positive freedom and it reveals the nature of negative freedom in an entirely new light. Constant's ancient and modern liberties have many similarities with Berlin's two concepts of freedom – positive and negative. The paper shows that these similarities warrant a parallel study and allow us to examine the relation between the two sides of the freedom dichotomy by using the compound terms modern/negative and ancient/positive freedom. It is argued that understanding the relation between the two freedoms depends on accepting ancient/positive liberty as practiced by the participants of modern revolutions. Then we can see why this freedom can both violate and complement modern/negative freedom. The paper argues that the combined tension and mutual dependency of the two freedoms can be explained by tapping into a metaphysical study of human agency, where metaphysics is understood as conceptualisation of moral experience. This helps demonstrate why Constant's modern liberty and Berlin's negative liberty rely on satisfaction as a key category reflecting individuals' capacity for subjective judgement.

KEYWORDS

Modern revolutions; ancient/positive liberty; modern/negative liberty; satisfaction; Benjamin Constant; Isaiah Berlin

1. Introduction

Benjamin Constant and Isaiah Berlin's distinctions between two kinds of freedom have been faulted for being abstract and false either-or dichotomies.[1] Constant's explicit positioning of his two liberties against the respective backdrops of ancient republics and the modern states of France, England and the United States gives historical content to his theory, but like Berlin he aims at a conceptual analysis: he speaks about two discrete concepts which differ in fundamental aspects. Despite some recent scholarly efforts to dissociate Constant's theory from Berlin's, I believe we stand to gain by studying Constant's dual conceptualisation of liberty in parallel with the arguments in Berlin's 'Two Concepts of Liberty'.[2] This will allow us to see better how advanced and prophetic the ideas of the Swiss-French philosopher have been with respect to capturing the tension between the two liberties of modern times without, overall, dismissing the significance of either. The benefits of this juxtaposing of ideas also accrue to Berlin as it reveals some unappreciated dimensions of his, more famous but more contested, conceptualisation: among other things, it helps substantiate his account of negative freedom. Constant discusses the actual activities of which modern liberty consists, while Berlin remains silent about what we do when we have negative freedom. When we study the ideas of

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the two thinkers together we can articulate insights present in Berlin's arguments but missing in his definitions: for example, that the space which Berlin carves out for his negative liberty aims to foster capacity for enjoyment and for trust in one's own judgement. I show how the category of satisfaction is central to both Constant's modern and Berlin's negative freedom.

The juxtaposition of these thinkers' freedom dualities will help explain how the two different liberties – ancient and modern, in the case of Constant, and positive and negative, in the case of Berlin – are interrelated. For the purposes of this paper, I will use the compound terms ancient/positive freedom and modern/negative freedom, where the first conflates Constant's ancient and Berlin's positive freedoms into one category, and the second does the same with Constant's modern freedom with Berlin's negative one.[3] While the interdependence between the two (conflated) concepts has been discussed, several aspects have not been appreciated.[4] Firstly, the interrelation between ancient/positive and modern/negative freedom changes depending on how the practice of each liberty impacts that of the other. The relation can be one of a head-on collision, but it can also be one of mutual reinforcement. I will explain why and how this is the case.

Second, the possibility of a collision between the two liberties has not been properly ascertained. Constant and Berlin, who take the clash of liberties as the logical starting point of their dual conceptualisation of liberty, end up practically dismissing ancient/positive freedom as a genuine form of freedom when they turn to the real-life examples of modern revolutions. Critics echo Constant's denunciation of Rousseau's republican freedom as enacted by the French Revolution.[5] Making the case that the freedom practiced by the participants and the supporters of modern revolutions is a real freedom can help develop a better understanding of what ancient/positive liberty actually means. Only then can we study more systematically how it relates to, and shapes the contents of, modern/negative freedom. I argue that ancient/positive freedom is a real freedom because it is based on a voluntary performance of duty exercised in service to institutions which aim to advance the freedom of all.[6]

Third, how exactly ancient/positive affects modern/negative liberty could be studied better under the auspices of metaphysics: in the sense of metaphysics which operates in Rousseau's and Kant's moral philosophy. I suggest that this metaphysics is properly understood as conceptualising the experience of moral interactions. It is on this terrain that the confrontation as well as the mutual reinforcement of the two liberties can be best demonstrated. So far there has been a general consensus that the relation between modern/negative and ancient/positive liberty reflects the tensions and interdependencies between the private and the public spheres. I have argued, however, that the divide between the two liberties cuts not between but across these two spheres: that is, the interactions between the two liberties take place within both the private and the political spheres.[7] In fact, what is generally termed the private sphere is a complex terrain that encompasses a wide range of interpersonal relations based on unregulated communications as opposed to political encounters based on legal obligations and government control. The rise of modern liberty in modern times reflects the expansion and the increased significance of this sphere. This, in turn, points to the vital role played by feelings and emotions, including attachments, motivations, dispositions, desires, pleasures, happiness, the sense of satisfaction, the sense of duty, the drive to self-development, and the attraction of moral elevation, among others. The analysis of how these feelings shape the nature of interpersonal interaction, including the nature of freedom, has been done in the history of ideas under the auspices of metaphysics: hence a return to it can prove productive.

The paper studies the relation between ancient/positive and modern/negative freedom in two contexts: first, in section 2, that of the modern revolutions, and second, in sections 3 and 4, that of the social sphere, through the lens of metaphysics understood as the conceptualisation of moral experience. Section 2 starts by observing that the duality of freedom is a feature of modernity, factually and normatively. It focuses on the clash of the two liberties and aims to redress the common failure of Constant and Berlin to embrace the freedom of modern revolutions as a genuine freedom. I argue that the freedom of the participants and supporters of modern revolutions – what I call here ancient/positive freedom – is modern, albeit different from modern/negative liberty,

and is real on the grounds that it entails a voluntary performance of duty and engagement with the ideal of a freedom associated with formal equality. Section 3 explores the relation between the two liberties in the context of the social sphere and makes the case that a metaphysical approach can show why and how the two freedoms may both clash with and complement each other. Section 4 turns to Berlin's critique of positive freedom in his discussion of 'The retreat to the inner citadel'.[8] I argue that his argument entails a conceptual conclusion different from his. As opposed to giving up on the link between negative freedom and desire, as he suggests, I believe we have grounds for developing a conceptual link between negative freedom and satisfaction. The need to 'isolate' negative freedom from positive freedom is based on the desirability of protecting some space for the purposes of developing one's confidence and trust in one's own subjective judgement.

2. The liberty of modern revolutions: the modern face of ancient/positive freedom

The duality of liberty is inspired by real-life events and should not be seen merely in conceptual terms. The conceptualisation is a result of interpreting the facts and articulating their normative endorsement. Here I would like to show that the logical start of the two thinkers' argument is a modern phenomenon which combines liberty and the rejection of liberty. The conceptual duality of liberty is inspired for Constant by revulsion at the oppressive phases of the French Revolution, and for Berlin by the control exercised by the totalitarian regimes of the twentieth century, the Soviet communist regime in particular. These events were manifestations of a particular kind of liberty – Constant called it 'ancient' and Berlin 'positive' – but at the same time they led to deprivations of liberty through direct violence or more subtle forms of intrusion into moral reasoning. The French revolution and the twentieth century totalitarian regimes embodied a clash of liberties. They displayed the possibility of liberty going against itself. The dual conceptualisation Constant and Berlin used aimed to untangle what happened: on analysis, the liberty which was created by these events was different from the liberty which was violated. Constant called the latter 'modern', and Berlin called it 'negative'. Modern liberty, too, has its socio-historical origins: it has its factual presence in the modern day 'professions', in disposals of 'property' and in leisure activities which one can perform 'without having to account for [one's] motives or undertakings'; and also in those modern day customs and laws that protect individuals' independence.[9] Berlin does not offer as good a sociological picture as Constant but he gives examples of those who practice negative freedom and value it most: 'professors, artists and millionaires'.[10] Not only are the ancient and positive liberties different from the modern and negative ones in the way they are practiced, but the former demonstrably militate against the latter. Constant discusses the demands of the ideologues of the French Revolution 'that the citizens should be entirely subjugated in order for the nation to be sovereign' and Berlin points to how 'all great revolutions', in the name of positive freedom, result in 'a severe restriction of individual freedoms'.[11]

Crowder uses the term 'inversion thesis' to capture Berlin's critique of positive freedom. The idea is that positive liberty may lead to deprivation of freedom: it is the liberty that turns on itself.[12] Crowder observes that this disclosure of the dark side of positive freedom has led critics to believe that in fact Berlin rejects the concept altogether and that he embraces negative freedom as 'the only valid or desirable concept of liberty'. But, as Crowder points out, this interpretation 'is far too simple'. [13] In fact, it hides one of the most significant elements of the analytical insight of Berlin, as well as Constant: the identification of ancient/positive freedom as a concept of freedom applicable to the modern world. This disclosure of a clash of liberties forms the background against which they start their elaborations of the nature of modern/negative freedom. It is a launching pad into the factual ascertainment and the normative endorsement of their preferred, modern/negative freedom.[14] But a very important assumption is made here, which is not articulated well, and hence not properly defended, by either of the two thinkers: that the ancient liberty of the French Revolution and the positive freedom of communist regimes represent a genuine form of freedom.

Without this, we cannot have the paradox that liberty turns against itself, which is the paradox encapsulating one of the most problematic aspects of modernity.[15]

Let me say more about why Constant's ancient, and Berlin's positive, freedom should be taken seriously as liberty and not just in ancient but also in modern contexts. Constant has three depictions of ancient liberty. His first one captures the nature of ancient liberty as practiced in the republics of antiquity. The second reflects the modern manifestation of ancient liberty in the French Revolution and in the philosophy of the 'modern imitators of the republics of antiquity'.[16] The third arises in his commentaries on 'political liberty' which refers to modern people's civic engagement with politics by way of keeping an eye on their representatives. Under this third expression, I will also include the liberty which in the final paragraphs of *LACM* Constant associates with 'self-development' and with elevating 'the largest possible number of citizens to the highest moral position'.[17] Out of the three depictions, the first one is most 'real', in the sense of being presented most convincingly as a genuine exercise of liberty, but it is not modern. The second and the third depictions, conversely, are modern, yet do not come across as a fully convincing or sufficiently developed form of freedom. But, on the basis of the three depictions of ancient liberty we could put together a more accomplished modern vision of ancient liberty, or what I have referred to as ancient/positive liberty.

Constant achieves his rhetorical objective of convincing his audience that there are two different liberties by developing a vivid and dynamic image of the exercise of ancient liberty in the ancient republics, alongside his also compelling depiction of modern liberty. This pre-modern ancient liberty brings together several features, which combine the experience of freedom with its objective recognition as such. It entails active participation in collective government, which involved collective law making, judicial ruling, policy decision making and executing what has been agreed. These jointly practiced political activities were rewarding because the exercise of political power brought 'a vivid and repeated pleasure'.[18] Objectively, ancient men's belonging 'to the ranks of the rulers' gave them the status of being free, as contrasted with slaves, who were controlled by others.[19] Constant disapproves of this association between political power and freedom and he objects, on moral grounds, to the appetite for power in principle.[20] But although the ancient liberty of the olden days is not suited to modern times, it still has an undeniable appeal. 'It is difficult not to regret the time when the faculties of man developed along an already trodden path, but in so wide a career, so strong in their own powers, with such a feeling of energy and dignity.'[21] This enjoyment of political participation comes at a high personal cost, bringing daily risks and a life of warfare, but the rewards of status and overall satisfaction outweigh the sacrifice.

Once Constant turns to the events of the French Revolution and the ways in which ancient liberty was applied in modern times, the appeal of this liberty is gone – so much so, that one could question the extent to which it continues to be a valid form of freedom. The story Constant tells here is that the implementation of ancient liberty in modern times brought destruction of liberty.

> I shall show that, by transposing into our modern age an extent of social power, of collective sovereignty, which belonged to other centuries, this sublime genius [Jean-Jacques Rousseau], animated by the purest love of liberty, has nevertheless furnished deadly pretexts for more than one kind of tyranny.[22]

Was this transferred ancient liberty still a valid form of freedom, albeit with dangerous implications? The answer to this question has to be 'yes' if one can allow a real clash of liberties. Such clash arises only if the French Revolution, and the spirit in which it was resurrected by its ideologues and endorsed by its supporters, embodied a version of ancient liberty which fits modern times, yet is different from modern liberty.

We could construct a picture of the modern version of ancient liberty from three elements. First, we should note the extent to which Constant endorsed the French Revolution and the ideas of Rousseau. Second, we can take into account the link he draws between practicing political freedom and self-development, thus demonstrating how ancient liberty can bring satisfaction in modern times. A third element presents more difficulties. Constant strongly disapproved of the

determination of the ideologues to control people's thoughts and morals. Could the exercise of such control count as, or even be part of, an exercise of freedom? If the answer is 'no', then it would be difficult to make the case that the modern exercise of ancient liberty can be seen as a form of freedom. So the third element of our construction of a viable modern version of ancient freedom would necessitate finding out how Constant could resolve this problem. Let me say something about each element in turn.

It is important to observe that Constant embraced the egalitarian tendencies of what he called our 'long and stormy', yet 'happy' revolution.[23] He lamented the 'excesses' of the revolution but praised its 'results' including the dismantling of the pre-revolutionary 'governments which had as their strength arbitrary power'.[24] He took tremendous pride that there were 'no longer slaves among the European nations'.[25] As De Luka comments, the 'deepest significance of 1789 in fact lay in the birth of a political order based on the universality of individual rights and the rule of law'.[26] Constant praised the Revolution because, for him, it 'resulted in the permanent dismantling of the system of legal inequality'.[27] In the opening sections of his *Principles of Politics Applicable to All Representative Governments* Constant declares that political power is 'legitimate' only through 'the principle of the sovereignty of all people', based on the supremacy of the general will over any particular will.[28] We have to point out immediately that he refuses to present popular sovereignty as a form of liberty, but we could pause before we accept this claim.[29] When Constant discusses the nature and outcomes of the Revolution he applies the term liberty only to what he identifies as modern liberty. The liberty propagated by the 'authors' of the Revolution is dismissed, because they 'had mistaken, just as the ancients did, the authority of the social body for liberty'.[30] But did the ancients also make an error in seeing their liberty as such? Here Constant retreats from his previous argument that ancient liberty was legitimate and authentic in its own historical context. But if the authority of the social body could then be seen as a form of liberty, perhaps it may be seen as such again, in modern times. My concluding observation here is that the French Revolution gave legitimacy to the authority of the social body to the extent to which it upheld the principle of formal equality and to which it was 'sanctioned by the assent of all'.[31] And if we were to acknowledge that the participants and the supporters of the Revolution were agents of a kind of freedom akin to ancient liberty, then this would be a modern version of ancient liberty. The commitments to popular sovereignty and to formal equality are distinctly modern. Constant himself observes that modern 'governments have new duties' as modern people 'require from the authorities greater respect for customs, for affections, for the independence of individuals'.[32] If modern authorities met the demands of modern liberty, then one might look more favourably upon their exercise of power. Constant believes that both legitimate and illegitimate power curb liberty, even though the second does so to a greater degree.[33] We could argue, however, that the legitimacy of modern political power does allow modern people to see their partaking in this power as an exercise of freedom.

The second element in our reconstruction of a viable concept of modern ancient liberty is the most obvious one: we can build on Constant's depiction of political liberty. This is the liberty which he asks his fellow compatriots to practice in parallel with modern liberty. It is needed as a 'guarantee' of modern liberty and is, therefore 'indispensable'. It is also 'the most powerful, the most effective means to self-development'. [34] Constant's political liberty is the one which he recognises as a genuine form of freedom and a freedom different from, and additional to, modern liberty. It is a real freedom because it corresponds to and satisfies modern people's needs as pertaining 'to the better part of [their] nature'; it appeases 'the noble disquiet which pursues and torments [them], that desire to broaden [their] knowledge and develop [their] faculties'.[35] We can observe that, methodologically, Constant's justification of political freedom is similar to his justification of modern liberty, in that it relies on explaining the 'disposition', the 'character', the 'attachments' and 'preoccupations' of modern people, and that which 'supplies their needs' and 'satisfies their desires'.[36] There is more to modern people than attachment to individual independence and to happiness found in 'the enjoyment of security in private pleasures'.[37] Modern (modern/negative) liberty satisfies only some of their needs. The conclusion here is that political (ancient/positive) liberty

is based on the elevation of citizens to 'the highest moral position' and that this elevation is experienced as a satisfaction of a need embedded in the 'better part of our nature'.[38]

We now come to the third element that is crucial in adjudicating whether the freedom of the French Revolution can count as a legitimate kind of freedom. The question is whether the exercise of collective power could count as freedom in the modern context. Put succinctly, the problem is that 'social power injured individual independence in every possible way, without destroying the need for it'.[39] Can that be liberty which destroys liberty? If we look back into why ancient people partook of this freedom, we can see that the problem of the subjection of the individual to the will of the collective is not insurmountable. Constant's approach to this is that a sacrifice of independence for political right, while acceptable for the citizens of the ancient republics as they had little to lose and much to gain, is unacceptable for the moderns. But this explanation does not capture fully the essence of collective freedom. The freedom of the participants of the collective body is based on the performance of their duty. Following a moral imperative entails an element of sacrificing aspects of personal wellbeing, and this remains true in modern times. When in the final pages of *LACM* Constant beckons his fellow moderns to engage with political liberty, he makes it clear that some sacrifice of happiness is involved. Making the link between duty and ancient liberty explicit makes ancient liberty transferable to modern times.[40] The supporters of the French Revolution exercised a modern version of ancient liberty because they participated in or endorsed the new political establishment in the spirit of duty. Also, I argue here, the nature of the political establishment matters: its explicit commitment to promoting liberty makes a difference when we judge whether service to it is a form of freedom.

In the context of duty, the submission of the personal to the collective is voluntary. This still leaves the issue of the link between oppressive political power and liberty unresolved. Could forcing others in the name of freedom be seen as a legitimate freedom? The ancients had an easier solution to this. In their case, we could say that they were simultaneously on the two sides of the political power: they were under it but they also exercised it. They were forced to perform duties which nonetheless they had chosen to perform. And this is arguably the practice and the mindset which Rousseau tried to revive by attempting to persuade his compatriots that by obeying the *body politic* man obeys none other but himself.[41] But in modern times, the sacrifice of individual enjoyments is more costly because 'the progress of civilization, the commercial tendency of the age, the communication amongst peoples, have infinitely multiplied and varied the means of personal happiness'.[42] Obedience to self-imposed duty and to others, is much harder for modern people. That does not mean it is impossible, or indeed undesirable. Constant laments the loss of civic spirit among the moderns and so he should have celebrated this civic spirit in the context of the French Revolution and acknowledged its conceptual affinity to a legitimate form of freedom, which is to acknowledge the validity of ancient liberty in modern times.[43] I would make the qualification that this could be a valid freedom only for those who endorsed and followed the ideals of the Revolution.

Is there a cut-off point at which the exercise of liberty should no longer be recognised as such on the grounds that it leads to a deprivation of the liberty of others? Does the Terror of the French Revolution automatically disqualify it as an exercise of any kind of freedom? Do the controls of communist regimes in their various forms – ranging from the spying of the secret police to the imprisonment of dissidents – imply that the voluntary dutiful service of citizens to the ideals of communism and the wellbeing of the nation is not an exercise of positive freedom? Did the functionaries of the Revolution lose their credibility of as fighters for liberty once they started, like Robespierre, to control morals through the law, or like Abbé de Mably, to treat 'all human passions' with austerity, intolerance and hatred?[44] Many would be tempted to say 'yes'. De Luca speaks of Constant's intention to protect the ideals of the Revolution 'by translating the principles of 1789 into a stable political-constitutional regime'. 'Constant was the Thermidorian intellectual par excellence, in the sense that he more than anyone else worked to separate the revolution from the Terror, to save 1789 from 1793.'[45] Hence for De Luca, the Revolution did, and the Terror did not, carry the

spirit of modernity, liberty and universality of individual rights. Interestingly, he also allows for a different interpretation of the Terror, which ascribes certain progressive values to it. He points out that Constant did not recognise the 'novelty of Jacobinism', a novelty which 'depended on links between the Terror and a certain part of the revolutionary galaxy, namely, those revolutionaries who saw the event as a new beginning and who believed in the regeneration of man through politics'.[46] So one could read even the Terror into a modern version of ancient liberty.

Holmes leans in the opposite direction – neither the Terror nor the Revolution represent a genuine form of liberty. He endorses Constant's portrayal of the Revolution as a 'parody of liberty'. The oppression which followed it differed from traditional autocracies because the latter did not need the rhetoric of liberty. He believes that this was 'perhaps the signal contribution of the revolutionary generation to modern political development: the decoration of oppression with the symbols and rhetoric of freedom'. Hence what we witness on the political arena is not a clash between modern and ancient liberty, but between modern liberty and 'ancient ostracism'.[47] In a similar vein, Dodge observes that one of Constant's greatest contributions is his illuminating of the nature of modern dictatorships.[48] This reflects Constant's own comments that modern authorities employ new methods of control, whether they are or are not 'inclined to imitate the republics of antiquity', thus independently of whether they claim to rule in the name of liberty or not.[49] But we may want to draw a distinction between political power exercised in the name of liberty and that which is not. The former could display genuine features of the modern version of ancient liberty to the extent that its supporters partake of the ideal of freedom as upholding the value of formal equality and perform voluntary service to the social body.

Like Constant, Berlin portrays the manifestation of positive freedom through the experience of modern revolutions and thus sees collective exercises of power as an assault on freedom. In a similar fashion, the two thinkers depict how freedom could be violated in the name of freedom, and both are uncertain whether, in such a case, the offending freedom – the misapplied ancient or the positive one – should be recognised as an authentic form of freedom. They both incline towards renouncing ancient/positive freedom, but they both allocate it a place within their conceptual frame. As Holmes observes, Constant 'insisted from the start that the influence of citizens on legislation was a form of freedom'.[50] Berlin recognises that he 'ought to have made it clearer that positive liberty is as noble and basic an ideal as negative': that is, even though in many of his arguments he in effect dismisses it as freedom, conceptually, he is committed to it.[51] For both of them outrage at the destructive potential of modern revolutions leads to the realisation that real freedom can create big problems. Freedom is the dream but also the curse of modernity. This is the opening act of the drama of their respective speeches on freedom, *LACM* and *TCL*. We have factual and conceptual issues brought together. The fact is the oppressive practices of modern revolutions fought in the name of liberty. The conceptual work includes the recognition of the freedom of the revolutions as a real form of freedom, the identification of the assaulted freedom as that of individuals' independence and the declaration that these two freedoms should not be confused with each other.

The conceptual distinction captures this moment of complete opposition. Factually it expresses the complete mutual exclusion. Normatively, or conceptually, it captures the realisation that two sets of practices, both akin to liberty, and, as such, both valuable, can be mutually exclusive. The first relationship which we observe between the two freedoms is one of contrast. The alleged rigidity ('too sharp') of the positive–negative freedom distinction comes from the tension between practices which the concepts aim to capture.[52] The possibility of this tension is the principal justification for having two concepts of freedom. Both Constant and Berlin present scenarios where the two 'opposite' freedoms can in fact work together.[53] So the tension, the complete opposition between the practices reflected by the concepts, is temporary and context-dependent.[54] The clash helps us see that ancient/positive freedom is freedom even though it militates against modern/negative freedom, and that thus reconciliation, when possible, is highly desirable. It also shows why, even when the freedoms can be reconciled, they should be kept conceptually separate.

3. The moral dynamics of the modern liberties

Once the modern version of ancient liberty is accepted and understood, one can start to untangle the specific features of Constant's modern and Berlin's negative liberty respectively. The dangers of ancient/positive freedom become the central lead in building the contents and setting the remit of modern/negative liberty. The sneaky and sinister nature of modern ostracism, censorship, punishment of moral impropriety, ideological propaganda and control of private lives led liberal thinkers to articulate a concept of liberty which erected defences against these injuries. The complexity of the assault on liberty perpetrated by modern governments, some of which ruled in the name of liberty, translated into Constant's complex notion of modern liberty. It combined a list of individual rights, a demand that power be non-arbitrary, and repeated insistence on 'the enjoyment of security in private pleasures' which is not necessarily implicit in the list of rights.[55] On the face of it, Berlin's response to the positive freedom threat is a simpler definition of negative freedom, but we shall see in section 4, that his concept is, like Constant's, quite complex.[56]

It is generally accepted that in order to shield modern liberty from the encroachments of ancient liberty, Constant had to draw some protective boundaries around the private sphere. In the words of Marcel Gauchet, the 'essence of any regime of liberty is to define and secure the boundaries between these two spheres', namely

> a civil sphere constituted by relations established at the initiative of individual agents when they use their freedom to own property, to forge alliances, to express themselves, or to worship, and a political sphere, constituted *exclusively* by certain specific requirements of collective life.[57]

There is also a consensus that 'the civil sphere' does not encapsulate merely the private or the personal in the sense of some form of isolated, asocial individual existence. 'The crucial point', Holmes insists, 'is that modern liberty cannot be described in a privative fashion. It is not freedom from society, but rather freedom in society'.[58] Other iterations of the distinction include state/society, political/extra political, public/private, and political/moral.[59] Clearly the area which Constant would like to protect in order to shield modern liberty is complex: it is about the individual's independence in the context of a personal but not asocial space, and importantly, it is separated from the political in order to avoid direct exposure to political power. The impossibility and undesirability of a complete separation of the two spheres are also noted. Holmes claims that Constant drew the distinction between modern and ancient liberty 'sharply' not to indicate the imperviousness of the boundary between the private and the public spheres, but on the contrary, 'to emphasise the tight interdependence of public influence and private security'. [60]

I would like to raise two related questions here. Does the boundary between the social and the political spheres capture correctly the distinction between modern/negative and ancient/positive ancient liberty? And if, as I will argue, the distinction cuts across, and not between, the two spheres, does this shed new light on how we should understand the contents of the social sphere and, related to this, the relevance of metaphysics for political theory? The answer to these two questions will allow me to explain an aspect of Constant's modern and Berlin's negative liberty which has not been recognised so far: their conceptual link with satisfaction. Let me look at these two questions in turn.

Did Constant's boundary between the social and the political spheres offer an effective protection of the former? According to Gauchet, not only did it fail to do so, but in fact the opposite occurred. In his analysis, what we witness after the French Revolution is 'a pathological increase of the government's power over society when what was needed was precisely the opposite: the emancipation of society and its individual members, whom history had brought to the fore, breaking down old constraints in the process'.[61] While modern people became aware of their increased rights to protection of private independence, modern governments smartened up and found more effective ways to exercise political power by tapping into the ways of manipulating the workings of the social sphere.

> The undeniable secession and self-constitution of the civil sphere, which Constant believed will be logically obliged to limit the prerogatives and mandates of the social power, has in fact gone hand in hand with strengthening of the influence and extension of the competence of the political apparatus.[62]

The practices of power and control have sneaked into the social sphere and the new methods were 'to organise in detail rather than to compel crudely; to lay down minute rules rather than to issue sweeping edicts; to incite rather than prohibit'.[63]

Gauchet is explaining a phenomenon familiar to Constant and his readers: that the modern exercise of ancient liberty impinges on the individuals' independence seen by modern people as their prime form of liberty. But Gauchet observes a paradox – 'the grip of the state tightened even as the zone of individual independence widened' – which allows us to see that the terrain typically associated with modern liberty is also the terrain within which ancient/positive liberty is exercised.[64] The important battlefield of the two modern liberties occurs within the 'extra-political' social sphere, the sphere which has expanded not only because of the 'infinitely multiplied and varied … means of personal happiness' created in modern times but also because this new universe of extra-political social interactions has been infiltrated by modern political authorities.[65]

How are we to untangle 'the great and deeply mysterious transformation from which modern society arose'? One avenue which has not been explored is to elicit the ways in which the practice of ancient liberty took place not only in the state but also in society. This practice was associated not only with control of others but also with voluntary forms of engagement with ideals of common good. The 'active and constant participation in collective power', characteristic of ancient liberty, once transferred to modern times, does not have to be 'constant' or only in politics.[66] Constant's remark at the end of his lecture about the association of political liberty with the self-development and moral elevation of citizens suggests that the exercise of this liberty could become part and parcel of the personal life of modern people. The performance of duty does not belong only to politics, it can be part of all spheres of social activity including the most private interactions. This can be seen as another way in which ancient liberty has been modernised: it is not the exclusive property of a republican establishment but an aspect of the extra-political. And if we appreciate how ancient liberty functions in this framework, we can see another way in which the two liberty concepts relate to each other: they are no longer in full opposition. Although they are different enough and in a position to undercut each other, generating the need for 'balance', there is nonetheless a deep connection between them which makes each ultimately indispensable for the exercise of the other. In the worlds of Holmes 'each [of the two liberties] proposes and vitalises the other, and neither can survive in isolation'.[67] He, however, sees the interaction between the two freedoms as a form of the interdependence of the public and the private realm. I would like to say that the relation between the two freedoms can be understood better if we look into the dynamics of the expanded social sphere, and explaining this may take some 'metaphysics'.

In this context, Charles Taylor's depiction of the key features of modern concepts of liberty can throw light on the framework within which the relation between modern/negative and ancient/positive liberty can be understood. In his assessment of Kant's theory of liberty, Taylor turns to Constant's comparison between modern and ancient liberty and offers his own three-feature sketch of the contrast between modern theories of liberty and the ancient category of freedom. The notion of freedom for the ancient world, firstly, only makes sense against a 'political matrix'; secondly, it accepts that some are not entitled to be free, and thirdly, it is 'relatively unconnected to a metaphysical theory about what freedom consists in'. Modern concepts of freedom are different on all three counts, and I will emphasise the third: they 'are linked with metaphysical views about the nature of man'.[68]

It matters how we read 'metaphysical' and 'the nature of man' here. I would suggest we do not take these to refer to categories that reflect something 'pre-social' or outside the context of experience. In fact, a good way to understand *how* modern concepts of freedom are metaphysical would be to look at the moral philosophies of Rousseau and Kant. Taylor argues that both of them 'turned

the tables' on the 'naturalistic variant' of modern freedom as espoused by Hobbes and Bentham who separated freedom from moral motivation. The 'naturalistic variant' has been and still is regarded as 'a safer bulwark for the radical endorsement of individual choice than any moral theory of true freedom distinguished from licence'. But Taylor argues that although Rousseau and Kant reconnected morality and freedom, they did so in a fashion that did not detract from but superseded the radicalism of the 'naturalistic Enlightenment'.[69] His idea is that in the case of Rousseau and Kant, this link does not constrain freedom within the bounds of morality: the order of the connection has been reversed. Freedom has become the central moral category and the content of morality is defined in the light of its compatibility with freedom. Freedom becomes 'the central concept of morality, in that all other ethical goals are expressed in terms of it, and are explicated by it.'[70]

The lesson here is that, as Berlin argues, it takes metaphysics to understand positive freedom, but, *pace* him, metaphysics should be understood not as abstract theorising about universal and unchangeable human nature, but as the conceptualisation of the experience of moral interaction. Constant's philosophy of freedom fits the moral paradigm of Rousseau's and Kant's philosophy and not the paradigm of the naturalistic Enlightenment, 'according to which there are just desires, and no higher moral impulses about which the ordinary man can be mistaken'.[71] His theory of liberty is radical in the Rousseauian and Kantian fashion of 'offering a more [that is, than the naturalistic Enlightenment] uncompromising form of the same basic conception of freedom as self-determination.' To be really self-determining for Rousseau and Kant, one must recover contact with one's 'authentic self, with the voice within, which is also the voice of conscience.'[72] In other words, the understanding of individual freedom is anchored in a concept of positive freedom.[73] Hence a lot hinges on understanding positive freedom correctly. There is a cluster of interconnected features which explain the mechanism of this freedom: endorsement of an ideal of a common good,[74] voluntary subordination of personal objectives to this common good, and the exercise of will-power in order to control the routine disposition to do what is pleasant. These features explain why positive freedom, despite the requirement for sacrifice or subordination of the personal to the communal, is still freedom. The subordination is voluntary and the ideal of common good gives one's action legitimacy, significance and a potentially wide impact. These features also explain why this form of freedom can come into conflict with modern liberty, seen as protecting the space within which people can follow 'their inclinations or whims'.[75]

Constant's modern liberty is associated with the pursuit of happiness and his political (or ancient/positive) liberty with the fulfilment of duty. But we will not understand fully why happiness is so important for modern liberty if we do not acknowledge the metaphysics of ancient/positive freedom. The latter involves one's capacity for an independent judgement about the nature of the common good and for a personal commitment to serve this good. Arguably the capacities needed for the exercise of duty are developed in the context of modern liberty first. For Constant, modern liberty is based on 'peaceful enjoyment of private independence', having multiple 'means of personal happiness', and 'enjoyment of security in private pleasures'; it protects 'repose' and 'comfort'. Modern liberty is about the '[satisfaction of] desires, without the intervention of authorities', about preventing 'collective power' from meddling with 'private speculations'.[76] Constant's emphasis on enjoyment, privacy and pleasure does not aim to depict modern people as devoid of personal or civic responsibility. Nor does it align him with the naturalistic Enlightenment of Hobbes and Bentham with its 'new view of morality' no longer connected to 'qualities of motivation' where 'men determine their purposes out of themselves, unconstrained by external demands of hindrances'.[77] As I have previously argued, virtue can be freely chosen only if there is an environment within which one can resist pressures for moral conformity.[78] I believe Constant's focus on experiences of enjoyment and happiness aims to explain the type of environment within which one can develop confidence and trust in one's own judgement. Crucial here is the role of satisfaction. Some of the most memorable passages of Constant's lecture *LACM* contain his comments about why modern people are attached to modern liberty and ancient people to ancient liberty. In both

cases it comes down to a judgment about the trade-off between options, about which attachments are stronger, and about which sacrifices pay off:

> It follows that we must be far more attached than the ancients to our individual independence. For the ancients when they sacrificed that independence to their political rights, sacrificed less to obtain more; while in making the same sacrifice, we would give more to obtain less.[79]

What counts as freedom depends on how the trade-off between individual independence and duty is resolved. But how is this judgment made? How do we know when a sacrifice pays off? It is here, I believe, that the notion of satisfaction plays a significant role. Satisfaction plays the role of a subjective judgement, of a personal validation. It is the evidence that an undertaken course of action is an outcome of individual's own choice.[80] This capacity for independent judgement, this trust in my own feelings of enjoyment and approval, are not pre-given. They need to be developed and Constant believes that this can happen in the context of 'security in private pleasures'. The skill of trusting one's own satisfaction as a form of subjective judgement is later needed for the exercise of duty. This is because modern people would not accept enforcement of virtue: they believe in self-development and duty but they want to find their own path in achieving them. For modern people duty is desirable only if voluntarily undertaken. Hence the capacity to judge what is satisfactory and when a sacrifice pays off is part and parcel of attaining 'the highest moral position'. This difficult dialectic of commitment to duty in the context of free choice is conveyed here:

> We are modern men, who wish each to enjoy our own rights, each to develop our own faculties as we like best … and needing the authorities only to give us the general means of instruction which they can supply, as travellers accept from them the main roads without being told by them which route to take.[81]

This reading of modern/negative liberty as the space needed for developing the capacity to trust one's own feelings can explain why it has to be conceptualised as different from ancient/positive liberty. The latter works through the power of moral ideals and through the scrutiny of the value of personal desires. While this is constitutive of the freedom of duty, it is counterproductive for the exercise of modern/negative freedom, which includes access to 'repose' and 'comfort'.

4. Berlin's negative freedom and avoiding the retreat to the inner citadel

The section 'The retreat to the inner citadel' is one of the most powerful, thought provoking and evocative sections of Berlin's famous essay on the two concepts of liberty. It does a lot of work in capturing readers' imagination and cultivating their acceptance of Berlin's project. Even a sympathiser of positive freedom, after reading this section, will see that there can be problems with the way it is practiced. But as with some other aspects of his work, Berlin here succeeds in engaging the readers with a powerful insight but fails to draw the correct conceptual conclusion. He shows that when we are under pressure to transform our desires – either in the name of worthy ideals or due to the burden of harsh circumstances – something of genuine value is lost. When under threat of punishment or in pursuit of the 'self-emancipation of ascetics or quietists, of stoics or Buddhist sages', people tend to withdraw from the world into their inner self, to shrink, to give up on what they care for in order to protect themselves from pain or exposure to risk.[82] For Berlin this is a misguided pursuit of independence: independence sought not through overcoming obstacles but through 'self-abnegation'.[83]

The conceptual conclusion Berlin draws on the basis of his insights into the inner logic of religious transformation and the positive freedom of Kantian autonomy is that we should not define negative freedom as being able to do what we desire. Negative freedom should not be linked to desire or to what makes one '*feel* free' because desires change and feelings can be manipulated.[84] When we seek freedom we should not look inwards and transform ourselves, but outwards, and remove obstacles imposed on us by others. Whether all examples of self-transformation described in this section do really pertain to positive freedom, can be questioned,[85] but either way, Berlin makes a strong case that transformation of desires can lead to the loss of something valuable.

Yet he does not spell out correctly what exactly is being threatened here and how it can be protected. I believe that what he shows is that what is lost in the process of adjusting, reshaping, modifying one's initial desires is exactly that – the desires themselves. This is what Berlin refers to in his own examples: 'I begin by desiring happiness, or power, or knowledge, or the attainment of some specific object.' But then, as a result of the pressure of a tyrant, I change my desires in order to reduce the pain from the oppression.

> I no longer feel attached to property, no longer care whether or not I am in prison[;] if I have killed within myself my natural affections, then he cannot bend me to his will, for all that is left of myself is no longer subject to empirical fears or desires.[86]

It seems to me that in order to counterbalance the pressure to transform, one needs to develop confidence in one's normal desires, the desires one has to begin with. Berlin critiques the 'metaphysical foundation' on which positive freedom rests, the metaphysics of transitioning from the empirical to the higher self.[87] But his perceptive critique sketches the alternative metaphysics of negative freedom, or what I have called the metaphysics of the empirical self.[88] He shows that the empirical self has something that has been lost in the higher self[89] – the spontaneity, innocent self-centredness of the initial desires, natural attachments to people and things.[90] The question here is, how do we learn to value and protect the desires we have to begin with.

At the end of the section, Berlin shows that when under pressure to transform desires, we have a choice – we can look inwards and modify dispositions and attachments, or we can look outwards and fight. The first path may often be the easier to follow, but I agree with Berlin that in the name of modern/negative liberty, we should choose the second one. To do so, we need the confidence that what we want here and now is fine and worthy of being acted upon. The appeal to negative freedom, if it is to resist the pressure to succumb to change, must explicitly endorse the feelings, dispositions, desires and attachments one has, and portray these as an essential component of the concept. Berlin said that Constant was the 'most eloquent of all defenders of freedom and privacy'.[91] He declared that Constant was '[his] inspiration' for his inaugural lecture on liberty; that he was 'abler and more original as a theorist than anybody in his time … miles better than Mill, and even Tocqueville'.[92] I believe this wholehearted endorsement of Constant's modern liberty implies that the richness and subtleties of this concept resonated with those of Berlin's own.

Negative freedom aims to protect not only from political and legal, that is, overtly coercive, powers but also from pressures exercised by communities, including communities to which one belongs: 'to be deprived of my liberty at the hands of my family or friends or fellow citizens is to be deprived of it just as effectively'.[93] The liberty deprivation in such cases is not one of forceful interference but one of pressure to adjust one's attitude and demeanour. It is immaterial whether the values held by these communities are respectful or whether their ruling elites channel the interests of their members: 'accountability is not enough: governments may be accountable to majorities which can be turned this way or that way by unscrupulous demagogues or charismatic leaders'.[94] The legitimacy of the exercised power does not diminish the degree of liberty deprivation. Berlin insists that this aspect of negative freedom is captured best by Constant and he turns to it when he tries to explain why his own position should be distinguished from a 'Hayekian-Thatcherite doctrine' of 'unbridled laissez-faire and a minimal state'.[95] His distinct claim is one for 'a minimum degree of privacy and negative liberty'; for 'laws that guarantee Constant's minimum private space, and therefore [for] constitutions, whether written or as good as written, accepted without much question'.[96] Constant and Berlin's modern/negative freedom is thus not the laissez-faire freedom, but the freedom which allows one to resist the moral pressures underpinning most forms of power. They envisage this would be achieved through a legal protection of the private sphere. This is a problematic solution, however, because modern times led to an expansion of the private sphere, making one question how 'minimal' the needed protection should be. This expansion has also introduced a significant complication: the private sphere is not only the terrain of personal independence but also the space within which individual liberty is most vulnerable, as discussed earlier

in the paper. Finally, summarising the essence of negative liberty in terms of protecting a minimal space fails to convey what it means to be free in that sense. I argued that satisfaction and happiness play a special role in the moral psychology of Constant's modern liberty and I believe that Berlin's powerful rhetoric in 'The retreat to the inner citadel' leads to the same conclusion about his negative freedom.

5. Conclusion

Avital Simhony observes that '[i]nterpreting Constant's modern liberty from the perspective of negative–positive freedom à la Berlin, places Constant squarely in the liberal camp of liberal freedom as non-interference'.[97] This is an undesirable outcome but sadly one that reflects correctly what Berlin's perspective on freedom is commonly taken to mean. My purpose is to change this view, some responsibility for which rests with Berlin. Constant and Berlin's conceptual distinctions reflect the genuine clash of liberties which occurred in the context of modern revolutions. Contrary to some claims, these distinctions are not 'normatively superficial'.[98] They set out the grounds for understanding and accepting a concept of ancient/positive freedom. Although Constant and Berlin officially champion modern/negative freedom, they sketch out a modern version of ancient liberty which consists of the voluntary performance of duty in service of institutions aiming to promote the freedom of all. They both endorse their ancient/positive freedom with hesitation and lack of consistency, but the presence of this concept indicates correctly that their theories have the metaphysical depth and insight we associate with the prominent exponents of positive freedom, like Rousseau, Kant and T.H. Green.

Ancient/positive liberty as practiced by the participants in and supporters of modern revolutions is liberty even when it clashes directly with modern liberty; even then it is a legitimate exercise of freedom. When this clash occurs, it warrants a robust protection of modern/negative liberty. However, even when ancient/positive liberty does not clash directly with modern/negative liberty – that is, when ideals of the common good are received well – some degree of protection for modern/negative liberty is necessary. This is because the moral ambition and forthrightness in the practice of ancient/positive freedom can be detrimental to, what I have argued to be, one of the main functions of modern/negative liberty – fostering an environment where one's capacity for voluntary engagement is developed. Constant believes that virtue should be chosen freely. But the capacity to choose freely, crucial for the exercise of ancient/positive freedom, is not pregiven. It is nurtured in the practice of modern/negative freedom, in the protected space for enjoyment, leisure and satisfaction. We can see why, even when the two freedoms work for each other, they need to be separated.

It is recognised that Constant's freedom includes aspects of positive freedom.[99] But what is less noted is that Constant discusses these aspects under the category of his 'other' freedom, as does Berlin. This is a similarity which is not much discussed, yet is very significant. It indicates that not only Constant but also Berlin work with a more complex notion of negative freedom: a concept that endorses, indirectly, the values of positive freedom, and among other things functions as a preparatory step for it. Although modern/negative freedom is distinct from and often opposed to ancient/positive liberty, it is conceptually designed by philosophers who care about the intricacies of human development and of human interaction in social and political terms.

Notes

1. Berlin's distinction, in particular, has been exposed to such a critique. See Avital Simhony, 'Beyond Negative and Positive Freedom: T.H. Green's View of Freedom', *Political Theory* 10, no. 1 (1993): 28–54, 29; Peter Nicholson, *The Political Philosophy of the British Idealists* (Cambridge: Cambridge University Press, 1990), 123; Stephan Collini, *Liberalism and Sociology: L.T. Hobhouse and Political Argument in England 1880–1914* (Cambridge: Cambridge University Press, 1979), 46–7.
2. See Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven, CT: Yale University Press, 1984), 31–2; 54; 65. Hereafter *SH*; Helena Rosenblatt, 'Re-evaluating Benjamin Constant's

Liberalism: Industrialism, Saint-Simonianism and the Restoration Years', *History of European Ideas* 30, no. 1 (2004): 23–37, 29; Jeremy Jennings, 'Constant's Idea of Modern Liberty', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 69–91, 69.

3. Kei Hiruta observed that the similarities between Constant's modern and Berlin's negative liberties are more obvious than those between their respective ancient and positive freedoms, the main difference being that Berlinian positive liberty can take both individualist and collectivist forms, whereas Constant's ancient liberty is (by definition) collectivist. The concepts are comparable, however, especially when we focus on the ways Constant's ancient liberty features in the experience of the moderns. See Hiruta's discussion of the individualist and collectivists forms of Berlin's positive freedom in his *Hannah Arendt and Isaiah Berlin* (Princeton, New Jersey: Princeton University Press, 2021), 59–60.
4. See Holmes's discussion of this interrelation of Constant's modern and ancient liberty in *SH*, 32, 73, 78, 255.
5. Stefano De Luca, 'Benjamin Constant and the Terror', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 92–114, 103; Stephen Holmes, 'The Liberty to Denounce: Ancient and Modern', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 47–68, 51–55.
6. For a more comprehensive justification of positive freedom understood as moral freedom see Maria Dimova-Cookson, 'Moral and Personal Positive Freedom', in *Positive Freedom. Past, Present and Future*, ed. John Christman (Cambridge: Cambridge University Press, 2021), 45–64.
7. Maria Dimova-Cookson, *Rethinking Positive and Negative Liberty* (London: Routledge, 2020), 10–11; 27–32.
8. This is section 3 of Isaiah Berlin, 'Two Concepts of Liberty', in Isaiah Berlin, *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2002 [1958]), 166–217, 172. Hereafter *TCL*.
9. Benjamin Constant, 'The Liberty of the Ancients Compared with That of the Moderns', in *Constant: Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988 [1819]), 308–28, 311. Hereafter *LACM*.
10. *TCL*, 172.
11. *LACM*, 318, *TCL*, 208.
12. George Crowder, *Isaiah Berlin. Liberty and Pluralism* (Cambridge: Polity Press, 2004), 69.
13. Ibid., 69.
14. 'Individual liberty is the true modern liberty' claims Constant (*LACM*, 323). Berlin states clearly that the 'fundamental sense of freedom is freedom from chains, from imprisonment, from enslavement by others', alluding to his concept of negative freedom. Isaiah Berlin, 'Introduction', in Isaiah Berlin, *Liberty*, ed. Henry Hardy (Oxford: Oxford University Press, 2002 [1969]), 3–54, 48.
15. For the discussion of the paradox of liberty see Ian Carter, 'Positive and Negative Liberty', *The Stanford Encyclopaedia of Philosophy* (Winter 2021 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2021/entries/liberty-positive-negative/>; Holmes, 'The Liberty to Denounce', 61; Marcel Gauchet, 'Liberalism's Lucid Illusion', in *The Cambridge Companion to Constant*, ed. Helena Rosenblatt (Cambridge: Cambridge University Press, 2009), 23–46, 25.
16. Benjamin Constant, *Principles of Politics Applicable to All Governments*, ed. Etienne Hofmann, trans. Denis O'Keeffe (Indianapolis: Liberty Fund, 2003 [1810]), 365. Hereafter *PPAAG*.
17. *LACM*, 327–8.
18. *LACM*, 316.
19. Constant Benjamin, *The Spirit of Conquest and Usurpation and Their Relation to European Civilisation*, in *Constant: Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988 [1814]), 44–167, 104.
20. Constant argues that power is a 'plague' and one should never dream of 'relocating it', only of 'destroying it' (*PPAAG*, 21). See Holmes's discussion about the darker side of the exercise of ancient liberty in antiquity in Holmes, 'The Liberty to Denounce', 51–5.
21. *LACM*, 317.
22. *LACM*, 318.
23. *LACM*, 317, 309.
24. *LACM*, 309, 317.
25. *LACM*, 314.
26. De Luca, 'Benjamin Constant and the Terror', 103.
27. Holmes, 'The Liberty to Denounce', 55. See also Beatrice C. Fink, 'Benjamin Constant on Equality', *Journal of the History of Ideas* 33, no. 2 (1972): 307–14, 310.
28. Benjamin Constant, 'Principles of Politics Applicable to All Representative Governments', in *Constant: Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988 [1815]), 170–305, 175. Hereafter *PPARG*.
29. 'The axiom of popular sovereignty has been thought of as a principle of freedom. It is in fact a principle of constitutional guarantee.' (*PPAAG*, 11).
30. *LACM*, 309, 318.

31. *PPARG*, 175.
32. *LACM*, 324.
33. *PPAAG*, 21; *PPARG*, 176.
34. *LACM*, 323, 237.
35. *LACM*, 327.
36. *LACM*, 317, 316, 324, 315.
37. *LACM*, 317.
38. *LACM*, 328, 327.
39. *LACM*, 320.
40. See my discussion in 'Moral and Personal Positive Freedom', 49–52.
41. Jean-Jacques Rousseau, *The Social Contract* tr. Maurice Cranston (London: Penguin, 1968), 77.
42. *LACM*, 316.
43. *LACM*, 326.
44. *SH*, 49, *LACM*, 320.
45. De Luca, 'Benjamin Constant and the Terror', 94.
46. Ibid., 108.
47. Holmes, 'The Liberty to Denounce', 58–9.
48. Guy Dodge, *Benjamin Constant's Philosophy of Liberalism* (Chapel Hill: University of North Carolina Press, 1980), 18.
49. *LACM*, 321.
50. *SH*, 44.
51. Isaiah Berlin and Steven Lukes, 'In Conversation with Steven Lukes', *Salmagundi* 120, no. 2 (1998): 52–134, 93.
52. Berlin, 'Introduction', 30.
53. *LACM*, 327; *TCL*, 178.
54. Berlin, 'Introduction', 39.
55. *LACM*, 317.
56. See my discussion in Dimova-Cookson, *Rethinking*, 170.
57. Gauchet, 'Liberalism's Lucid Illusion', 32.
58. *SH*, 65.
59. I have previously argued (Dimova-Cookson, *Rethinking*, 46–52) that this sphere is best defined as the moral one but, for the sake of consistency, I will use the term 'social sphere' here.
60. *SH*, 73.
61. Gauchet, 'Liberalism's Lucid Illusion', 30.
62. Ibid., 33.
63. Ibid., 36.
64. Ibid., 33.
65. *LACM*, 316.
66. Ibid., 316.
67. *SH*, 78.
68. Taylor, Charles, 'Kant's Theory of Freedom', in *Conceptions of Liberty in Political Philosophy*, ed. Zbigniew Pelczynski and John Gray (London: Athlone Press, 1984), 100–22, 100–1.
69. Ibid., 102–3.
70. Ibid., 102.
71. Ibid., 102.
72. Ibid., 103.
73. Alan Kahan, 'Limited Government, Unlimited Liberalism. Or, How Benjamin Constant was a Kantian After All' Liberty Matters, OLL [Online Library of Liberty, 2018] https://oll.libertyfund.org/page/liberty-matters-alan-kahan-benjamin-constant-immanuel-kant-limited-government
74. For a discussion of how Constant understands the common good see Coin Tyler, 'Rethinking Constant's Ancient Liberty: Bosanquet's Modern Rousseauianism', *History of European Ideas* current issue.
75. *LACM*, 311.
76. *LACM*, 314–6.
77. Taylor, 'Kant's Theory of Freedom', 101,102.
78. Dimova-Cookson, *Rethinking*, 48.
79. *LACM*, 317.
80. See my discussion of the theme of satisfaction in *Rethinking*, 50–2.
81. *LACM*, 328, 323.
82. *TCL*, 182.
83. *TCL*, 187.
84. *TCL*, 186.
85. See my discussion of this in *Rethinking*, 154–9.

86. *TCL*, 182.
87. *TCL*, 187.
88. Dimova-Cookson, *Rethinking*, 162.
89. It is important here to resist Berlin's claim that accepting the language of the empirical and the higher selves implies 'splitting the personality into two' (TCL, 181). In the context of German and British idealist philosophy, the empirical and the higher selves mark the beginning and the end state of the transformation of the same person.
90. In his critique of Rousseau, Berlin targets the failure of the French philosopher to value passions, sentiments and feelings and praises Diderot, Helvetius, Shaftesbury and Hume for believing that 'man must not curb or maim his spontaneous nature'. Isaiah Berlin, *Freedom and its Betrayal. Six Enemies of Human Liberty* (London: Pimlico, 2002), 28.
91. *TCL*, 173.
92. Isaiah Berlin, *Enlightening: Letters 1946–1960*, ed. Henry Hardy and Jennifer Holmes (London: Pimlico, 2011), 644.
93. *TCL*, 210.
94. Isaiah Berlin, *Affirming: Letters 1975–1997*, ed. Henry Hardy and mark Pottle (London: Pimlico, 2017), 427.
95. *TCL*, 209–10; Berlin, *Affirming*, 426–27.
96. Berlin, *Affirming*, 428, 427.
97. Avital Simhony, 'Beyond Binary Discourses on Liberty: Constant's Modern Liberty, Rightly Understood', *History of European Ideas* current issue.
98. Adrian Blau, 'Against Positive and Negative Freedom', *Political Theory* 32, no. 4 (2004): 547–53, 548.
99. Alan Cromartie, 'Hobbes, Constant, and Berlin on Liberty', *History of European Ideas* current issue; Alan Kahan, 'From Constant to Spencer: Two Ethics of Laissez-Faire', *History of European Ideas* current issue; Simhony, 'Beyond Binary Discourses'; Tyler, 'Rethinking Constant's Ancient Liberty'.

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